

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



October 7, 2019

### 1. CALL TO ORDER

Mayor Korthuis called to order the October 7, 2019 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

### ROLL CALL

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

Members absent: None.

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

***On behalf of the Lynden Police Department, Interim Police Chief Michael Knapp and Mayor Korthuis presented Sergeant Russ Martin with a certificate of promotion to the position of Lieutenant (Administration).***

OATH OF OFFICE - None

### APPROVAL OF MINUTES

***Councilor Strengtholt moved and Councilor Wohlrab seconded to approve the regular council minutes of September 16, 2019. Motion approved on a 7-0 vote.***

### ITEMS FROM THE AUDIENCE

#### Scheduled:

#### Department of Defense Employee Support Award

John Patterson with the Department of Defense, Employee Support of the Guard and Reserve (ESGR) presented Lieutenant Russ Martin with an award acknowledging his "above and beyond" support of Officer Matt Thompson's military service. ESGR also presented a like award to the Lynden City Council and to Mayor Korthuis

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### Nonscheduled:

#### Cynthia Ripke-Kutsagoitz, 7062 Guide Meridian #30

Cynthia thanked the Lynden Police officers and council for their dedicated service to the community. She also expressed her gratitude that the city has laws against marijuana sales and distribution. Cynthia provided a book concerning PTSD which she asked to be passed along to the city's police officers.

#### Ken Stap, 513 Front Street

Ken Stap, president of the Downtown Business Association (DBA) presented the city with two framed art work posters which were commissioned by Jamison Advertising Group. He thanked the city staff and council for their collaboration with the DBA and almost forty years of the city's support.

## 2. CONSENT AGENDA

### Approval of Payroll Disbursed – September 16-30, 2019

Paychex EFT.....	\$284,695.51
City of Lynden EFT.....	\$63,409.64
Warrant Liability .....	\$54,827.93
<b>Subtotal</b>	<b>\$402,933.08</b>
Paychex EFT Liability	\$6,170.97
<b>Total EFT &amp; Other Liabilities</b>	<b>\$409,104.05</b>

### Approval of Claims – October 9, 2019

Manual Warrants No.	<u>73865</u>	through	<u>73871</u>		\$1,642,328.92
EFT Payment Pre-Pays					\$1,324,060.03
				Sub Total Pre-Pays	\$2,966,388.95
Voucher Warrants No.	<u>73872</u>	through	<u>73913</u>		\$147,833.87
EFT Payments					\$0.00
				Sub Total	\$147,833.87
				Total Accts. Payable	<b>\$3,114,222.82</b>

### Correction to Ordinance No. 1584, Vacation of Right of Way, Terrace Drive

On July 15, 2019 the City Council approved Ordinance 1584 vacating the southern section of Terrace Drive. However, documents submitted to Council and the Ordinance incorrectly identified the appraised value of the right-of-way to be vacated as \$1,500.00. The actual appraised value is \$1,500.00 per each of the adjoining properties (Lots 15 and 16 of the Plat of Mountain View) for a total of \$3,000.00.

***Councilor De Valois moved and Councilor Kuiken seconded to approve the Consent Agenda. Motion approved on a 7-0 vote.***



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### 3. PUBLIC HEARING - None

### 4. UNFINISHED BUSINESS- None

### 5. NEW BUSINESS

#### Public Defender Contract for Services

The City of Lynden recently terminated the contract of our previous public defender and has been relying on an interim Public Defender until a permanent replacement could be found. Three firms responded to a request for proposals, and a panel including lawyers from our City Attorney's office selected Angela Anderson, the former Chief Public Defender for Whatcom County.

This contract formalizes the terms of our relationship with Ms. Anderson and contemplates her beginning work for the City of Lynden later this month. The cost and scope of services is generally the same as it was for our previous Public Defender, with the exception that the City must pay an estimated \$25,000 for Ms. Anderson to take over some 80 cases remaining from her predecessor.

