

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JANUARY 22, 2008

I CALL TO ORDER

Mayor Louws called to order the January 22, 2008 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Jack Louws; Councilors Doug Adelstein, Gary Bode, Dave Burns, Ron De Valois, Tobey Gelder, Gerald Kuiken, and Nick Laninga.

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Bode seconded that the minutes of the January 7, 2008 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled – Lynden Library Manager Regan Robinson and Whatcom County Library Director Joan Airoidi

Lynden Library Manager Regan Robinson provided Council with the February 2008 library calendar and discussed the library's level of use, approximately 600 people per day, and she spoke about the databases available on their website which now includes small engine repair. She also informed Council that there would be a book sale on February 2, 2008.

Whatcom County Library Director Joan Airoidi provided Council with the Whatcom County Library System Strategic Plan 2008-2012 and reviewed the information it contained. She also discussed the resent surveys they completed.

Councilor Adelstein commented on the excellent customer service provided by library staff.

Mayor Louws thanked Lynden Library Manager Regan Robinson and Whatcom County Library Director Joan Airoidi for their leadership and he thanked their staff for their dedication. He stated that the Lynden Library is an asset to our community. Mayor Louws was thanked in return for his leadership and support.

Unscheduled – None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 46601 through 46617	\$ 111,770.69
Voucher Warrant No. 46618 through 46820	<u>\$ 471,765.70</u>
Total	<u>\$ 583,536.39</u>

Resolution No. 781 – Setting Park Fees for 2008

Councilor Kuiken moved and Councilor Gelder seconded that the Consent Agenda be approved. The motion carried.

IV NEW BUSINESS

Resolution No. 782 – Rescinding Resolution No. 761 and Re-establishing Fees to be Charged for Fire Department Services

On March 19, 2007 Council approved Resolution No. 761 establishing a schedule of charges for services regarding construction and inspections. Attached to Resolution No. 761 was the Council approved schedule of fees. On that schedule, Table I, the fee for Fire Department Plan Reviews for valuations of \$1,000,001 and up is in need of correction.

If approved, Resolution No. 761 will rescind Resolution No. 761 and re-establish the fees schedule, Table I, with the Fire Department Plan Reviews for valuations of \$1,000,001 and up corrected to \$750 plus 0.075% of valuation over 1,000,000.

Councilor Burns moved and Councilor Gelder seconded that Resolution No. 782, Rescinding Resolution No. 761 and Re-establishing Fees to be Charged for Fire Department Services, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

Recommendation for Retail Market Study

The Community Development Committee has solicited proposals to complete a market analysis for Lynden to help reduce the retail leakage and to provide information to assist the community in marketing land use and zoning decisions related to retail development. Three different proposals were sought and reviewed by the Committee. Two of the firms have national retail experience, both on the recruitment side for communities and for site selection for retail developers. The third proposal from the Small Business Development Center lacked experience in either aspect.

Pitney Bowes MapInfo (MapInfo) has the experience, data and background with recruitment, retention and siting national retail stores. Additionally, this company has a more flexible approach, working with the community and existing business to help them expand as well as recruiting a national chain. The firm also has the potential to bundle an on-line site selection software that could be used by the Chamber of Commerce to market the community.

On January 17, 2008 MapInfo made a presentation at the Chamber of Commerce membership luncheon. The reception received at the luncheon was positive, with several members speaking in favor of the project at the conclusion of the presentation.

It was recommended that Council approve the selection of Pitney Bowes MapInfo to complete a market analysis for the City of Lynden and authorize staff to negotiate a contract for the Council's consideration.

Councilor Laninga read a letter that explained his position against spending money on this study.

Councilor Kuiken moved and Councilor Gelder seconded that the selection of Pitney Bowes MapInfo to complete a market analysis for the City of Lynden be approved and that staff be authorized to negotiate a contract for Council consideration. The motion carried 6-1 with Councilor Laninga opposed.

Ordinance No. 1314 – Updating the Rules and Regulations Governing the Administration of the Lynden Municipal Court

The purpose of Ordinance No. 1314 is to update the rules and regulations governing the administration of the Lynden Municipal Court.

Chapter 2.20 of the Lynden Municipal Code currently references Revised Code of Washington (RCW) 35A.20 for statutory provisions on municipal courts. In 1984 RCW 35A.20 was repealed and replaced with RCW 3.50. Proposed Ordinance No. 1314 reflects that change.

Ordinance Nos. 458 and 814 state that, in the absence of the Judge, the Judge's pro-tem shall be appointed by the Mayor with the concurrence of the Council. Due to time constraints, it is not always possible to obtain Council approval prior to the next Court date. Proposed Ordinance No. 1314 states that it will be the responsibility of the Judge to make arrangements for a judge pro-tem. Such judge pro-tem will be qualified according to the provisions of LMC 2.20.020, and approved by the Mayor. Further the salary of the judge pro-tem will be determined by Council.

Ordinance No. 854 states that Court will begin at 1:00 P.M. Due to a tremendous increase in citations, the hours of Court have changed. Proposed Ordinance No. 1314 states Court will be held every other Wednesday beginning at the hour of 9:00 A.M., together with additional times schedule for special or regular sessions as may be request by the Judge or the Council from time to time and with exceptions made for holidays.

Councilor Adelstein moved and Councilor Laninga seconded that Ordinance No. 1314, Amending Ordinance No. 458, 814, 854, Revising Chapter 2.20.040, 2.20.050, and 2.20.070 of the Lynden Municipal Code, and updating the Lynden Municipal Code reference to the Revised Code of Washington’s Statutory Provisions for Code Cities, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried

Award Bid for Guide Meridian Water Main – Project No. 2006-09

The Guide Meridian (SR 539) Watermain Improvement Project No. 2006-09 includes improvements to approximately 3,600 lineal feet of waterline in Lynden on the west side of SR-539, from Bay-Lyn Drive to the Nooksack River Bridge. The work to be performed includes clearing, grubbing, grading, installation of watermain pipes using directional drilling, and asphalt concrete paving.

On Monday, January 14, 2008 Public Works staff received the following bids for this project:

Bidder	Base Bid	Alternate A-1	Total Bid
Colacurcio Brothers Construction	\$444,370.62	\$11,869.80	\$456,240.42
Friberg Construction	\$476,717.18	\$13,008.00	\$489,725.18
Callen Construction	\$499,164.66	\$19,186.80	\$518,351.46
Wilder Construction	\$512,718.99	\$16,260.00	\$528,978.99
Soto & Sons Construction	\$637,928.58	\$14,634.00	\$652,562.58
Tiger Construction	\$673,260.53	\$16,045.37	\$689,305.90
Larry Brown Construction	\$690,863.71	\$14,634.00	\$705,497.71
Stremler Gravel, Inc.	\$677,825.47	\$30,894.00	\$708,719.47

Reichhardt & Ebe Engineering certified that the low bidder is Colacurcio Brothers Construction, in the amount of \$456,240.42 (including sales tax). This bid is \$286,107.71 below the engineer’s estimate for this project.

Councilor Bode moved and Councilor De Valois seconded that the contract for the Guide Watermain Project be awarded to Colacurcio Brothers Construction in the amount of \$456,240.42 and that the Mayor be authorized to sign the contract. The motion carried.

IV EXECUTIVE SESSION

Council went into Executive Session at 7:46 P.M. to discuss legal issues. It was anticipated that the Executive Session would last approximately 15 minutes and that action will not likely be taken following the session. Council came out of Executive Session at 8:00 P.M.

V ADJOURNMENT

The January 22, 2008 regular session of the Lynden City Council adjourned at 8:01 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor