

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



September 8, 2020

1. CALL TO ORDER

Mayor Korthuis called to order the September 8, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengtholt, and Mark Wohlrab.

Members absent: None

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor Wohlrab moved and Councilor Strengtholt seconded to approve July 22, 2020 special council meeting, and August 17, 2020 regular council minutes as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Unscheduled- None

2. CONSENT AGENDA

Approval of Payroll Disbursed – August 16 through August 31, 2020

Paychex EFT	\$292,056.13
City of Lynden EFT.....	\$65,007.60
Warrant Liability	\$65,162.52
Subtotal	\$422,226.25
Paychex EFT Liability	\$8,152.16
Total EFT & Other Liabilities	\$430,378.41

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Approval of Claims – September 8, 2020

Manual Warrants No.	=	through	=		\$00.00
EFT Payment Pre-Pays					\$1,881.92
				Sub Total Pre-Pays	\$1,881.92
Voucher Warrants No.	<u>20108</u>	through	<u>20145</u>		\$84,858.97
EFT Payments					<u>\$0.00</u>
				Sub Total	\$84,858.97
				Total Accts. Payable	\$86,740.89

Resolution No. 1025-Request to Cancel Warrant #75054

RCW 39.56.040 states that any registered or interest-bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation. Upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as if such warrants had never been issued. Warrant No. 75054 has not and will not be presented for payment and should be canceled.

Berthusen Park Restroom Project Contract Award

Staff recently solicited bids for the Berthusen Park Restroom Project. One bid was received from Tiger Construction, Ltd. on August 20, 2020. Reichhardt and Ebe Engineering (R&E) prepared the attached Bid Tabulation.

After review, R&E determined Tiger Construction's bid to be both responsive and responsible. R&E recommends that the contract be awarded to Tiger Construction, Ltd. in the amount of \$119,996.10, which includes Washington State Sales Tax.

The Parks Committee was advised of the bid results and supported awarding the contract to Tiger Construction, Ltd., as their bid was both responsive and responsible. The Committee concurred that the bid results could be forwarded directly to City Council after informing them of the results.

Award Contract for Airport Pavement Maintenance Project

Staff recently solicited small works contract bids for the Airport Pavement Maintenance Project, which is 95% funded through a WSDOT Aviation grant. A single bid was received



from CR Contracting, LLC on September 2, 2020. Precision Approach Engineering prepared the attached Bid Tabulation which compares the bid with the Engineer's Estimate.

After review, Precision Approach Engineering determined CR Contracting, LLC bid to be both responsive and responsible. Precision Approach Engineering recommends that the contract be awarded to CR Contracting, LLC in the amount of \$103,309.02 which includes Washington State Sales Tax.

The City Council previously approved Resolution 1020 authorizing acceptance of WSDOT grant funding. Because of COVID-19, the WSDOT grant award was delayed. Staff is bringing this 2020 budgeted project directly to City Council intending to allow the contractor to complete the work before the end of summer.

Councilor Kuiken moved and Councilor Laninga seconded to approve the Consent Agenda. Motion approved on 7-0 vote

3. PUBLIC HEARING

Ordinance No. 1607 – Extension of the Pepin Creek Moratorium

The Pepin Creek moratorium has been in place since September of 2016. It was established in recognition of significant constraints associated with what is now known as the Pepin Creek Subarea.

Earlier this year the City Council approved the Pepin Creek Sub-Area Plan that addresses circulation, open space and assigned land use and zoning within the area. Because of the significant infrastructure improvements associated with the creek re-alignment the Council has recognized that work must be undertaken in a phased approach. Given this approach, the engineering team, Public Works, and Planning departments are developing a revised creek re-alignment plan which decreases the overall infrastructure cost.

Using revised engineering estimates and final unit counts associated with the revised approach, City staff and a consultant team are developing a strategy for the financial assessment. Results of the assessment conclusions will be used to define the next steps toward lifting the moratorium on development. Conclusions and recommendations will be brought to the City Council a little later this Fall.

Mayor Korthuis opened the Public Hearing at 7:04 p.m.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Ryan Kent, 162 Rosemary Way, Lynden

Did not speak in opposition of Ordinance No.1607 but did say if the moratorium was not lifted by Spring his clients may not be able to move forward with their project.

Mayor Korthuis closed the Public Hearing at 7:04 p.m.

Councilor Lenssen moved and Councilor Bode seconded to approve Ordinance 1607 extending until March of 2021 the existing moratorium of development on those properties previously identified within the Pepin Creek Sub-area and authorize the Mayor's signature on the document. Motion approved on 7-0 vote.

4. UNFINISHED BUSINESS - None

5. NEW

Contracted Special Counsel for Upcoming Land Use Hearings

Pending land use applications and a subsequent appeal to staff's determination on the environmental review has warranted the need to provide special counsel to the City's Planning Commission.

Jon Sitkin, of Chmelik Sitkin & Davis, has been selected to provide counsel to the Planning Commission. Mr. Sitkin has represented the Commission on previous occasions. Brad Furlong, of Buri Funston Mumford Furlong, has been selected to provide counsel to the City Council.

Councilor Lenssen moved and Councilor De Valois seconded to accept the engagement letters associated with the Special Counsel for the Planning Commission and the City Council. Motion approved on 7-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab reporting for the Public Safety Committee which involved discussion of:

- Lynden Watch
- Fire Department OT reports
- Fire Department remodel going well
- Police Department monthly report

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



- Request for City to issue a statement regarding racial equality
- 5th Medic Unit possibility that it is coming to Lynden

Councilor Lenssen voiced his support of the Lynden police department and has no interest in de-funding that department. He also encourages those in the public that wish to communicate with the city council and administration to not use social media as a means of having the initial conversation. He asked for feedback from the council as to whether the city should make a statement and what that statement should look like.

Councilor Strengtholt asked whether the decision to issue a statement was made by the Public Safety Committee or the Council of the Whole? Mayor Korthuis responded that it was asked of the administration at a Public Safety Committee. A statement was routed around to Council, but it did not happen quickly, and before council had consensus it became a demand on social media.

Council members agreed to bring a statement to the next council meeting for consideration.

Council Lenssen thanked the PW department for finishing the sidewalk on Benson Road, stating that it is a great asset to that neighborhood. He also suggested that the city consider a sidewalk on either side of Northwood Road.

7. EXECUTIVE SESSION

Council recessed into executive session at 7:44 p.m. to discuss a matter of potential litigation. It was anticipated that the executive session would last approximately 15 minutes total and that a decision would not be made.

The Council meeting reconvened at 7:59 p.m.

8. ADJOURNMENT

The September 8, 2020 regular session of the Lynden City Council adjourned at 7:59 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor