

**WHATCOM COUNTY CONTRACT  
INFORMATION SHEET**

Whatcom County Contract No.  
**202106036**

Originating Department:	Executive Office
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Non Departmental
Contract or Grant Administrator:	Suzanne Mildner
Contractor's / Agency Name:	City of Lynden
Is this a New Contract?    If not, is this an Amendment or Renewal to an Existing Contract?    Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____	
Does contract require Council Approval?    Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____ Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process?    Contract _____ Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Cost Center: 332251	
Is this agreement excluded from E-Verify?    No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Goods and services provided due to an emergency <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ 2,000,000 This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when:</b> 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance. 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.
Summary of Scope: _____	
This Interlocal Loan and Grant agreement is to provide funding support for the West Front Street Improvement Project in Lynden.	
Term of Contract: 20 Years	Expiration Date: 12/31/2041

Contract Routing:	1. Prepared by: sm	Date: 06/29/21
	2. Attorney signoff: Christopher Quinn	Date: 6/30/2021
	3. AS Finance reviewed: M Caldwell	Date: 6/30/2021
	4. IT reviewed (if IT related):	Date: _____
	5. Contractor signed: <i>by City- ✓</i>	Date: 7-20-21
	6. Submitted to Exec.:	Date: 6-30-21
	7. Council approved (if necessary): <i>✓ AB2021-297</i>	Date: 7-13-21
	8. Executive signed: <i>✓</i>	Date: 7-16-21
	9. Original to Council: <i>✓</i>	Date: 7-27-21

Whatcom County Contract No. 202106036
---------------------------------------------

**Economic Development Investment Program  
Interlocal Loan & Grant Agreement**

**I PARTIES**

This Agreement is made by and between **Whatcom County** (hereinafter referred to as **the County**), and the City of Lynden (hereinafter referred to as **the City**).

**II TERM**

This Agreement takes effect upon execution hereof by the authorized representatives of both parties and continues in effect until all payments required under Section V, MUTUAL CONSIDERATION, Subsection C, REPAYMENT OF COUNTY LOAN, have been made or until terminated as provided for in Section VIII, TERMINATION.

**III PURPOSE**

The purpose of this Agreement is to provide funding support for the West Front Street Arterial Improvement Project (hereinafter referred to as **the Project**) using certain County funds designated for such infrastructure development. These funds will be used to complete the Project as outlined in the Economic Development Investment (EDI) Program Application as attached (Attachment C).

**IV RECITALS**

The Parties make this Agreement based on and in recognition of certain relevant facts and circumstances including:

- A. Sales and use taxes are collected in and for the County under authority of RCW 82.14.370 and Whatcom County Code 2.130 for the purpose of financing public facilities in the County, and the proceeds are deposited in the Whatcom County Public Utilities Improvement Fund.
- B. The **City** will construct the Project. The Project will be partially funded by a **\$1,333,333 loan from the Whatcom County Public Utilities Improvement Fund, a \$666,667 grant from the Whatcom County Public Utilities Improvement Fund**, and the balance of the Project will be funded by the City and other sources as outlined in Attachment C. The Project improvements, when complete, will be owned and maintained by the City.
- C. RCW 82.14.370 was adopted to serve the goals of promoting the ongoing operation of business in rural distressed areas, promoting the expansion of existing businesses in rural

distressed areas, attracting and developing new businesses, and providing family wage jobs and the development of communities of excellence in such areas. The parties expect the Project to further these goals.

D. RCW 82.14.370 defines public facilities to include bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and City facilities in the state of Washington.

E. The County has created the EDI Board to review applications for loans and grants from the Public Utilities Improvement Fund and to make recommendations for Public Utilities Improvement Fund investments based on commitment of other funds, potential for resulting job creation, and other factors.

F. The EDI Board has reviewed the City’s application for Public Utilities Improvement Funds and has recommended approval to the Whatcom County Council.

G. The County EDI Board has reviewed and recommended this project application be approved with a recommendation of a loan in the amount of \$1,333,333 and a grant in the amount of \$666,667, for a total of \$2,000,000. A copy of the EDI application for this project is attached by reference to this Agreement.

H. The Whatcom County Council reviewed the recommendation and approved a loan to the City from the Public Utilities Improvement Fund in the amount of \$1,333,333, and a grant to the City from the Public Utilities Improvement Fund in the amount of \$666,667.

I. The Public Utilities Improvement Fund balance is sufficient to make the requested loan and grant to the Project.

J. RCW 39.34 authorizes interlocal agreements whereby municipal governments may jointly exercise the powers granted to each.

**V MUTUAL CONSIDERATION**

The parties do not intend to create any new or separate legal or administrative entity by this Agreement but intend for this mutual Agreement to govern the County’s financial support for the Project. The terms and conditions contained herein reflect the voluntary participation of the parties.

**A. CITY OF LYNDEN RESPONSIBILITIES:**

The City hereby agrees as follows:

(i) If after the award of the construction contract, the scope of the Project or the Project budget has changed, the City shall provide the County the following updated documents: 1) a detailed description of the project; 2) a project budget itemizing major improvements together with the estimated cost of the improvements; and 3) a schedule showing sources and uses of funding for the project, if any of the aforementioned documents varies from those that were submitted with the City’s application for EDI funding.



(ii) The City shall be responsible for all aspects of the design and construction of the project.

(iii) The City shall be responsible for all aspects of the public works construction contract administration, which shall include, but not be limited to, advertising, bidding, and awarding the contract. The City will comply with all applicable laws, rules and regulations relating to bidding the project. The County shall have no responsibility for the Project other than the funding set forth herein.

(iv) The City shall provide the County with a final report showing the actual cost of the project and the actual sources and uses of funding for the project.

(v) The City shall repay the loan in full in accordance with the terms of Section V.C below and the amortization schedule set forth in Attachment A, attached hereto.

B. WHATCOM COUNTY'S RESPONSIBILITIES: The County hereby agrees as follows:

(i) COUNTY LOAN—The County shall *loan* One Million Three Hundred Thirty-three Thousand Three Hundred and Thirty-three dollars and Zero Cents (\$1,333,333) for the Project described herein (the "Loan"). This Loan shall be by County warrant drawn on the Public Utilities Improvement Fund and payable to the City, available upon written request after approval and execution of this agreement by the Whatcom County Council and the City, and pursuant to the terms contained in (iii) Payout of Loan and Grant Funding.

(ii) COUNTY GRANT—The County shall issue a *grant* to the The City for up to Six Hundred Sixty-Six Thousand Six Hundred Sixty-seven Dollars and Zero Cents (\$666,667) for the Project described herein. This grant shall be by County warrant drawn on the Public Utilities Improvement Fund and payable to the City upon approval of this agreement by the Whatcom County Council and the City, and pursuant to the terms contained in (iii), Payout of Loan and Grant Funding, below.

(iii) PAYOUT OF LOAN AND GRANT FUNDING—The County shall pay out the loan and grant funding to the City up to a maximum of Two Million Dollars and Zero Cents (\$2,000,000) of the total project costs. This amount shall be paid in accordance with Attachment B, attached hereto. Disbursements of grant and loan funding shall be made contingent upon and subject to the continued commitment of the other project funding sources.

(iv) Unless the parties to this agreement mutually agree in writing to modify the consideration, the funding identified herein is all the County is obligated to pay towards this project. The City agrees to protect the County from, hold it harmless from, and indemnify it for, any charges that may be levied in excess of the agreed amount.

C. REPAYMENT OF COUNTY LOAN—The City shall repay the Loan as follows:

(i) The term of the Loan shall be **twenty (20)** years, commencing from the date that the County disburses the Loan proceeds to the City. Interest shall accrue on the unpaid principal at a rate of 1% per annum. Interest shall begin accruing from the date of disbursement of loan funds.

(ii) The City will make loan payments to the County annually on or before the anniversary date of receiving loan proceeds in accordance with the attached amortization



schedule (Attachment A). Loan payments must be delivered to the Whatcom County Executive Department, Suite 108, 311 Grand Avenue, Bellingham, WA 98225.

(iii) Failure to make the payment in the required amount by the date it is due according to the amortization schedule hereto attached shall constitute an event of default by the City. In the event that the City fails timely to make a Loan payment hereunder, the County shall notify the City of the failure and the City shall have fourteen (14) days to cure its failure. At the option of the County, such an event of default and the City's failure to cure within the stated time period is a sufficient basis upon which the County may take action to collect the amount that is delinquent, and if the County takes action to collect pursuant to this provision, the City shall pay to the County not only the amount owing, but also any collection of reasonable costs incurred by the County. Furthermore, if the City fails to make a payment on the Loan within thirty (30) days of the date it is due, and if the County has provided the City with the notice provided for in this section, then the County may choose to declare the remaining balance of the loan due and owing.

(iv) There is no prepayment penalty should the City desire to retire this debt early, either in whole or in part.

## **VI RECORDS, REPORTS AND AUDITS**

The City agrees to maintain such records, make such reports and follow such procedures pertaining to this Agreement as may be reasonably required by the County and as are typically maintained and made by the City in the undertaking of a project of this nature. All City records pertaining to this Agreement and the Project work shall be retained by the City for a period of three (3) years after final audit unless a longer period is required to resolve audit findings or litigation. The County and other authorized representatives of the State government shall have access to any books, documents, papers, and records of the City which pertain to this Agreement or the Project work for the purpose of making audit, examination, excerpts, and transcriptions.

