

**RESOLUTION NO. 23-1895**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AMENDMENT B TO THE GRANT AGREEMENT WITH THE WASHINGTON DEPARTMENT OF COMMERCE FOR THE LYON CREEK/SR 104 FISH BARRIER REMOVAL PROJECT**

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**WHEREAS**, the City executed a grant agreement with the Washington Department of Commerce (Commerce) in 2018 to provide funding for the City's project to complete several Lyon Creek culvert replacements; and

**WHEREAS**, the scope and schedule of the project described in the original funding agreement has changed to the extent that Commerce requires an amendment to the grant agreement; and

**WHEREAS**, executing the amendment will not change the amount of state funding supporting the City's project or otherwise adversely impact the City's ability to complete the remaining scope of the project;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Lake Forest Park, as follows:

**Section 1. AUTHORIZATION TO EXECUTE AGREEMENT.** The City Council of the City of Lake Forest Park authorizes the Mayor to sign Amendment B to the grant agreement with the Washington Department of Commerce for the Lyon Creek/SR 104 Fish Barrier Removal Project included herewith as Attachment 1.

**Section 2. CORRECTIONS.** The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

**PASSED BY A MAJORITY VOTE** of the members of the Lake Forest Park City Council this 27th day of April, 2023.

APPROVED:

  
Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:



Matthew McLean  
City Clerk

FILED WITH THE CITY CLERK: April 21, 2023  
PASSED BY THE CITY COUNCIL: April 27, 2023  
RESOLUTION NO.: 23-1895

## EXHIBIT A to Resolution 23-1895

Contract Number: 18-96616-110  
Amendment Number: BWashington State Department of Commerce  
Local Government Division  
Local and Community Projects

<b>1. Contractor</b>  City of Lake Forest Park 17425 Ballinger Way NE Lake Forest Park, WA 98155		<b>2. Contractor Doing Business As (optional)</b>	
<b>3. Contractor Representative (only if updated)</b>  Andrew Silvia Senior Project Manager 206-957-2836 asilvia@cityoflfp.gov		<b>4. Commerce Representative (only if updated)</b>  Michael Cady Project Manager 360-628-7076 Fax 360-586-5880 michael.cady@commerce.wa.gov	
<b>5. Original Contract Amount</b>  \$1,164,000.00	<b>6. Amendment Amount</b>  N/A	<b>7. New Contract Amount</b>  N/A	
<b>8. Amendment Funding Source</b>  Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		<b>9. Amendment Start Date</b>  Upon final signature.	<b>10. Amendment End Date</b>  6/30/2025, contingent on reappropriation, 6/30/2023 if funds are not reappropriated
<b>11. Federal Funds (as applicable)</b>  None	<b>Federal Agency</b>  None	<b>CFDA Number</b>  None	
<b>12. Amendment Purpose:</b> <p>The legislature has approved a scope change request to amend the scope of work for the remaining grant funds allocated under Contract Number 18-96616-110 to be used for the right of way acquisition, design, permitting, architecture, engineering, and replacement of the undersized culvert #3 and to restore habitat and remove barriers to anadromous fish passage in upstream reaches of Lyon Creek at the 185th Street crossing.</p> <p>Additionally, the parties desire to extend the grant period of the contract.</p>			
Commerce, defined as the Department of Commerce, and the Contractor acknowledge and accept the terms of this Contract As Amended and have executed this Contract Amendment on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Contract As Amended are governed by this Contract Amendment and all other documents incorporated by reference. A copy of this Contract Amendment shall be attached to and made a part of the original Contract between Commerce and the Contractor. Any reference in the original Contract to the "Contract" shall mean the "Contract as Amended".			
<b>FOR THE CONTRACTOR</b>  _____ Jeff Johnson, Mayor  _____ Date		<b>FOR COMMERCE</b>  _____ Mark K. Barkley, Assistant Director  _____ Date  <b>APPROVED AS TO FORM</b>  _____  _____ Date	

## Amendment

This Contract is amended as follows:

The section of the Face Sheet of the Contract titled "**14. Grant Purpose**" is hereby revised and replaced in its entirety with the following:

The purpose of this performance-based contract is to provide funding for the replacement of an undersized culvert and to restore habitat and remove barriers to anadromous fish passage in upstream reaches of Lyon Creek, as described in Attachment A – Scope of Work (the "Project").

The first four paragraphs of Attachment A to the Contract are hereby revised and replaced in their entirety with the following:

Funds awarded under this grant shall be used by the City of Lake Forest Park for the replacement of an undersized culvert and to restore habitat and remove barriers to anadromous fish passage in upstream reaches of Lyon Creek, located in Lake Forest Park at the NE 185th Street culvert crossing.

This will include, but not be limited to, right of way acquisition, design, permitting, architecture, engineering, and replacement of the undersized culvert as well as stream, habitat, and riparian restoration.

This project will serve as a benefit to the public by facilitating the removal of barriers to native fish passage in upstream reaches of Lyon Creek. The project will restore native habitat, riparian buffer, and stream channel passage, and supports long-term efforts to preserve and restore critical native fish populations.

This project is anticipated to be completed by June 30, 2025.

Costs related to the work will only be reimbursed to the extent the work is determined by Commerce to be within the scope of the legislative appropriation. The "Copyright Provisions", Section 12 of the General Terms and Conditions, are not intended to apply to any architectural and engineering design work funded by this grant.

The section of the Face Sheet of Amendment A titled "**10. Amendment End Date**" is revised to change the contract end date from 6/30/2023 to 6/30/2025, contingent on reappropriation.

**ALL OTHER TERMS AND CONDITIONS OF THIS CONTRACT *INCLUDING ANY AMENDMENTS AND ATTACHMENTS*, REMAIN IN FULL FORCE AND EFFECT.**