

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

September 8, 2009

## I CALL TO ORDER

Mayor Jack Louws called to order the September 8, 2009 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 Gary Bode, Dave Burns, Ron DeValois, Tobey Gelder, Jerry Kuiken, Nick Laninga, and Larry Tremaine.

Members absent: None

Staff present: Fire Chief Gary Baar, Finance Director Teresa Camfield, Police Chief Jack Foster, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks Director Vern Meenderinck, Senior Administrative Assistant Heather Sytsma and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

## APPROVAL OF MINUTES

*Councilor Kuiken moved and Councilor DeValois seconded that the minutes of the August 17, 2009 Regular Council Sessions be approved. The motion carried.*

## APPROVAL OF PAYROLL

### Approval of Payroll

**Direct Deposits, Draws and Warrants No. 13947 through 14004            \$439,698.21**

*Councilor Gelder moved and Councilor Laninga seconded that the payroll be approved. The motion carried.*

## ITEMS FROM THE AUDIENCE

**Scheduled** – Ms. Mary Michaelson – Judson Statue Update

Ms. Michaelson appeared before Council and updated everyone on the fundraising efforts for the Judson Statue. She requested that signs be placed near the future park to notify the public of the fundraising efforts. Mayor Louws directed her to contact the Parks Committee for a formal request. Mayor Louws thanked Ms. Michaelson for all her efforts.

**Unscheduled** - None

## II NEW BUSINESS

### Introduction of a 2009 Budget Amendment

As required by State regulations, Finance would like to introduce a proposed amendment to the 2009 Budget. The amendment reflects Council authorized transactions. The following fund needs to be modified: Fund 356 Parks Capital Reserve. The Finance Committee reviewed this 2009 budget amendment introduction and ordinance at their meeting on September 8, 2009.

### Resolution No. 807 – A Resolution Amending Resolution 425 Authorizing a Procedure for Securing Telephone and/or Written Quotations from Vendors

RCW 35.23.352 provides that advertisement and competitive bidding may be dispensed with as to purchasing of supplies, materials, or equipment between \$7,500 and \$15,000 if a

procedure is established for securing quotations from enough vendors to assure competitive pricing.

In October, 1988, Council passed Resolution No. 438. When reviewing Resolution 438, it was noticed that this resolution needed to be updated. The sections updated were:

1. Deleted City Clerk, Public Works Director, Utility Superintendent with verbiage of authorized employee;
2. Added “and will be documented” to 1 (c) at end of sentence;
3. Deleted 1 (d), tabulation of information not required to be on Treasurer’s form.

Proposed Resolution No. 807 will update the existing resolution as noted above.

The Finance Committee reviewed this resolution at its committee meeting on September 8, 2009.

***Councilor Gelder moved and Councilor Tremaine seconded that the Council approve Resolution No. 807 as presented and authorized the mayor’s signature on the Resolution. The motion carried.***

**Request for Authorization to Change Financial Institutions for Municipal Court Trustee Account**

After a review of banking services offered presently to the City of Lynden Municipal Court Trustee Account and the need to increase efficiencies and lower costs, the recommendation is being made to close the existing account at Bank of America and establish a new account at Peoples Bank, Main Branch. The result is that by doing so, the court account would be at the same financial institution as other City accounts.

This proposal has been reviewed by the City Administrator and court personnel. They support this recommendation.

The Finance Committee reviewed this recommendation at its committee meeting on September 8, 2009.

***Councilor Gelder moved and Councilor Laninga seconded that the Council approve the closure of the City of Lynden Municipal Court Trustee Account at Bank of America and authorize the Finance Director to establish the same type of account at Peoples Bank, Main Branch. The motion carried.***

**Briefing Regarding Urban Growth Area Proposal**

Executive Pete Kremen has issued his recommendation to the Whatcom County Council regarding urban growth areas and amendments to the County’s Comprehensive Plan. Below is a summary of the changes recommended by the Executive to Lynden’s proposal:

	Pop Growth	Total 2031 Pop	Acres of Expansion
City Proposal	7,414	19,027	326
Executive Recommendation	3,559	16,159	151
Difference		2,868	175

Planning Director Harksell stated that, with the Whatcom County Council’s decision to scale back the urban growth area for Lynden, the City loses 2,800 people for future planning purposes. This equates to approximately \$15.9 million in lost revenue.

**Grant Agreement with Washington State Department of Ecology for Shoreline Master Plan Update**

State law requires that the City of Lynden update its Shoreline Master Program by December 1, 2011, and will provide the City with up to \$50,000 over the 2009-2011 biennium to complete the project. The City will retain a portion of the grant funding to cover project management and administration costs for the project.