## **VII RELATIONSHIP OF PARTIES AND AGENTS**

Neither the City nor the County shall have authority to execute contracts or to make commitments on behalf of the other, and nothing contained herein shall be deemed to create the relationship of employer and employee or principal and agent between the County and the City. This agreement does not create, either implicitly or explicitly, any right, duty or obligation that is not expressly provided for herein.

The City represents that it has or will secure at its own expense all personnel, contractors, and/or subcontractors required in order to perform the Project work. Such personnel shall not be employees of, or contractors with the County for purposes of the project described herein. All such personnel, contractors, and/or subcontractors shall be fully qualified (as determined by the City in its sole discretion) and authorized/permitted under State and/or local law to perform such services.

## **VIII TERMINATION**

If the City fails to comply with the terms and conditions of this Agreement, the County may pursue such remedies as are legally available, including, but not limited to, the termination or closeout of this Agreement in the manner specified herein:

A. **TERMINATION FOR CAUSE**— If the City fails to comply with the terms and conditions of this Agreement, the County will give notice to the City in writing of its failure to comply. The City will be given thirty (30) days from date of notice to comply with the terms of the Agreement or submit a plan acceptable to the County to bring the City into compliance with the Agreement within a time period reasonably acceptable to the County. Failure to comply with the terms and conditions of this Agreement by either party shall constitute an event of default. the event of default by the City and a failure by the City to cure as provided for herein, the County may take such remedial actions under the law as are available to cure the default, including the imposition of the reasonable costs of collection. In the event of default by the County, the City may take such remedial actions under the law as are available to cure the default, including specific performance.

B. **TERMINATION FOR OTHER GROUNDS**—This Agreement may be terminated in whole or in part by mutual consent and written agreement between the parties, duly authorized and executed, setting forth the conditions of termination, including effective date and, in case of termination in part, that Portion to be terminated.

## **IX COMPLIANCE WITH LAWS**

The County and the City shall comply with all applicable laws, ordinances, and codes of the Federal, State and local governments with regard to the performance of this Agreement.

## **X INTEREST OF MEMBERS OF THE COUNTY AND THE CITY OF LYNDEN**

No member of the governing body of either party and no other officer, employee, or agent of either party who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in this Agreement.

## **XI HOLD HARMLESS AND INDEMNITY**

To the extent permitted by law, the City shall indemnify and hold harmless the County, its officers, agents, and employees, from all liability, loss or damage, including costs of defense they may suffer as a result of claims, demands, actions, costs, or judgments which result from the activities to be performed by the City, its agents, employees, or subcontractors pursuant to this Agreement.

## **XII ASSIGNABILITY**

The City shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation) without prior written consent of the County thereto, provided, however, that claims for money by the City from the County under this

Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the County by the City.

### **XIII NON-WAIVER**

The failure of either party to insist upon strict performance of any provision of this Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this Agreement.

### **XIV CONTRACT MODIFICATIONS**

No modification or waiver of any clause or condition of this Agreement shall be binding upon either party unless such modification or waiver is in writing and duly authorized and executed by the County and the City.

### **XV SEVERABILITY**

If any Portion of this Agreement is changed per mutual agreement or any Portion is held invalid, the remainder of this Agreement shall remain in full force and effect.

### **XVI NOTICES**

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties to their addresses as follows:

**TO THE CITY:** Steve Banham, Public Works Director  
The City of Lynden  
300 4<sup>th</sup> Street  
Lynden, WA 98284

**TO COUNTY:** Brad Bennett, Finance Manager  
c/o Whatcom County Executive's Office  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225

or to such other addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

### **XVII INTEGRATION**

This Agreement contains all terms and conditions to which the County and the City agreed, and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to this loan and grant transaction. There are no other oral or written agreements between the City and County as to the loan and grant terms contained herein. No changes or additions to this Agreement shall be valid or binding upon either party unless such change or addition be in writing, duly authorized and executed by both parties.



**XVIII GOVERNING LAW AND VENUE**

All questions of the validity, construction, and application of this Agreement shall be governed by the laws of the State of Washington. Venue for any suit between the parties arising out of this Agreement shall be the Superior Court of the State of Washington in and for Skagit County, Washington.

**XIX RECORDING**

Upon execution of this agreement by the parties hereto, the County shall cause it to be posted on the county web site, or otherwise published pursuant to the requirement contained within RCW 39.34.040.

\*\*\*\*\*

IN WITNESS WHEREOF, the County and the City have executed this Agreement as of the date and year last written below.

EXECUTED, this 20 day of July, 2021, for the **CITY OF LYNDEN**:

Scott Korthuis  
Scott Korthuis, Mayor

STATE OF WASHINGTON            )  
                                                  ) ss.  
COUNTY OF Whatcom         )

On this 20 day of July, 2021, before me personally appeared **Scott Korthuis**, to me known to be the **Mayor** of the **City of Lynden** and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Pamela D. Brown  
NOTARY PUBLIC in and for the State of Washington,  
residing at Whatcom County.  
My commission expires 9/4/2021.

EXECUTED, this 16<sup>th</sup> day of July, 2021, for **WHATCOM COUNTY**:

**Approved:** Accepted for Whatcom County:

Satpal Sidhu

Satpal Sidhu, Whatcom County Executive

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF WHATCOM )

On this 16<sup>th</sup> day of July, 2021, before me personally appeared **SATPAL SIDHU**, to me known to be the **COUNTY EXECUTIVE** of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Suzanne M. Mulder  
NOTARY PUBLIC in and for the State of Washington,  
residing at Bellingham.  
My commission expires 12-31-22.



**Approved as to form:**

[Signature] 6/30/21  
Chief Civil Deputy Prosecutor Date

Attachment A						
WHATCOM COUNTY						
EDI Loan City of Lynden						
West Front Street						
		Principal			\$1,333,333	
		Interest Rate			1.00%	
		Term (20 years)			20	
#	Year	Beginning	Payment	Interest	Principal	Ending
1	2022	\$1,333,333	(\$73,887)	13,333	(\$60,554)	\$1,272,779
2	2023	\$1,272,779	(\$73,887)	12,728	(\$61,159)	\$1,211,620
3	2024	\$1,211,620	(\$73,887)	12,116	(\$61,771)	\$1,149,849
4	2025	\$1,149,849	(\$73,887)	11,498	(\$62,389)	\$1,087,460
5	2026	\$1,087,460	(\$73,887)	10,875	(\$63,012)	\$1,024,448
6	2027	\$1,024,448	(\$73,887)	10,244	(\$63,643)	\$960,805
7	2028	\$960,805	(\$73,887)	9,608	(\$64,279)	\$896,526
8	2029	\$896,526	(\$73,887)	8,965	(\$64,922)	\$831,603
9	2030	\$831,603	(\$73,887)	8,316	(\$65,571)	\$766,032
10	2031	\$766,032	(\$73,887)	7,660	(\$66,227)	\$699,805
11	2032	\$699,805	(\$73,887)	6,998	(\$66,889)	\$632,916
12	2033	\$632,916	(\$73,887)	6,329	(\$67,558)	\$565,358
13	2034	\$565,358	(\$73,887)	5,654	(\$68,233)	\$497,125
14	2035	\$497,125	(\$73,887)	4,971	(\$68,916)	\$428,209
15	2036	\$428,209	(\$73,887)	4,282	(\$69,605)	\$358,604
16	2037	\$358,604	(\$73,887)	3,586	(\$70,301)	\$288,303
17	2038	\$288,303	(\$73,887)	2,883	(\$71,004)	\$217,299
18	2039	\$217,299	(\$73,887)	2,173	(\$71,714)	\$145,585
19	2040	\$145,585	(\$73,887)	1,456	(\$72,431)	\$73,154
20	2041	\$73,154	(\$73,886)	732	(\$73,154)	\$0



## Attachment B

### **The City of Lynden – West Front Street Arterial Improvement Project Loan and Grant Draw Down Requirements**

The \$666,667 grant funding will be disbursed prior to any loan funding, as follows:

The **City** of Lynden will send invoices for project expenses to Whatcom County Executive's Office, 311 Grand Avenue, Suite 108, Bellingham, WA 98225. Invoices will include copies of receipts. Funds will be made available by warrant within 30 days following receipt of invoice and are for reimbursement of project expenses only. The request for grant funds should reference the Whatcom County assigned interlocal agreement number.

The \$1,333,333.00 loan will be disbursed as follows:

Following the disbursement of all grant funds, the loan funds will be made available for application to the project by warrant within 30 days of receipt of written request from Steve Banham, Public Works Director of the City of Lynden, and sent to the Whatcom County Executive's office, 311 Grand Avenue, Suite 108, Bellingham, WA 98225. The request will include the full loan amount (\$1,333,333.00), and a reference to the contract number assigned to this Interlocal Agreement. Repayment of the loan will begin one year from the disbursement date and follow the schedule noted in Attachment A.

RECEIVED

MAY 14 2021

Whatcom County  
Economic Development  
Investments Program

WHATCOM COUNTY  
EXECUTIVE'S OFFICE

Application for Funding



Satpal Sidhu, Whatcom County Executive

**Whatcom County Economic Development Investment (EDI) Program**  
*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

**Preliminary Information and Application**

*Note: The intent of this Program is to be consistent with State law, RCW 82.14.370*

- 1. Who is eligible to apply:** Local general or special-purpose governments and higher education.
- 2. What projects are covered:** Construction of publicly-owned infrastructure, facilities, and related improvements, which enable or encourage the creation or retention of private sector businesses and jobs in Whatcom County consistent with EDI Program Policy Objectives.
- 3. What activities are fundable:** New construction, refurbishment, replacement, rehabilitation, renovation or repair. Demolition is allowable if tied to construction. Soft costs allowed within scope of construction budget. No land acquisition except right-of-way included in a construction project.
- 4. What can you use the funds for:** Transportation (roads, bridges, rail), utility services (water, sewer, storm, energy, telecom) and public buildings or structures.
- 5. Other Limitations:** Planning/feasibility only projects are not eligible. Minimum local match is 10% of EDI request. EDI Board will make recommendations to the County Council which makes the final decision.

**Preferential Project Types**

**First Preference – “JOBS IN HAND PROJECTS”** – These types of projects will allow for the immediate creation and/or retention of jobs by providing public infrastructure that directly supports jobs. A perfect example would be a private business that will build or move into a facility and hire employees if a road is built or if water/sewer lines are extended to the site. These types of proposals would include a commitment by the private sector employer to create jobs and provide private investment.

**Second Preference – “BUILD IT AND JOBS WILL COME PROJECTS”** – These types of projects will construct public infrastructure but are not associated with a specific commitment from a private business to locate and/or create jobs. A perfect example would be the construction of roads and utility infrastructure to serve a new business park that would benefit multiple businesses.

**Third Preference – COMMUNITY ENHANCEMENT PROJECTS”** – These types of projects generally improve the physical appearance or create community assets to enhance the business climate. Examples would be boardwalk, streetscaping, downtown structures, and other publicly-owned facilities that make a community or region more attractive to existing or future businesses.



# Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

## Preferential Project Terms

**First Preference – EDI LOAN** – Due to the preferred revolving nature of EDI funds, proposals that are loan only will receive higher scoring. Loan terms and interest rate structure matches the Public Works Trust Fund program. The county will maintain discretion to modify such as including a deferral period.

**Second Preference – LOAN/GRANT COMBINATION** – The preferred combination of grant funds and loan funds is 1/3 grant, 2/3 loan.

**Third Preference – EDI GRANT** – Due to the “one-shot” nature of grants, projects of equal scoring requesting a grant only will be scored lower than another similar project requesting a loan/grant mix.

## Preferential\* Project Amounts (Guidelines)

**JOBS IN HAND PROJECTS** - \$1,000,000 limit if grant only. \$2,000,000 limit if combination of grant and loan. \$3,000,000 limit if loan only.

**BUILD IT AND JOBS WILL COME PROJECTS** - \$500,000 limit if grant only. \$1,000,000 limit if combination of grant and loan. \$1,500,000 limit if loan only.

**COMMUNITY ENHANCEMENT PROJECTS** - \$250,000 limit if grant only. \$500,000 limit if combination of grant and loan. \$750,000 limit if loan only.

\*Based on compelling reasons, the EDI Board and County Council may consider exceptions.

## Past Performance

Have you received EDI Program funding in the past?  X ; Yes \_\_\_\_\_ No

If yes, provide project name and EDI grant/loan awarded:  Lynden Water Treatment Plant (2012)

If yes, EDI Program staff and/or the EDI Board may conduct an audit to review performance measures against projected outcomes, such as job creation projections.

Has your jurisdiction received any audit findings from the Washington State Auditor in the past 10 years?  
 X  Yes; \_\_\_\_\_ No. If yes, provide details:  Documentation of review of Suspended and Debarred Contractor. The contractor in question was past vendor and not actually suspended or debarred but the required document was not in the project file.

**Whatcom County Economic Development Investment (EDI) Program**  
*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

**THRESHOLD PROJECT CRITERIA**

*Evidence of Planning*

YES NO  
X \_\_\_\_\_  
X \_\_\_\_\_  
X \_\_\_\_\_

Project included on an adopted regional economic strategy (“CEDS” list).  
 Project included in the applicant’s Comprehensive Plan.  
 Project included in the applicant’s Capital Expenditure Plan or adopted budget.

COMMENTS: This project was recommended for funding by the EDI board in 2020 and was pending revision for approval by the County Council when COVID-19 hit.

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**THRESHOLD PROJECT SCORING**

POINTS

*Preferential Project Type*

10

X Jobs In Hand *10 points*  
 \_\_\_\_\_ Build It And Jobs Will Come *5 points*  
 \_\_\_\_\_ Community Enhancement *2 points*

5

*Preferential Project Terms*

\_\_\_\_\_ Loan Only *10 points*  
X Loan/Grant *5 points*  
 \_\_\_\_\_ Grant Only *2 points*

5

*Preferential Project Amounts*

X Within Dollar Limits *5 points*  
 \_\_\_\_\_ Outside Preferred Dollar Limits *0 points*

20

**TOTAL POINTS To proceed to other parts of the application and to receive EDI Board review, a proposed project must score 10 or more points on the above section.**

**Whatcom County Economic Development Investment (EDI) Program**

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

**PROJECT APPLICANT**

Applicant Name: City of Lynden

Applicant Address: 300 4<sup>th</sup> Street, Lynden, WA

Applicant Contact Person: Steve Banham, Public Works Director

Applicant Email and Phone Number: banhams@lyndenwa.org (360) 354-3446

**PROJECT TITLE**

Lynden West Front Street Arterial Improvement

**PROJECT AMOUNT REQUESTED**

\$ 2,000,000 EDI TOTAL - (Loan \$ 1,333,333; Grant \$ 666,667 )

\$ 424,439 (17.5%) Local Match (10% of EDI request minimum)

**PROJECT TYPE**

Jobs In Hand  Build It And Jobs Will Come  Community Enhancement

**PROJECT TERMS**

Loan Only  Grant/Loan  Grant Only If a loan, term requested: 20 (years)

PROJECT LOCATION: Front Street, from Duffner Creek to Tromp Road

**PROJECT DESCRIPTION**

(one-page limit)

Lynden is submitting this follow-up revised project request to replace 1,900-feet of sub-standard existing street section by constructing an all-weather commercial arterial street section including sewer and storm drainage utilities. The City was in the process of responding to County Council comments on the 2020 application when the COVID-19 pandemic started in March 2020. Lynden has utilized the time since then to reevaluate ("value engineer") the project's design and focus on the essential immediate public improvements at a reduced cost. The need for this project remains very high and this project will "jump-start" a 124,000 square foot business park which was put on hold during the COVID restrictions.

This project will revitalize/re-establish economic vitality and growth in this area. West Front Street needs to be improved to City all-weather arterial street section standards. This will include 32 feet of paved surface including two 12-foot travel lanes, and 4-foot striped urban shoulders. Utilities are needed to



## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

provide for this growth and this project will install sanitary sewer and storm drainage . Water is currently present.

The project will ultimately provide commercial transportation access to about 100 acres of Lynden’s growing commercial services regional (CSR) and industrial (IBZ) zoned land and ultimately provide future access to another 140 acres of the City’s adjacent western Urban Growth Area (UGA). In the near term it will serve 46 acres of CSR zoned properties including a new 124,000 square foot business park (Front Street Station) which was finalizing permits and financing when the COVID pandemic arrived This facility was on schedule to be completed in late 2020 – but was stopped. A new U.S. Postal Mail Distribution Center recently opened just east of the project which will benefit from all-weather access on West Front. Also in this zone are existing industries that can grow and benefit including: Lynden Door, Scholten Equipment, Oxbo International, and Brim Tractor.

### BASIC PROJECT INFORMATION

1. Complete the public project budget and status of funds below. If EDI funds are approved is funding 100% complete?  Yes  No

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Funding Source	Amount	Planned/Applied For		Secured	
Federal Dollars	\$ <u>N/A</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
State Dollars	\$ <u>N/A</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Local Dollars	\$ <u>424,439</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
EDI Funding	\$ <u>2,000,000</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>TOTAL</b>	\$ <u>2,424,439</u>				

2. Describe the amount of outside (private) funding committed to the project (eg. Plant and equipment).

The “Front Street Station” business park will be constructed in three phases and will provide an incubator location for new small businesses and industries looking to start in the north County or move in from outside of the County. The first phase of private construction is estimated to cost \$4.5M and the total for all three phases is \$14.5M. The owner has dedicated the necessary right-of-way for the improvements to West Front. They have been able to secure full building financing for phase 1 and are now ready to proceed, unfortunately they cannot financially bear the full responsibility of the all-weather street improvements costs. There is a strong need for this type of space in the north County and the business park will include five separate buildings with as many 48 spaces for businesses. All of these, including Front Street Station, will pay traffic impact fees and contribute sales taxes to the City of Lynden, which will be used to repay the EDI loan.

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

3. Describe the public infrastructure being proposed. Include engineering estimates and a site map detailing the proposed improvements as **Attachments A and B**.

This project will construct and/or provide all necessary public facilities while also providing private utilities needed to service the area. These improvements include:

**Transportation:** Reconstruct West Front Street to a 24-foot-wide all-weather arterial street section with 4 foot paved shoulders for a total of 32 feet. The all-weather street is essential for any form of industrial or commercial truck use in the area. Currently, West Front is improved to County rural standards with two 10-foot-wide chip seal driving lanes and no pedestrian or multi-modal facilities. Because of inadequate road base it regularly sustains frost-heave damage after cold weather.

**Storm Drainage:** Storm piping will be installed to convey all storm water from both the street and adjacent properties to the West Lynden Regional Stormwater Facility. This facility was constructed in the early 2000's by forward thinking local businesspeople planning for future growth.

**Sewer:** Installs sanitary sewer along the West Front Street corridor allowing future development of the adjoining commercially zoned properties to their highest and best uses.

- 
4. Describe how these improvements will enhance or encourage community vitality and stimulate other private development in the area.

West Front Street acts as the immediate primary access to about 46 acres of Lynden's prime commercial/industrial zoned properties located to the west of the Guide Meridian. The route links Birch Bay Lynden Road (Federal Route 8152) to SR-539 (Guide Meridian). Birch Bay Lynden Road is a primary route to I-5 to the west. SR-539 is the primary freight connection to the Lynden/Aldergrove border crossing into Canada. This area is a growing commercial and industrial area of Lynden. West Front Street will, in the future, provide an arterial access point for the City's western Urban Growth Area (UGA). intended to accommodate regional industrial and commercial demands.

The regional and State-wide importance of West Front Street was recognized in the classifying of West Front Street as a **Federally Functional Classified** street by FHWA, based on the recommendations of the Whatcom Council of Governments and WSDOT. WSDOT's reasoning for this and FHWA's concurrence is that the route "**will provide safe and efficient passenger, and commercial vehicle access to the growing West Lynden Commercial/Industrial area**". The corridor serves existing major industries of Lynden, it would benefit a pending business park project, and additionally enhance another 29 acres of vacant / underdeveloped property.

However, to properly provide adequate services, West Front Street needs to be improved to all-weather arterial standards, which is not feasible without outside funding assistance.

- 
5. List all permits and environmental reviews required for the public project and detail their status (completed, in-process, etc.)

	In Process	Date Completed
Preliminary Engineering	_____	<u>June 2019</u>
Environmental Review	_____	<u>May 2020</u>

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

Design Engineering	90%	
Right-of-Way		NA
Construction Permits	X	
Environmental Permits	X	May 2020
Bid Documents	X	
Award Construction Contract	X	
Begin Construction	X	
Project Operational	X	

6. Are any other public jurisdictions involved in this project? If so, in what way?

**Yes.**

The Port of Bellingham provided funding for preliminary engineering work through their small City economic program.

FHWA, WSDOT and Whatcom Council of Governments all participated in classification of this street as a Federally Functional route.

7. Who will maintain the public facility/infrastructure to be completed with EDI funds? Will this project impact utility rates within the jurisdiction?

The City of Lynden will continue to maintain this public street and utilities. The is project will have no impact on utility rates.

8. Will this project directly generate a revenue stream that could be used to repay an EDI loan? Will this project spur indirect revenues that could be used to repay an EDI loan? If no to either question – why?

**Yes, to both questions.** The Post-Covid Economic boost this project will provide is critical to the north County region. Front Street Station, a 124,000 square foot business Park with 5 buildings submitted construction plans in December 2019 with a scheduled start of Phase 1 construction in spring 2020 allowing operation in late summer/fall of 2020. This was planned to contribute construction sales tax, impact fees payment, retail sales taxes, increased property taxes, and utility fees and property taxes. Proceeding now with this project will rejuvenate these funding sources.

New commercial industrial development will contribute traffic impact fees which will be used to service this loan. New construction, increased retail sales, and increased property values would all be sources of revenue to the City general fund, which funds street expenses including debt. Existing local businesses in the area include Lynden Door, Scholten Equipment, Oxbo International, Brim Tractor and Lineage Logistics.

**Lynden Door:** Is a primary producer and distributor of residential, commercial, institutional, and industrial hardware in the western States and Canadian Provinces. Lynden Door currently employs 550 people with plans for an additional 100 employees within the next two years. This growth will result in collection of additional traffic impact fees.

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

**Scholten Equipment** is one of the four major suppliers of Kubota Tractor west of the Mississippi River. This includes agricultural, heavy construction and residential tractors.

**Oxbo International** is a world-wide manufacturer and supplier of automated agricultural harvesting equipment. Their equipment is used to harvest a large percentage of the raspberries and blueberries harvested in Whatcom County.

- 
9. What other revenue sources are available for this project and have they been considered. This includes forming a Local Improvement District (LID or ULID), issuing Councilmanic Bonds, Revenue Bonds, or other source(s).

The City has used a Port of Bellingham Small City Economic funding program to complete preliminary engineering design. The City used the Stormwater Utility funds to acquire both stormwater treatment and quantity in the West Lynden Regional Stormwater facility. The City formed a Transportation Benefit District in 2012. Lynden also collects transportation impact fees for street improvement like this one in an Arterial Street Fund (302). Both of these local transportation funding sources will be used for match and to repay the loan portion of this request. The water and sewer utility improvements associated with this project will be funded by the City water and sewer enterprise funds as match for the EDI Funding used to construct the street.

- 
10. Describe the private development project that will be supported by this public facility project. If there is a committed private sector partner include Contingency Agreement (Attachment C).

**Front Street Station:** A 124,000 square foot business park which includes five separate buildings has gone through technical review and submitted construction plans in December 2019 with a planned approval in spring 2020. Covid has delayed this schedule. A Covid Economic boost will allow West Front Street construction to occur. A City and EDI funding package will allow phase 1 to start upon completion of civil plans. These plans are currently at the 90% level.

Front Street Station will provide opportunities for a diverse mix of business and industry including light manufacturing and warehousing together with professional offices and a retail frontage. As spaces will be available for lease it will provide valuable incubator spaces for local industries, research and development firms, or as a point of service for Canadian companies looking to locate within the United States.

While Front Street Station is the private development most immediately supported by the public facility project, nearby industries are also beneficiary of a more robust transportation network. These include:

**Scholten Equipment:** One of the four major suppliers of Kubota Tractor supplier west of the Mississippi River. This includes agricultural, heavy construction and residential tractors.

**Brim Tractor:** A regional supplier of tractors and heavy farm equipment, Brim also provides service and repairs of heavy equipment.

**Oxbo International:** A world leader in specialty harvesters, Oxbo International continues to provide innovative solutions to agri-business from their location in West Lynden. In addition to their

## Whatcom County Economic Development Investment (EDI) Program

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international influence, their equipment is used to harvest a large percentage of the raspberries and blueberries in Whatcom County.

**Vacant Property:** Additional development within the regional commercial and industrial zoning categories will be encouraged on vacant parcels of land currently located on this corridor which are not represented in the list above. Approximately 29 acres of vacant or underdeveloped property, represented by 6 different ownership groups, are located on the corridor between SR-539 and Tromp Road.

Explain why the private development requires the proposed public improvement(s).

- a. This substandard street provides the only access to Front Street Station, and the street and utilities need to be completed for this private development to stay on schedule for opening in 2022. Without the funding assistance provided through the EDI program, this necessary, important, and financially viable project may not occur.
- b. Lynden Door is expanding to meet current demands along with future growth. Without these transportation and utility improvements to West Front Street this "Regionally Significant" business could be impacted.
- c. Provides access to the City's western UGA to accommodate future commercial and industrial growth.
- d. Stimulates economic development/redevelopment (regional commercial and industrial uses) on other underdeveloped or vacant parcels also located on the West Front Street corridor.

11. What is the status of the associated private development review and permits. List all permits required and give the current status (applied for, being reviewed, issued).

<b>Front St Station Business Park</b>	In Process	Date Completed
Environmental Review	<u>X</u>	<u>December 2020</u>
Construction Permits	<u>X</u>	<u>February 2020</u>
Environmental Permits	<u>X</u>	_____
Development Agreement	<u>X</u>	<u>December 2019</u>
<b>Lynden Door</b>	In Process	Date Completed
Environmental Review (future campus expansion)		<u>2019</u> _____
Construction Permits (additional 100,000 sf on existing campus)		<u>April 1, 2021</u>
Environmental Permits	<u>X</u>	_____
_____	_____	_____
<b>US Postal Sorting Facility</b>	In Process	Date Completed
Environmental Review	_____	<u>Facility Completed</u>
Construction Permits	<u>X</u>	<u>Facility completed</u>
Environmental Permits	_____	<u>Facility completed</u>
_____	_____	_____



## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

12. Describe the type of industry or economic activity the public development will attract. What is the strategy to attract industry to the project site?

The West Lynden area is zoned to accommodate a wide variety of business and industry in a location that is easily accessible to the general public and close to the Guide Meridian and Birch Bay Lynden Road (I-5 corridor) for commercial access. Once improved, the road will be able to support the traffic needs for these types of uses. Large land parcels close to the U.S. Canadian border make the area more attractive to business and industry development, particularly those related to agricultural products and services.

With all-weather street improvements, the area will be poised to attract regional commercial establishments which provide retail service to the public, professional offices, research and development, business incubator spaces, storage and warehousing, or light manufacturing. The area also has access to property which is zoned to accommodate a variety of industrial

With infrastructure and zoning in place, the City will continue to emphasize public/private cooperation and expedited permit review to quickly respond to market demands.

