

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



June 1, 2020

### 1. CALL TO ORDER

Mayor Korthuis called to order the June 1, 2020 regular session of the Lynden City Council at 7:00 p.m. through an online web-based meeting platform (Microsoft Teams).

### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors Gary Bode, Ron De Valois, Jerry Kuiken, Brent Lenssen, Kyle Strengholt, and Mark Wohlrab.

***Councilor Laninga joined the online meeting at 7:20 p.m.***

Members absent: None

Staff present: Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Steve Banham, City Clerk Pam Brown, and City Administrator Mike Martin.

**OATH OF OFFICE- None**

### APPROVAL OF MINUTES

***Councilor Strengholt moved and Councilor Kuiken seconded to approve the regular council minutes of May 18, 2020. Motion approved on a 6-0 vote.***

### ITEMS FROM THE AUDIENCE

**Scheduled: None**

**Unscheduled- None**

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## 2. CONSENT AGENDA

### Approval of Payroll Disbursed – May 16-31, 2020

Paychex EFT .....	\$275,718.76
City of Lynden EFT.....	\$51,812.87
Warrant Liability .....	\$59,492.58
<b>Subtotal</b>	<b>\$397,024.21</b>
Paychex EFT Liability	\$7,609.24
<b>Total EFT &amp; Other Liabilities</b>	<b>\$404,633.45</b>

### Approval of Claims – June 3, 2020

Manual Warrants No.	<u>75446</u>	through	<u>75446</u>		\$1,012.91
EFT Payment Pre-Pays					\$882,978.79
				Sub Total Pre-Pays	\$883,991.70
Voucher Warrants No.	<u>75447</u>	Through	<u>75481</u>		\$144,232.99
EFT Payments					<u>\$0.00</u>
				Sub Total	\$144,232.99
				Total Accts. Payable	<b>\$1,028,224.69</b>

### Whatcom County Jail Use Agreement, Amendment #2

Extension of the current Jail Use Agreement through June of 2022. There was no material change in terms, just an extension of the current agreement that expires June 30, 2020.

### Re-schedule Public Hearing for Resolution No. 1023- Six Year Transportation Improvement Plan

A June 1, 2020 Public Hearing was set at the May 18, 2020 council meeting to hear comments on the city's Six Year Transportation Improvement Program (STIP) 2021-2026. Due to an oversight, the required deadline for requesting publication in the local newspaper was missed. Therefore, the city is required to re-schedule the Public Hearing for June 15, 2020 at 7:00 p.m. to be held at the city's annex building located at 205 4<sup>th</sup> Street.

***Councilor Kuiken moved and Councilor Bode seconded to approve the Consent Agenda. Motion approved on a 6-0 vote.***



### 3. PUBLIC HEARING- None

### 4. UNFINISHED BUSINESS- None

### 5. NEW BUSINESS

#### 17<sup>th</sup> Street Extension Project Contract Award

Staff recently solicited bids for the 17th Street Extension Project. Eight bids were received on May 21, 2020. Reichhardt and Ebe Engineering (R&E) prepared the Bid Tabulation. After review, R&E determined Tiger Construction to be the lowest bidder. However, Tiger failed to provide a subcontractor list within an hour of the bid opening.

Per City attorney Carmichael's review, "Failure to include the subcontractor list with the bid or within one (1) hour after the published bid submittal time, is not an immaterial irregularity. In fact, a bid for a project exceeding one million dollars without a subcontractor list is void. The pertinent language in RCW 39.30.060(1) reads as follows: "Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void." Hence, Tiger Construction's failure to timely submit its subcontractor list with its project bid (which exceeds one million dollars), renders its bid void by operation of law. The City has no choice but to award the contract to the next lowest bidder."

The Public Works Committee was advised of this issue and supported awarding the contract to Stremler Gravel, the lowest responsive and responsible bidder. The Committee concurred that the bid results could be forwarded directly to City Council after informing them of the results.

***Councilor Bode moved and Councilor De Valois seconded that the city council award the contract for the 17<sup>th</sup> Street Extension Project to Stremler Gravel in the amount of \$1,581,269.48, including tax, and authorize the mayor to sign the contract. Motion approved on a 7-0 vote. Councilor Laninga was in attendance for this vote.***



## 6. OTHER BUSINESS

### Gary Vis, Director Lynden Chamber of Commerce

Lynden Chamber of Commerce Director Gary Vis provided council with an economic status update as it relates to the city's business community. Mr. Vis spoke to the following:

- Businesses designated as essential have financially done well throughout COVID-19.
- General retail businesses have had mixed success with those that had an online presence doing better than others.
- Hardware businesses that sell plants have done well.
- Restaurants continue to struggle and there is concern around restrictions around occupancy restriction.
- Some businesses have not yet opened and are waiting for Whatcom County to go into Phase II.
- A couple of businesses have closed permanently.

Mr. Vis then asked council to consider the following requests:

- Will the city allow alcoholic beverages to be consumed outside in the designated picnic table area?
- Will the city allow police officers to perform extra patrols to ensure that the picnic tables area is safe and secure?
- Will the city allow fitness businesses to use the city's park space to conduct outdoor fitness classes with the understanding that there will be 5 attendees pers instructor?

Council will take the alcohol issue to the Public Safety committee and Chief Taylor has agreed to check with LCB concerning consumption of alcohol and extra patrols for the picnic table areas.

***Councilor De Valois moved and Councilor Laninga seconded to waive all city Park fees until July 6, 2020 and to allow commercial fitness classes to be held at Bender Fields between the hours of 7:00 a.m. to 8:00 p.m. Motion approved on a 7-0 vote.***

***Mayor Korthuis asked council if they wanted to move forward with the letter to Governor Inslee or would they rather wait to see if Whatcom County is granted Phase II status in the next week. Council suggested that the Mayor wait to send the letter.***



Chamber Director Vis also thanked city administration and city council for being pro-active and responsive to local business needs. Mr. Vis also informed council that the Chamber now has restricted their hours because of the cancellation of events that normally bring in revenue for the Chamber.

## 7. EXECUTIVE SESSION

Council did not conduct an executive session.

## 8. ADJOURNMENT

The June 1, 2020 regular session of the Lynden City Council adjourned at 7:42 p.m.

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Pamela D. Brown, MMC  
City Clerk

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Scott Korthuis  
Mayor