The Community Development Committee has reviewed the scope of work.

***Councilor Kuiken moved and Councilor Gelder seconded that the Council approve the Grant Agreement with the Washington State Department of Ecology for the City's Shoreline Master Program Update and authorize the Mayor's signature on the agreement. The motion carried.***

#### **Approval of Professional Services Contract with Whatcom Environmental Services for the Shoreline Master Program Update**

State law requires that the City of Lynden update its Shoreline Master Program by December 1, 2011, and will provide the City with up to \$50,000 over the 2009-2011 biennium to complete the project. The City will retain a portion of the grant funding to cover project management and administration costs for the project.

At the August 3<sup>rd</sup> meeting, the City Council authorized staff to negotiate a scope of work and contract with Whatcom Environmental Services to complete the work required by the Department of Ecology (DOE). The scope of work included in the draft contract is REQUIRED by the DOE to complete this project and has been approved by the local project manager. The Community Development Committee has reviewed the scope of work.

***Councilor Kuiken moved and Councilor Bode seconded that the Council approve the Professional Services Agreement with Whatcom Environmental Services as lead consultant for the City's Shoreline Master Program Update for a cost not to exceed \$47,100 and authorize the Mayor's signature on the agreement. The motion carried.***

#### **Ordinance No. 1362 – Drug and Alcohol Assessment**

Currently there is no availability of funding for investigations related to the sale, or possession for sale, of illegal drugs and narcotics in the City of Lynden. Any potential enforcement action regarding information from informants or covert investigations must be completed by an outside law enforcement agency with assistance from the Lynden Police Department.

The Police Department currently holds confidential information on the use and sale of illegal substances from residences within the city limits and the ability to follow-up and investigate is significantly restricted by the lack of available funds and specialized equipment.

The adoption of a new city ordinance would allow the Municipal Court to assess up to \$100.00 on defendants convicted of drug and alcohol offenses. This would produce the availability of revenue, at no cost to the city, to support investigations by the Police Department into the use and sale of illegal substances within the City of Lynden.

***Councilor Burns moved and Councilor Tremaine seconded that the Council approve the Drug and Alcohol assessment and authorize the Mayor to sign Ordinance No. 1362. The motion carried.***

#### **Contract Award for 14<sup>th</sup> Street Reconstruction Project No. 2008-11**

The 14<sup>th</sup> Street Reconstruction Project No. 2008-11 provides for the reconstruction of 14<sup>th</sup> Street, from Main Street to the 14<sup>th</sup> Street Bridge; and the reconstruction of 14<sup>th</sup> Street, from the bridge to the intersection of Glenning Street and B.C. Avenue. This work includes the replacement of 1,100 linear feet of sanitary sewer, 1,300 feet of water main, and replacement of existing pavement, curb, sidewalk and storm drainage.

Bids were opened at 1:00 p.m. September 3, 2009, and the bid tabulation was forwarded to the Public Works Committee for their review. Per direction of the Committee at their August 19<sup>th</sup> meeting, if the lowest responsive bid came in under the engineer's estimate of \$960,000.00, recommendation to award the contract was to be forwarded to the full City Council. This is in order to expedite work on the project. However, if bids came in higher than the engineer's estimate, the Committee would discuss the bids at their September 9<sup>th</sup>

meeting. The low responsive bid was submitted by Stremler Gravel in the amount of \$869,518.75, including tax.

As this project is financed in part by federal funds, the Washington State Department of Transportation (WSDOT), acting as the Certified Authority (CA), must concur that the low bid meets all federal requirements.

Public Works Director Huskey stated that the City has received authorization from Washington State to award the bid to Stremler Gravel. He stated that the City has received a formal protest from Tiger Construction citing that Stremler Gravel failed to sign the bid bond associated with this project. Huskey stated that the bid was responsive under WSDOT determination.

City Attorney Carmichael stated that he would advise the City to follow the State Attorney General's recommendation.

***Councilor Bode moved and Councilor DeValois seconded that Council award the contract for the 14<sup>th</sup> Street Reconstruction Project No. 2008-11 to Stremler Gravel in the amount of \$869,518.75, including tax, and authorize the Mayor's signature on the contract. The motion carried.***

### **III EXECUTIVE SESSION - Cancelled**

### **IV ADJOURNMENT**

The September 8, 2009 regular session of the Lynden City Council adjourned at 7:42 P.M.

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Heather Sytsma, Senior Admin. Assistant

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Jack Louws, Mayor