

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

SEPTEMBER 4, 2007

I CALL TO ORDER

Mayor Jack Louws called to order the September 4, 2007 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, Finance Director Teresa Camfield, Planning Director Amy Harksell, 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 Kuiken moved and Councilor De Valois seconded that the minutes of the August 20, 2007 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled

Mr. Jim Bouma, 8389 Double Ditch Road, Lynden appeared before Council and stated his support for the rebuilding of 17th Street where the culvert collapsed. He also inquired as to the progress being made to extend 17th Street to Main Street. Mayor Louws provided Mr. Bouma and Council with an update on the condemnation process as it relates to the Timmerman property which is necessary to continue 17th Street to Main Street.

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 12523 through 12578

\$ 399,840.23

Request to Surplus Equipment – Public Works Department

Councilor De Valois moved and Councilor Bode seconded that the items on the Consent Agenda be approved. The motion carried.

III PUBLIC HEARING

Intent to Annex South Front Street

We have had an “island” of property considered to be a part of Whatcom County within the city limits. Properties south of Front Street between 1019 and 1225 Front Street have a portion of their property outside of the City limits. For a number of years we have run into minor issues when an individual needs a building permit or wants to burn. The dual boundary causes some confusion as property owners and City staff work through the permit process. Additionally, it has been discovered that the City has certain utility lines that are outside of the City limits.

While there are a number of circumstances where this occurs, those utilities are generally within a public right-of-way, not on private property.

The residents of the annexation area had the opportunity to comment in June about the proposal and will have an additional opportunity at this hearing. The primary concerns at the previous hearing regarded the ability for the properties to be developed once they were annexed.

Mayor Louws opened the Public Hearing at 7:08 P.M.

Speaking in favor: None.

Speaking against: Mrs. Gladys Cook appeared before Council and asked if the City had any plans for the properties being annexed into the City. Mayor Louws stated that development of the properties would be at the discretion of the property owners, not the City.

Discussion:

Council discussed several of the issues surrounding this annexation such as cleaning up property lines; the majority of the current homeowners who do not want the property annexed and their rights; jurisdictional issues for police and fire/rescue; setbacks for driveways and easements; conservation easements; one set of rules and regulations for all citizens; and the homeowners right not to sell their property to parties interested in developing it.

Councilor De Valois moved and Councilor Adelstein seconded that the Public Hearing be closed. The motion carried.

The Public Hearing closed at 7:27 P.M.

Councilor De Valois moved and Councilor Bode seconded that the annexation be approved and that staff be authorized to prepare the final documents to complete the annexation. The motion carried 6-1 with Councilor Laninga voting against.

Mayor Louws thanked Mrs. Cook for attending the meeting.

IV NEW BUSINESS

Introduction of a 2007 Budget Amendment

As required by State regulations, the Finance Department introduced a proposed amendment to the 2007 Budget. The amendment reflects Council's authorized transactions and will modify Fund 114 – Employee Liability, Fund 222 – City of Lynden Note Redemption Fund-B, Fund 317 – Sewer Main Extension, and Fund 420 – Airport.

Whatcom County Economic Development Investment Program Grant and Loan Agreement

This agreement defines and implements the Economic Development Investment (EDI) program loan and grant that was recommended by the Economic Development Council (EDC), and approved by the Whatcom County Council for the Lynden improvements to Main Street west of the Guide Meridian and the utility corridor from Birch Bay Lynden Road to Main Street along the Tromp Road right-of-way and easements. The grant is in the amount of \$970,952, and the loan is in the amount of \$1,941,905, for a total of \$2,912,857 to assist in these projects.

On June 18, 2007, the Lynden City Council authorized the application for this funding assistance, and the application was prepared by Planning Director Amy Harksell and Public Works Director Duane Huskey. The EDC considered the application and received a presentation at its July 26, 2007 meeting, where it received a unanimous recommendation for approval. The County Council considered the application at its August 7, 2007 meeting and approved it unanimously as well.