***Councilor Lenssen moved and Councilor Wohlrab seconded to approve the Contract for Public Defender Services. Motion approved on 7-0 vote.***

#### Request to Contract with Washington Cities Insurance Authority (WCIA)

The Finance department, which has the responsibility to oversee the City's Risk Management Program has assessed the City's Insurance needs and costs and determined that for the required level of coverage the City's insurance premiums are excessive and not sustainable. For the past year the Finance Director has been negotiating the City's insurance premiums with the current insurer, Cities Insurance Association of Washington (CIAW) with no success in obtaining better premiums.

After researching other municipal insurers, the Finance Director has secured a competitive proposal from Washington Cities Insurance Authority (WCIA). WCIA insures numerous Cities across Washington State such as Bothell, Mukilteo, Mt. Vernon, Burlington and Everson to name a few. Their reputation with the other Cities is excellent, they have a robust training program, free pre-claim legal counsel, and can provide the City of Lynden with equal or superior coverage amounts across all lines of insurance required by the City at very competitive premiums. To compare premiums, the City's current insurer's (CIAW) estimated 2020 premiums for the City of Lynden is \$733,802. WCIA proposed to insure the City of Lynden in 2020 for \$412,233, a difference and annual cost savings of \$321,569 to the City.

The WCIA proposal was reviewed and approved for further Council review and action by the City Administrator and the Mayor. It was then reviewed on September 16th by the Finance Committee and approved for review and approval by the full Council.

***Councilor Kuiken moved and Councilor Strengholt seconded that the city council give approval to authorize the mayor to contract with Washington Cities Insurance Authority (WCIA) as the city's new insurer. Motion approved on 7-0 vote.***





### Award Construction Contract for Industrial Condensate Stormwater to Fishtrap Project

This phase of the Industrial Condensate Project – Stormwater Line on Depot Road to Fishtrap Creek, will construct approximately 600 feet of new stormwater improvements along Depot Road, north of the BNSF railroad tracks. Additionally, curb, gutter and sidewalks; removal of existing railroad tracks and installation of steel casing through an existing underground utility corridor will occur.

This is to remove the stormwater from the industrial condensate line (to the south) and combine it with other stormwater in the same drainage basin that discharges into Fishtrap Creek. The project is expected to take 45 working days to complete once the contractor receives the notice to proceed; not counting any weather delays. Reichhardt & Ebe Engineering determined that Faber Construction Corp. submitted the lowest responsive and responsible bid in the amount of \$431,986.03, including tax. The Engineers Estimate was \$502,562.50.

At their September 11th meeting, the Public Works Committee concurred to recommend approval to the full City Council if the bids were responsive, reasonable and in range of the engineer's estimate.

***Councilor Bode moved and Councilor DeValois seconded that city council awards the contract to Faber Construction Corp. for the Industrial Condensate Stormwater to Fishtrap Project in the amount of \$431,896.03, including tax, and authorizes the Mayor to sign the contract. Motion approved on 7-0 vote.***

### Mayor's status of the 2019 Budget

Per statute RCW 35.33.135, in preparation for the 2020 Preliminary Budget review on October 21, 2019, the mayor provides the city council with an updated status regarding the current 2019 Budget. That memorandum is made a part of the official council file.

***For information only.***

### Award Construction Contract for Pepin Creek Intercept Ditch

The Pepin Creek Intercept Ditch project will construct approximately 2,600 linear feet of channel. Five bids were received on September 5. Reichhardt & Ebe Engineering reviewed the bids and Oceanside Construction, Inc. submitted the lowest bid. However, upon review it was much lower than the other bids and the engineer's estimate of \$219,000.

The City formally requested Oceanside to review the details of their bid. After review and conversation with the City, Oceanside requested to withdraw their bid, as allowed per APWA / WSDOT Standard Specification 1-03.1. Staff is recommending acceptance of Oceanside's bid withdrawal request. Reichhardt & Ebe Engineering has determined that Premium Services, Inc. is now the lowest responsive and responsible bid in the amount of \$179,965.00, not including tax. Premium Services had a math error in their bid (highlighted on the bid tab) which lowered their bid slightly, but they have agreed, in writing, to complete the project for the corrected cost based on their bid unit price. This project will use the remaining balance of the Federal Highway Emergency (FHWA-ER) Funds received after the last flooding event in 2008. Federal Highways, through WSDOT, has reviewed and approved awarding the contract to Premium Services.



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## CITY COUNCIL MINUTES OF REGULAR MEETING



At their September 4 meeting, the Public Works Committee concurred to recommend approval to award to the full City Council if the bids were responsive, reasonable and in range of the engineer's estimate.

***Councilor Bode moved and Councilor De Valois seconded that city council accept the withdrawal of Oceanside Construction's bid and award the contract for the Pepin Intercept Ditch Project to Premium Services, Inc. in the amount of \$179,965.00, not including tax, and authorize the Mayor to sign the contract. Motion approved on 7-0 vote.***

### Resolution No. 1008 – Sales Tax Rebate for Affordable Housing

The Whatcom County Executive office has asked that the City of Lynden approve a resolution of intent pursuant to the State's House Bill 1406. House Bill 1406 gives Lynden the opportunity to claim a certain percentage of the city's gross sales tax to be applied toward affordable housing programs. This total is estimated to be \$23,000 annually if the City collected on its own. However, the Bill allows for twice that amount (\$46,000) to be refunded if the City signed its rebate over to Whatcom County.

Having the County collect on the City's behalf increases the funding but also cuts down on administrative costs associated with establishing a City-sponsored affordable housing program. It should be noted that the program is not an additional tax but simply a refund of some of the City's sales tax that would otherwise go to the State.

Whatcom County Housing Advisory Committee will provide recommendations on expenditures toward existing or new affordable housing programs within the County. The County Council would make the final decision for distribution. The expenditures will also be reviewed in an annual report to the Advisory Committee from the County Health Department.

The County anticipates that legislation will be passed by the end of October. The County will begin collection by 2020 for distribution. This item was reviewed at the September CDC meeting which resulted a recommendation for approval.

***Councilor Lenssen moved and Councilor Kuiken seconded to approve Resolution No. 1008 pursuant to Substitute House Bill 1406 authorizing Whatcom County to collect the City of Lynden's portion of sales tax rebate intended for affordable housing programs and authorizing the Mayor's signature on the document. Motion approved on 7-0 vote.***

## 6. OTHER BUSINESS

### Council Committee Updates

Councilor Lenssen reporting for the Community Development Committee, involving the discussion of:

- Pepin Creek
- Resolution No. 1008
- Fees
- Next meeting Tuesday, October 15 at 4:00 p.m.

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Councilor Lenssen reporting for the Public Safety Committee, involving the discussion of:

- Public Defender contract- Angela Anderson
- New ambulance due in November
- Couple of recruits finishing the academy
- Feasibility study for 2<sup>nd</sup> floor and remodel of fire station
- Recruitment for lateral police officer
- Recent car prowls were preventable – vehicles were unlocked
- Police department officer promotions
- Fire department interviewing for Support Manager and Assistant Fire Chief

***Mayor Korthuis reminded Council that the Lynden music festival was beginning this week.***

### 7. EXECUTIVE SESSION

Council recessed into executive session at 7:45 p.m. to discuss a labor negotiation matter. acquisition of real estate. It was anticipated that the executive session would last approximately 5 minutes and that a decision would be made.

The Council meeting reconvened at 7:50 p.m.

***Councilor Lenssen moved and Councilor Kuiken seconded to direct the Mayor to sign the Letter of Understanding (LOU) between the City of Lynden and General Teamsters Union, Local 231 regarding section 4.02, Call Back Duty for the police department contract. Motion approved on 7-0 vote.***

***Mayor Korthuis also reminded council that the Pioneer Museum scheduled an open house for Friday, October 11<sup>th</sup>.***

### 8. ADJOURNMENT

The October 7, 2019 regular session of the Lynden City Council adjourned at 7:50 p.m.

Pamela D. Brown, MMC  
City Clerk

Scott Korthuis  
Mayor