13. List the number of projected jobs, by type, to be retained and/or created by the private entity. (for consistency with previous application these numbers have remained the same)

Occupation	Current Jobs Retained** (In FTEs)	# Of Jobs Created Year 1 (In FTEs)	# Of Jobs Created by Year 5 (In FTEs)	Hourly Wage of current or new position	Local Occupational Hourly Wages***
Mgmt./Admin*	40	49	73	\$50.00	N/A
Technical/Prof	71	93	157	\$45.00	
Office/Clerical	66	81	110	\$30.00	
Production	386	451	634	\$30.00	
Sales	0	18	48	\$25.00	
Skilled Crafts	88	121	208	\$40.00	
Others	33	51	107	\$18.00	
<b>Totals</b>	<b>684</b>	<b>864</b>	<b>1337</b>	N/A	N/A

\* Indicate Management positions in annual salary.

\*\* Retained jobs are defined as jobs that would otherwise be lost from the county without this project.

\*\*\* This column will be populated with data from the state before application is distributed and revised annually.

- a. Projected annual gross payroll for all job classifications **\$50,000,000**
- b. Describe fringe benefits the company offers to regular full-time employees?

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

(health insurance, retirement plans, etc.) **fringe benefits estimated at 32% of gross**

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14. How does this project support the economy of Whatcom County and how does it fit into a county-wide economic development strategy?

This project, listed in the County's Comprehensive Economic Development Strategy (CEDS), seeks to resuscitate the north County from COVID-19 providing support to local small businesses and the jobs they can bring to the north County. This project will foster a stable and diversified regional economy, all intended to maintain, and ultimately improve the quality of life in Whatcom County. The West Lynden area plays a key role in the economic development of Lynden and the County's regional strategy.

Diversification: One of the most compelling elements of development within the West Lynden area is the diversification of industry. Lynden Door employs numerous manufacturing positions, and their move toward automation has increased demand for skilled technicians. This automation has enhanced production making them an industry leader. Although known ubiquitously as Lynden Door, the entity actually includes six different industries (LLCs) that focus on a variety of functions, including engineering, production, and distribution. The manufacturing occurring in West Lynden has spread to diversified job creation at other locations in Whatcom County. Beyond the manufacturing occurring at Lynden Door, the area boasts on-going research and development in the harvester industry at Oxbo, agricultural and construction equipment sales and service at Scholten Equipment and Brim tractor, and government sector positions at the U.S. Postal Service sorting facility.

Development of Front Street Station offers additional diversification of living-wage jobs by providing an excellent location for incubator businesses, skilled trades, research and development, and wholesale distribution. With the Canadian border three miles away, Front Street Station provides a prime location for Canadian companies to gain a foothold in the United States and introduce new products and services to Whatcom County.

Access and Quality of Life: West Front Street will be built with an all-weather arterial street section that connects to the infrastructure backbone of the City of Lynden. The infrastructure will not only serve and be visible to the industrial users, like a remote frontage road, but it will be an extension of the City's thriving downtown and Historic Business District to the east on Front Street. As an all-weather street it will provide better (lower speed) access to Birch-Bay-Lynden Road and ultimately I-5 for international commerce.

Agriculture: Lynden is uniquely positioned to provide the industrial and commercial needs directly related to agriculture. Local businesses such as Lineage Logistics, Oxbo International, Brim Tractor and Scholten Equipment have clear ties to the local agriculture industry. Whatcom County growers benefit from having dealers and services locally. Front Street Station will be a re-purposing (reclaimed) gravel pit instead of sprawling into the vital agricultural industry of Whatcom County.

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15. What will the effect of this project be on the natural environment – does the project address any issues related to public health, pollution, or quality of life?

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

This project will construct new stormwater facilities that comply with the current water quality standard. This project will include City sanitary sewer service to help protect the Nooksack River basin from fecal contamination that might occur with poorly maintained onsite septic systems. The project will include water quality protection for the Duffner Creek critical area at the east end.

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16. Does this project address any existing issues related to public safety and/or does it increase public safety in the future or address a potential future public safety issue?

The current West Front Street is not all-weather and it has sustained repeated damaged during harsh winters, leading to road damage. This project will construct an all-weather arterial street section with street lighting designed for safe movement of commercial traffic. The widened shoulders create safe bike and pedestrian facilities. Finally, by creating a safe and efficient secondary route to West Lynden this project will enhance life safety response.

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17. Describe specific quantifiable measures of the outcomes, other than purely jobs, that will demonstrate project success. Describe how you will measure this and explain what you expect to show as progress toward the outcome.

- Increased Vehicle Use (traffic counts)
- New Business Start-ups (business licenses)
- Canadian Businesses establishing a U.S. presence (business licenses)
- New Construction Sales Tax Revenue (sales tax revenue)
- Increased assessed valuation (property tax revenue)
- 1,900-feet of new all-weather, illuminated, Arterial Street section and multi-modal facilities added to inventory

**Whatcom County Economic Development Investment (EDI) Program**

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

Application for Funding – Certification

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION TO WHATCOM COUNTY FOR INVESTMENTS IN ECONOMIC DEVELOPMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Responsible Public Official: Gary L Bode Date 5/13/2021  
Mayor Pro-Tem





423 Front Street  
 Lynden, WA 98264  
 Phone: (360) 354-3687



Called By:	City of Lynden		
For:	WEST FRONT STREET PRELIMINARY DESIGN 300 4th Street Lynden, WA 98264		
By:	Luis Ponce, P.E.		
Date:	30-Apr-21		
PRELIMINARY ENGINEER'S ESTIMATE			

Item No.	Item Description	Quantity	Unit	Unit Price	Amount
<b>Schedule A - Roadway and Storm</b>					
1	Mobilization	1	LS	\$ 170,000.00	\$ 170,000.00
2	SPCC Plan	1	LS	\$ 1,000.00	\$ 1,000.00
3	Project Temporary Traffic Control	1	LS	\$ 10,000.00	\$ 10,000.00
4	Flaggers	2,250	HR	\$ 65.00	\$ 146,250.00
5	Other Traffic Control Labor	225	HR	\$ 60.00	\$ 13,500.00
6	Clearing and Grubbing	1	LS	\$ 14,000.00	\$ 14,000.00
7	Removal of Structures and Obstructions	1	LS	\$ 6,000.00	\$ 6,000.00
8	Roadway Excavation Incl. Haul	11,000	CY	\$ 15.00	\$ 165,000.00
9	Water	100	M GAL.	\$ 100.00	\$ 10,000.00
10	Shoring or Extra Excavation Class B	8,400	SF	\$ 1.00	\$ 8,400.00
11	Dewatering	1	LS	\$ 140,000.00	\$ 140,000.00
12	Gravel Base	7,400	TON	\$ 12.00	\$ 88,800.00
13	Crushed Surfacing Top Course	2,100	TON	\$ 50.00	\$ 105,000.00
14	HMA CL. 1/2" PG 64-22	3,200	TON	\$ 95.00	\$ 304,000.00
15	Planing Bituminous Pavement	250	SY	\$ 25.00	\$ 6,250.00
16	Corrugated Polyethylene Storm Sewer Pipe 8 In. Diam.	300	LF	\$ 60.00	\$ 18,000.00
17	Corrugated Polyethylene Storm Sewer Pipe 24 In. Diam.	300	LF	\$ 85.00	\$ 25,500.00
18	Corrugated Polyethylene Storm Sewer Pipe 36 In. Diam.	850	LF	\$ 120.00	\$ 102,000.00
19	Catch Basin Type 2 48 In. Diam.	9	EA	\$ 3,500.00	\$ 31,500.00
20	Catch Basin Type 2 60 In. Diam.	5	EA	\$ 5,000.00	\$ 25,000.00
21	Adjustments to Finished Grade	1	LS	\$ 5,000.00	\$ 5,000.00
22	ESC Lead	10	DAY	\$ 100.00	\$ 1,000.00
23	Street Cleaning	75	HR	\$ 150.00	\$ 11,250.00
24	High Visibility Silt Fence	1,800	LF	\$ 5.00	\$ 9,000.00
25	Erosion/Water Pollution Control	1	EST	\$ 5,000.00	\$ 5,000.00
26	Seeded Lawn Installation Incl. Topsoil	3,200	SY	\$ 10.00	\$ 32,000.00
27	Landscape Restoration	1	EST	\$ 10,000.00	\$ 10,000.00
28	Mailbox Support, Type 1	5	EA	\$ 400.00	\$ 2,000.00
29	Permanent Signing	1	LS	\$ 5,000.00	\$ 5,000.00
30	Paint Line	11,200	LF	\$ 0.50	\$ 5,600.00
31	Plastic Stop Line	90	LF	\$ 25.00	\$ 2,250.00
32	Plastic Crosswalk Line	325	SF	\$ 25.00	\$ 8,125.00
33	Plastic Traffic Arrow	14	EA	\$ 200.00	\$ 2,800.00
34	Pothole Existing Underground Utility	10	EA	\$ 500.00	\$ 5,000.00
35	Repair Existing Public and Private Facilities	1	EST	\$ 10,000.00	\$ 10,000.00
<b>Total Schedule A</b>					<b>\$ 1,504,225.00</b>

<b>Schedule B - Sewer</b>					
45	Shoring or Extra Excavation Class B	17,000	SF	\$ 0.50	\$ 8,500.00
46	Gravel Base	250	TON	\$ 12.00	\$ 3,000.00
47	Manhole 48 In. Diam. Type 1	5	EA	\$ 4000.00	\$ 20,000.00
48	Manhole Additional Height 48 In. Diam. Type 1	19	LF	\$ 300.00	\$ 5,700.00
49	PVC Sanitary Sewer Pipe 6 In. Diam.	460	LF	\$ 90.00	\$ 41,400.00
50	PVC Sanitary Sewer Pipe 8 In. Diam.	1,550	LF	\$ 95.00	\$ 147,250.00
<b>Subtotal</b>					<b>\$ 225,850.00</b>
<b>Sales Tax Schedule C (8.7%)</b>					<b>\$ 19,648.95</b>
<b>Total Schedule B</b>					<b>\$ 245,498.95</b>

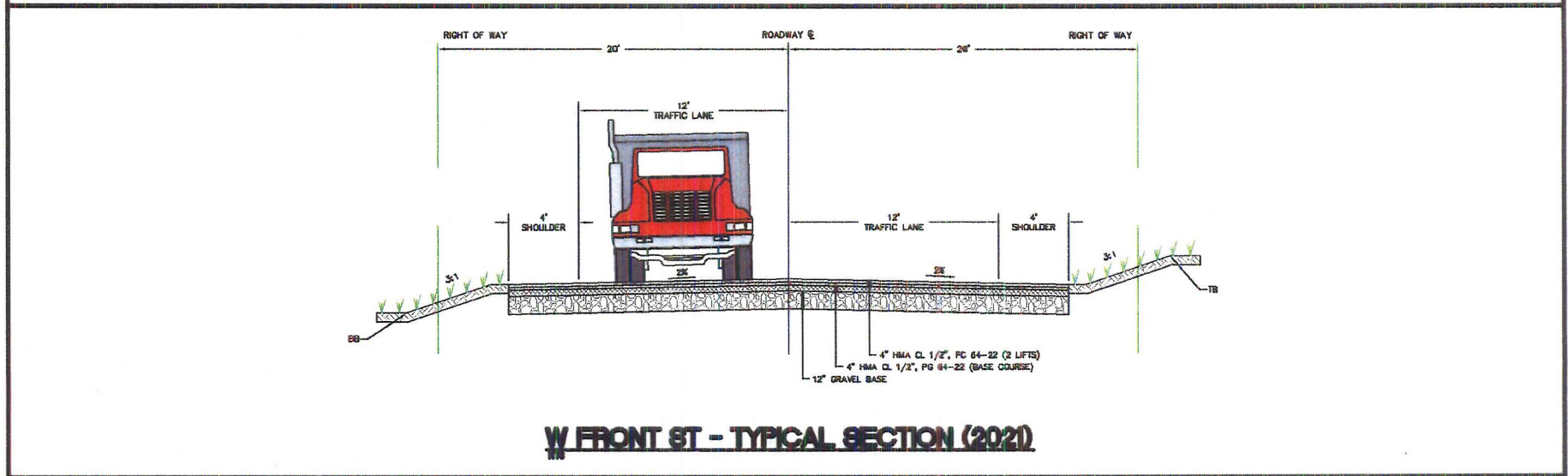
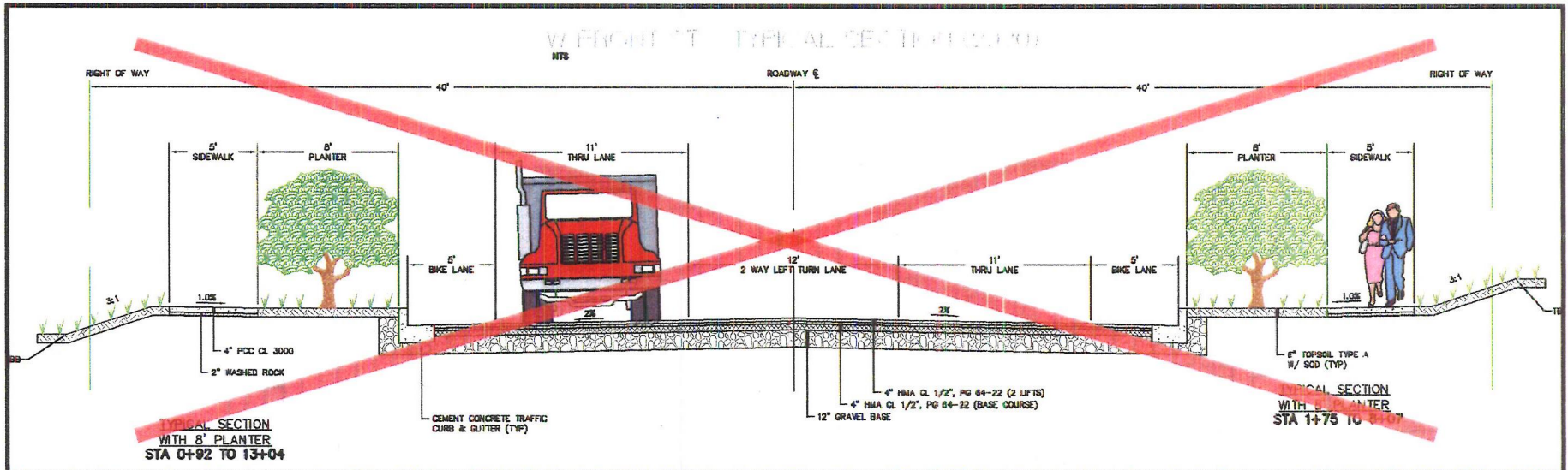
<b>Schedule C - Lighting</b>					
51	Luminaire with Base	13	EA	\$ 2500.00	\$ 32,500.00
52	2" Conduit	1,700	LF	\$ 30.00	\$ 51,000.00
<b>Total Schedule C</b>					<b>\$ 83,500.00</b>

Subtotal Schedules A, B, & C		\$ 1,833,224
Contingency to Construction Estimate	15%	\$ 274,984
<b>Total, Including Contingency</b>		<b>\$ 2,108,208</b>

The lighting estimate does not include any contract the City may need to acquire with Intolight.

This estimate was prepared without a complete design and shall therefore be considered preliminary and subject to change due to actual quantities of work incorporated into the project and changes in unit prices over time.





**R&E** Reichhardt & Ebe  
ENGINEERING INC

P.O. Box 978 | 423 Front Street  
Lynden, WA 98264 (360) 354-3687

05/12/21

CITY OF LYNDEN - 2021 EDI APPLICATION  
W FRONT STREET IMPROVEMENTS  
TYPICAL SECTION

NTS

00065.3



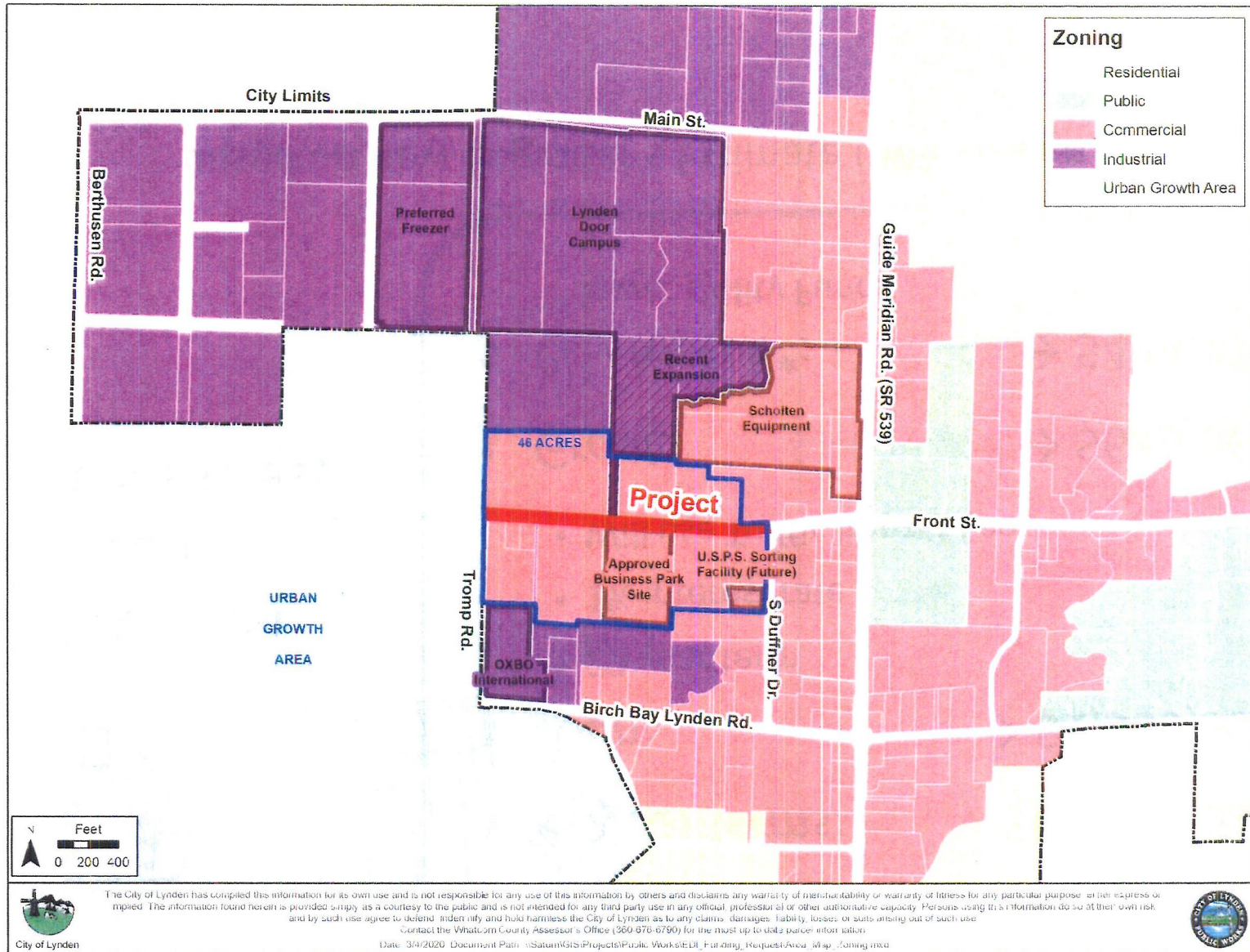
City of Lynden  
Revised  
EDI 2021 Request

- *Project Type:* Jobs in Hand
- *Project Terms:* Grant/Loan
- *Loan:* ~~\$2,000,000~~ → \$1,333,333
  - 20-year term
  - 1% interest rate
  - Will use Traffic Impact Fees
- *Grant:* ~~\$1,000,000~~ → \$666,667
- *City Match\*:* ~~\$330,000~~ → \$424,439
  - \*Sewer Utility Funds

Based on new Engineer's Estimate (90% design)



## Attachment B



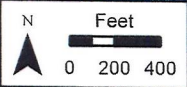
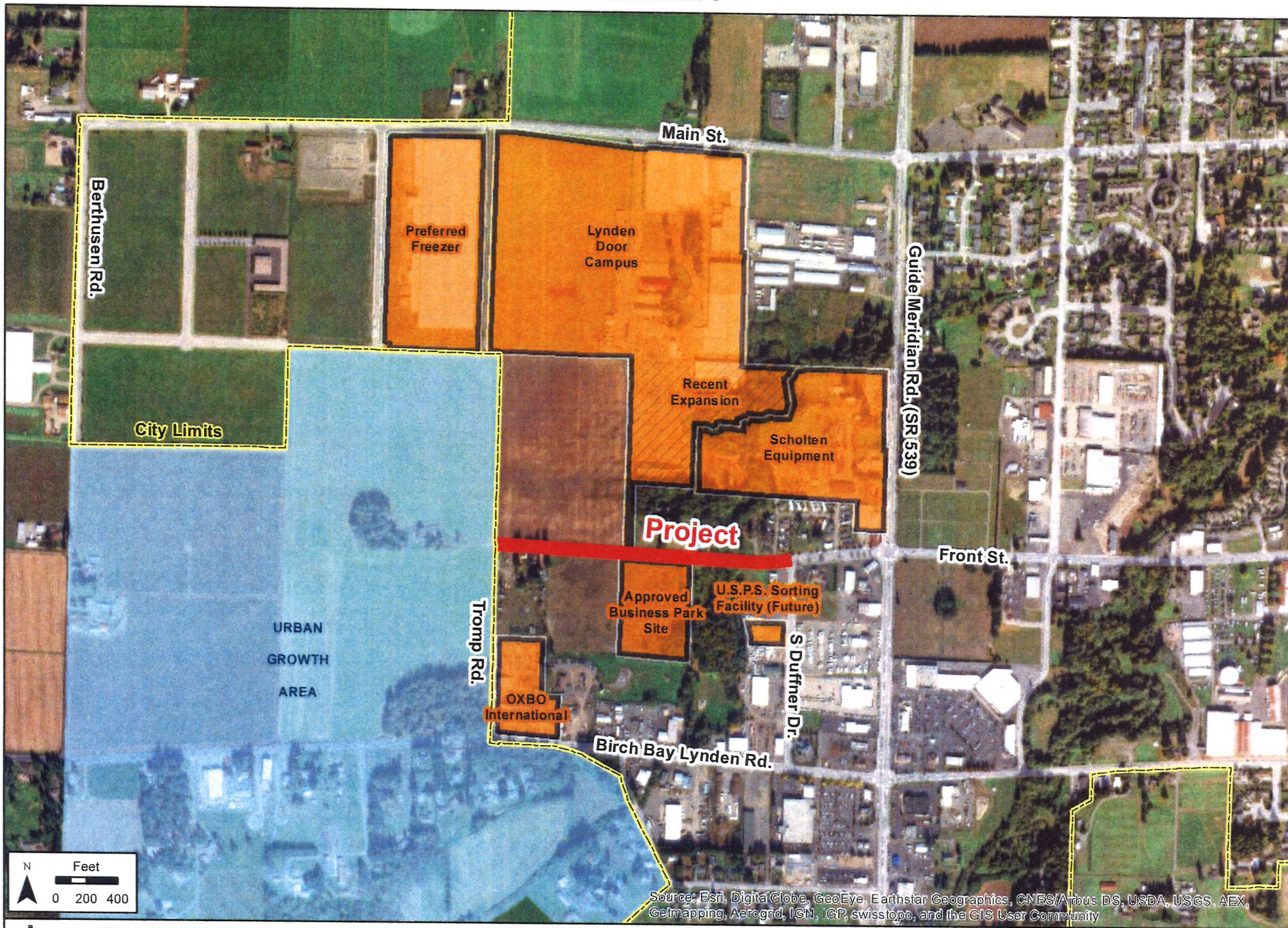
### W. Front Street Arterial Improvement

- Serves over **46** acres of Commercially Zoned property - not just one development.
- About **2000** feet to be improved to all weather road

### Approved Business Park

- About **7** acres (*15% of serviced acreage*)
- About **475** feet of frontage (*less than ¼*)
- Identified in application because it represents "jobs in hand"





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



City of Lynden

The City of Lynden has compiled this information for its own use and is not responsible for any use of this information by others and disclaims any warranty of merchantability or warranty of fitness for any particular purpose, either express or implied. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Lynden as to any claims, damages, liability, losses or suits arising out of such use.

Contact the Whatcom County Assessor's Office (360-676-6790) for the most up to date parcel information.  
 Date: 10/22/2019 Document Path: \\Saturn\GIS\Projects\Public Works\EDI\_Funding\_Requests\Area\_Map.mxd







Satpal Sidhu  
Whatcom county Executive  
311 Grand Avenue Suite 108  
Bellingham, WA  
98225

Executive Sidhu

Re: City of Lynden West Front Street Arterial Improvements EDI Application

I am writing to express support for the City of Lynden's request for EDI funding to improve west Front Street to arterial street standards. It is our understanding that the County Council was not willing to support the use of EDI funds earlier this year, but we would like the Council to reconsider this project for funding. This project will benefit the City by providing needed street and utility infrastructure to encourage businesses like ours to locate and bring jobs to Lynden and Whatcom County.

In 2018/19 we worked with the City to get both west Front Street and Tromp Road Federally classified. This process required not only the support of local agencies and Whatcom Council of Government (WCOG), but also WSDOT in order to obtaining Federal Highways approval. In 2018 the WCOG fully supported the City's request writing:

- "The Regions travel demand model incorporates Front Street west to Tromp Road and forecasts volume increases of over 70% by 2040".
- "More impactful to the volume increases along this road segment are the freight activities generated from this growing industrial and commercial area that feeds the second highest volume activity corridor in the region, *the Guide Meridian* (SR-539).
- "Lynden's preparation for further growth along Front St. necessitates roadway improvements to accommodate".
- "The Whatcom Council of Government, in its capacity as the Whatcom Metropolitan Planning Organization (MPO) fully supports and concurs with the City of Lynden's request for federal functional classification."

WSDOT in its letter of concurrence with the WCOG request wrote "This route will provide safe and efficient passenger and commercial vehicle access to the growing West Lynden Commercial/Industrial area where none currently exist". The approval of this request by Federal Highways fully shows how important this street is.

1.800.530.2746 toll free [www.brimtractor.com](http://www.brimtractor.com)

LYNDEN MT.VERNOY CHEHALIS PACIFIC SALEM EUGENE





We understand that this project was supported by the EDI Board but that the County Council felt this project did not support significant job growth or have broad support from the other property owners on the street. Brim Tractor has property along Front Street and as an abutting owner we see this project as critical infrastructure for our future plans.

Brim Tractor is a major employer in Lynden and Whatcom County and currently employs 63 people with 17 in Lynden and is looking to expand to 28 in Lynden in the next 5 years. We have enjoyed success working in Lynden. We are convinced that with this infrastructure investment other businesses would be interested in locating in this area due to its close proximity to the Canadian Border and to the agricultural community.

We believe this information may not have been available to the County during their previous deliberations. Therefore, we ask that you please reconsider this project and provide the requested \$2M loan and \$1M grant funds to the City of Lynden to complete this street project in 2020.

Kind Regards,

Daniel Brim  
President - Brim Tractor Company

# FRONT STREET STATION

1610 GROVER STREET, SUITE B5  
LYNDEN, WA 98264  
(360) 354-1545

February 28, 2020

Satpal Sidhu  
Whatcom county Executive  
311 Grand Avenue Suite 108  
Bellingham, WA  
98225

Executive Sidhu,

Re: City of Lynden West Front Street Arterial Improvements EDI Application

I am writing to express support for the City of Lynden's request for EDI funding to improve west Front Street to arterial street standards. I was present when the County Council indicated they were not in favor of supporting the use of EDI funds. I believe that the Council should reconsider this project for funding because this is clearly a project that will benefit the City by providing needed street and utility infrastructure to encourage businesses like ours to locate and bring new jobs to Lynden and Whatcom County. There were a number of items which I'm not sure the Finance Committee and full Council considered.

The property owners along Front, Tromp, and Birch Bay Lynden Road, upgraded and installed a looped water system, at no cost to the city. This included extensive work to dig under the Guide. Furthermore, we are gifting easement rights to the city for the new street to be accommodated.

Since 2004 all the properties in the region have made ULID payments for a regional stormwater detention pond built to serve the area. In 2018, the City applied for west Front Street to be federally classified. This process required the support of local agencies, Whatcom Council of Government (WCOG), and WSDOT to obtain ultimate Federal Highways approval. WCOG fully supported the City's request noting in their support letter:

- "The Regions travel demand model incorporates Front Street west to Tromp Road and forecasts volume increases of over 70% by 2040".
- "More impactful to the volume increases along this road segment are the freight activities generated from this growing industrial and commercial area that feeds the second highest volume activity corridor in the region, *the Guide Meridian* (SR-539).
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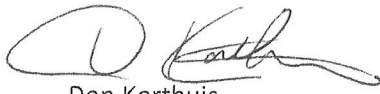
WSDOT in its letter of concurrence with the WCOG request wrote "This route will provide safe and efficient passenger and commercial vehicle access to the growing west Lynden Commercial/Industrial area where none currently exist". The approval of this request by Federal Highways fully highlights the importance of this street.

West Front Street has a number of property owners along the unimproved section in the City's EDI request. Our south side frontage is 475 feet of the total 1,927 street length. The City rightly recognizes that it is best to construct the street as a complete section west to Tromp Road. If I were to construct just my frontage with my development and each subsequent development do the same, the City would end up with a patchwork quilt of varying age and integrity public infrastructure. The added costs to improve my frontage alone would cause the street to end up as patchwork. The City generally collects impact fees on shared streets like this based on the rationale that it is best to construct the entire street segment at one time. The EDI loan makes it financially feasible for the City who will collect future impact fees, property taxes, and sales taxes on development as it occurs to help offset their debt payments on the loan.

We understand that this project had EDI Board support but that the County Council felt this project did not support significant job growth or have broad support from the other property owners on the street. In response, our project, Front Street Station, is expected to employ about 300 people at full build out. We also estimate that our project alone will contribute over \$200,000 annually to the City in new tax revenue. We firmly believe that with the County helping Lynden build this infrastructure, small businesses will locate in Lynden due to its close proximity to the Canadian Border and to the agricultural community providing tax revenue to repay the City's EDI loan.

We believe this information may not have been available or understood by the County Council during its previous deliberations. Therefore, we ask that you please encourage the Council to reconsider this project and provide the requested \$2M loan and \$1M grant funds to the City of Lynden to complete this street project in 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Korthuis". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Don Korthuis





RECEIVED

MAR 04 2020

March 3, 2020

Public Works Dept.

Satpal Sidhu  
Whatcom County Executive  
311 Grand Avenue Suite 108  
Bellingham, WA  
98225

Executive Sidhu,

Re: City of Lynden West Front Street Arterial Improvements EDI Application

I am writing to express support for the City of Lynden's request for EDI funding to improve West Front Street to arterial street standards. It is our understanding that the County Council was not willing to support the use of EDI funds earlier this year, but we would like the Council to reconsider this project for funding. This project will benefit the City by providing needed street and utility infrastructure to encourage businesses like ours to locate and bring jobs to Lynden and Whatcom County.

In 2018/19 we were able to work with the City to get both West Front Street and Tromp Road Federally classified. This process required not only the support of local agencies and Whatcom Council of Government (WCOG), but also WSDOT in order to obtaining Federal Highways approval. In 2018 the WCOG fully supported the City's request writing:

- "The Regions travel demand model incorporates Front Street West to Tromp Road and forecasts volume increases of over 70% by 2040".
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WSDOT in its letter of concurrence with the WCOG request wrote "This route will provide safe and efficient passenger and commercial vehicle access to the growing West Lynden Commercial/Industrial area where none currently exist". The approval of this request by Federal Highways fully shows how important this street is.

We understand that this project was supported by the EDI Board but that the County Council felt this project did not support significant job growth or have broad support from the other property owners on the street. Lynden Door, Inc. through its property holding company has recently acquired additional

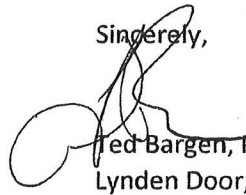
property along West Front Street and as an abutting owner with over 60 acres of property awaiting development, we see this project as critical for our future.

A manufacturing business risks its investment in the cost of buildings and equipment based on future market projections. In the event public infrastructure costs are born solely by the manufacturing company growth can be hampered or delayed.

Lynden Door, Inc. is a major employer in Lynden and Whatcom County and currently employs several hundred people and is looking to expand its employee base in the next 5 years to continue to meet market demands. We have enjoyed success working in the community in this location and produce over 10,000 doors a day shipped to location throughout the western United States. We are convinced that with this infrastructure investment other businesses would be interested in locating in this area due to its close proximity to the Canadian Border and to the agricultural community.

We believe this information may not have been available to the County during their previous deliberations. Therefore, we ask that you please reconsider this project and provide the requested \$2M loan and \$1M grant funds to the City of Lynden to complete this street project in 2020.

Sincerely,



Ted Barga, President  
Lynden Door, Inc.



**RESOLUTION NO. 1019**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF WHATCOM COUNTY ECONOMIC DEVELOPMENT INVESTMENT PROGRAM GRANT AND LOAN FUNDS TO IMPROVE WEST FRONT STREET TO CITY ARTERIAL STANDARDS**

**WHEREAS**, the City identified west Front Street as an impact fee street in the adopted Transportation Element of the 2016 approved Comprehensive Plan; and

**WHEREAS**, the current street between Duffner Ditch and Tromp Road was never constructed to all-weather street standards, is in poor condition, and does not provide for freight mobility or non-motorized use normally associated with commercial activity; and

**WHEREAS**, the City requested and Whatcom Council of Governments (WCOG) recommended adding west Front Street to the list of Federally Classified streets in the County stating that it would "improve safety, efficiency and mobility in this increasingly important commercial industrial section of the City"; and

**WHEREAS**, Washington State Department of Transportation concurred with the WCOG recommendation and whereas Federal Highway Administration (FHWA) approved the addition of west Front Street as an Urban Minor Arterial (route 8169); and

**WHEREAS**, improvements to west Front Street are consistent with the concurrency provisions of the City of Lynden's Capital Facility Plan Element of the Comprehensive Plan; and

**WHEREAS**, Whatcom County has established the Economic Development Investment (EDI) Program which uses a rebate of locally collected sales taxes to finance a revolving loan and grant program to encourage creation or retention of private sector jobs; and

**WHEREAS**, local governments are eligible to apply for EDI funds for the construction and rehabilitation of publicly owned infrastructure including streets and utilities which enable or encourage the creation or retention of private sector businesses and jobs in Whatcom County; and

**WHEREAS**, the improvement of west Front Street is consistent with the criteria of the EDI funding program guidelines and will facilitate the growth of both established and prospective industries and jobs in the area; and

**WHEREAS**, City of Lynden applied for Whatcom County (EDI) Funds to finance west Front Street Arterial Standard improvements and the EDI Board has recommended funding in the form of a twenty-year (20) loan of \$2,000,000 at a 1% interest rate along with a grant of \$1,000,000.

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

Section 1: The Lynden City Council does hereby authorize the application and acceptance of Whatcom County Economic Development Investment (EDI) grant and loan funds to finance the west Front Street Arterial Improvements project and further authorizes the City to enter into an agreement with Whatcom County for project funding.

Section 2: The City agrees that the use of EDI Funds will improve west Front Street to City Arterial Street Standards allowing the full development of commercial business-zoned land to expand along this important corridor.

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 March 2, 2020.

**PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF 7 IN FAVOR AND 0 IN OPPOSITION AND SIGNED BY THE MAYOR THIS 2nd DAY OF MARCH 2020.**

Gary L Bode  
Mayor Pro-Tem Gary Bode

ATTEST:

Pam Brown  
City Clerk Pam Brown

APPROVED AS TO FORM:

Bob Carmichael  
City Attorney Bob Carmichael





*Satpal Singh Sidhu*  
*Whatcom County Executive*



## MEMORANDUM

**TO:** Whatcom County Council members

**FROM:** Satpal Sidhu, County Executive *Satpal*

**RE:** EDI Program - Interlocal Loan and Grant Agreement with  
The City of Lynden

**DATE:** July 1, 2021

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Enclosed is an Interlocal Loan and Grant Agreement between Whatcom County and the City of Lynden for your review and approval.

▪ **Background and Purpose**

On June 15, 2021, the Council adopted the EDI Board's recommendation to provide funding through the EDI Program for the City of Lynden's West Front Street Improvement project.

This loan and grant agreement is being presented to you now for approval. Once approved, we respectfully request your authorization for the County Executive to execute this agreement. The Ordinance with budget authority for this expenditure is simultaneously scheduled for action at the July 13th meeting of the Council.

▪ **Funding Amount and Source**

\$2,000,000.00 will be drawn from the EDI Program's loan and grant program (\$1,333,333 loan and \$666,667 grant), which funding is derived from the Public Utilities Improvement Fund.

Please contact me with any questions or concerns regarding the terms of this agreement.

Enclosure