Councilor Bode moved and Councilor Adelstein seconded that the Economic Development Investment Program Interlocal Loan and Grant Agreement be approved and that the Mayor be authorized to sign said document. The motion carried.

Mayor Louws thanked City Administration Bill Verwolf, Finance Director Teresa Camfield, Planning Director Amy Harksell, and Public Works Director Duane Huskey for their work. Councilor Adelstein thanked Mayor Louws for his work on the project.

Award Construction Contract for Main Street (West of Guide Meridian) Project

The Main Street (West of Guide Meridian) Improvement Project, Project 2005-11, will rebuild approximately 2,450 lineal feet of West Main Street. Work will include excavating; grading; installing storm drainage conveyance; installing water mains; installing sanitary sewer main; placing gravel base; installing curb, gutter and sidewalk; hot mix asphalt paving; and other work.

The following bids were received on August 22, 2007.

Bidder	Schedule A	Schedule B	Schedule C	Total
Wilder Construction	1,703,979.80	181,940.73	321,362.64	2,207,283.17
Ram Construction	1,759,575.00	183,310.90	319,064.56	2,261,950.46
Colacurcio Bros.	1,757,641.00	159,080.25	500,092.56	2,416,813.81
Friberg Construction	1,844,085.50	178,765.69	438,060.66	2,460,911.85
Strider Construction	1,903,476.00	112,492.10	448,748.90	2,464,717.00

The engineer’s estimate totaled \$2,171,586.30.

The Washington State Department of Transportation has reviewed the bid tabulation and has concurred with the recommendation of award.

Councilor Bode moved and Councilor Laninga seconded that the contract for the Main Street (West of Guide Meridian) Improvement Project be awarded to Wilder Construction in the amount of \$2,207,283.17 and that the Mayor be authorized to sign the agreement. The motion carried.

Award Contract for Tromp Road Utilities Project

The Tromp Road Utilities Improvement Project includes the installation of approximately 4,500 lineal feet of storm drain line and 4,000 lineal feet of sanitary sewer line. Project limits begin at the intersection of Birch Bay-Lynden Road and Tromp Road and extend northerly along the Tromp Road alignment approximately 4,000 feet to Main Street.

The following bids were received on August 29, 2007.

Bidder	Schedule A	Schedule B	Total
	<u>Civil Items</u>	<u>Sanitary Sewer & Water Mains</u>	
Ram Construction	1,280,256.00	344,229.62	1,624,485.62
Friberg Construction	1,341,299.00	330,218.92	1,671,517.92
Callen Construction	1,393,739.00	402,071.86	1,795,810.86
Colacurcio Bros. Const.	1,408,905.00	436,505.12	1,845,410.12
Wilder Construction	1,576,866.00	403,941.76	1,980,807.76

The engineer’s estimate totaled \$1,572,747.40.

Councilor Bode moved and Councilor Gelder seconded that the contract for the Tromp Road Utilities Improvement Project be awarded to Ram Construction, the lowest responsible bidder, in the amount of \$1,624,485.62, and that the Mayor be authorized to sign the agreement. The motion carried.

Personnel and Salary Increase Request for Public Works

Maintenance Journey Position – Public Works Systems – Job interviews are currently being conducted for the Maintenance Journey position with the systems division of the Public Works Department. Advertising for this position was prompted by the fact that Maintenance Journey Gerald Van Loo will be retiring at the end of September, 2007.

Additionally, staff is requesting permission to hire a second maintenance journey employee from the group of qualified candidates. The salary for the second Maintenance Journey position

would be reallocated from the vacant Systems and Operations Supervisor position; therefore there would be no budget impact. The duties assigned to the Systems and Operations Supervisor position has already been absorbed by other personnel. Therefore, staff is requesting permission to hire two Maintenance Journey employees, one to replace Maintenance Journey Van Loo and one from the reallocated position.

Engineering Technician – Early this year the Public Works Department advertised for an Engineering Technician (with a salary range of \$3,260 to \$3,585). However, the City did not receive any applications from well qualified candidates. After reviewing job requests from other cities and counties in the region, it appears that the position advertised was undervalued by \$100 per month. In order to be more competitive in recruiting qualified individuals, staff believes it is in the best interest of the City to increase the salary of this position by \$100.00 per month. This is another position that was reallocated from the Systems and Operations Supervisor position; therefore there would be no budget impact in 2007. The actual budget impact would not occur until 2008, since the position has been vacant for one-half of this year.

Councilor Bode moved and Councilor Gelder seconded that staff be authorized to hire two Maintenance Journey positions and that the request to increase the annual salary for the Engineering Technician by \$100.00 per month be approved. The motion carried.

OTHER

Street Closure Request – Lynden Chamber of Commerce

The Lynden Chamber of Commerce requested a temporary street closure. Peoples Bank is once again hosting a Chamber “After Hours” event at their Grover Street complex. On behalf of Peoples Bank, the Chamber is requesting that 5th Street north of Grover and south of the alley be closed to traffic from 2:30 PM to 7:00 PM on Thursday the 13th of September.

Councilor Kuiken moved and Councilor Bode seconded that the request to close 5th Street north of Grover and south of the alley between 2:30 PM – 7:00 PM on September 13, 2007 be approved. The motion carried.

Meeting with Representative Doug Ericksen

Council, Mayor Louws, and City Administrator Bill Verwolf were invited to meet with Representative Doug Ericksen on September 11, 2007 at the City Hall Annex at 10:30 AM to discuss strategies for 2008.

Councilor Bode moved and Councilor De Valois seconded that a Special Council meeting be held in order to meet with Representative Ericksen and that notices of the meeting be distributed as required by State law. The motion carried.

Benson Road Improvement

Public Works Director Duane Huskey provided Council with an update on the progress made to improve drainage conditions along Benson Road. Mayor Louws stated his frustrations in regards to the resistance they have encountered in working with the Department of Wildlife, Fisheries, and Parks.

North County Community Alliance

Mr. Craig Mayberry, 8794 Northwood Road, Lynden, appeared before Council to discuss their earlier request that the City of Lynden consider joining in their complaint for Declaratory Relief, Injunction and Mandamus, in District Court in regards to the Nooksack Tribe’s Northwood Crossing Casino. Mr. Mayberry stated that they are not requesting any financial assistance with the case.

Mr. Don Kooy, 213 Maberry Drive, Lynden, appeared before Council and shared his concerns regarding the research he has conducted which involves the deterioration of cities near casinos. He stated that he supports the City in joining this lawsuit.

Councilor De Valois moved and Councilor Kuiken seconded that Council move into Executive Session. The motion carried

V EXECUTIVE SESSION

Council went into Executive Session at 8:00 P.M. to discuss legal issues. It was anticipated that the Executive Session would last approximately 15 to 20 minutes and that action may be taken following the session. Council came out of Executive Session at 8:30 P.M.

North County Community Alliance Legal Action

City Attorney Carmichael discussed with Council their legal options regarding the lawsuit. Council discussed the unconventionality of a City participating in a private party lawsuit, different ways in which the City could show its support for this action, the impact the Northwood Crossing Casino will have on our waterways, and the effects of a nearby casino on not only a city but on its residents as well.

Councilor Adelstein moved and Council Laninga seconded that the City of Lynden join the lawsuit filed by the North County Community Alliance (NCCA) against the National Indian Gaming Commission and the Department of Interior as co-plaintiff in one of two ways; by filing a motion to join the lawsuit or by filing a an amendment to the current complaint including the City and a co-plaintive, to be determined by Administration and the City Attorney. The motion carried.

VI ADJOURNMENT

Councilor De Valois moved and Councilor Bode seconded that the meeting be adjourned. The motion carried.

The September 4, 2007 regular session of the Lynden City Council adjourned at 9:00 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor