

**LYNDEN CITY COUNCIL
LYNDEN CITY HALL ANNEX
(205 4th Street)
REGULAR SESSION**

**7:00 P.M.
JANUARY 19, 2010
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

ANNOUNCEMENTS/RECOGNITION

ITEMS FROM THE AUDIENCE

A. SCHEDULED – Mr. Tom Anderson – Energy Resource and Peak Oil Task Force
– Lynden Library Manager Regan Robinson and Friends of the Library
President Florie Cox

B. UNSCHEDULED (20 Minutes)

During this portion of the meeting, audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. For the record, prior to commenting please state your name, address, and topic.

Please keep comments under 4 minutes.

II CONSENT AGENDA

A. APPROVAL OF CLAIMS

B. EASEMENT AGREEMENT – PUGET SOUND ENERGY AND THE CITY OF LYNDEN –
RELOCATION OF POWER POLE – 14TH STREET EXPANSION PROJECT

C. EASEMENT AGREEMENT – COMCAST CABLE COMPANY AND THE CITY OF
LYNDEN – PUGET SOUND ENERGY POLE – 14TH STREET EXPANSION PROJECT

D. EASEMENT AGREEMENT – VERIZON COMMUNICATIONS AND THE CITY OF
LYNDEN – RELOCATION OF CABLES ON PUGET SOUND ENERGY POWER POLE –
14TH STREET EXPANSION PROJECT

E. CONFIRMATION OF APPOINTMENT – LYNDEN MUNICIPAL COURT JUDGE

III NEW BUSINESS

A. WEST MAIN STREET INVESTMENTS, LLC – LOT LINE ADJUSTMENT (VERSACOLD) –
REQUEST TO DELAY IMPROVEMENTS AND REALLOCATE LATECOMERS FEE

IV EXECUTIVE SESSION

V ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 19th, 2010

AGENDA ITEM: Easement Agreement - Puget Sound Energy and City for Relocation of Power Pole - 14th Street Expansion Project		AGENDA SECTION: Consent
PREPARED BY: Laura Burford, Administrative Office Manager	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Due to the 14th Street Expansion Project, Puget Sound Energy must relocate one of their power poles (pole #471335-160829) onto City owned property (tax parcel 400319 546345 0000). This property is located at the intersection of Glenning Street and B C Avenue. In order to do this, an easement agreement will need to be recorded.

On January 6th, 2010 the Public Works Committee reviewed the attached easement agreement and concurred to recommend approval to the full City Council.

It should be noted that Comcast Cable and Verizon Communications also have their lines on Puget Sound Energy's overhead power pole, therefore easement agreements will need to be recorded for each of those utilities as well. Separate executive summaries are being submitted for approval.

RECOMMENDED ACTION: That City Council approve the attached Easement Agreement between Puget Sound Energy and the City of Lynden to relocate power pole #471335-160829 onto City property on Glenning Street, and authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 19th, 2010

AGENDA ITEM: Easement Agreement – Comcast Cable Co. and City for Relocation of Cables on Puget Sound Energy Power Pole- 14th Street Expansion Project		AGENDA SECTION: Consent
PREPARED BY: Laura Burford, Administrative Office Manager	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Due to the 14th Street Expansion Project, Puget Sound Energy must relocate one of their power poles (pole #471335-160829) onto City owned property (tax parcel 400319 546345 0000). This property is located at the intersection of Glenning Street and B C Avenue. In order to do this, an easement agreement will need to be recorded.

The communication lines for Comcast hang from Puget Sound Energy's overhead power pole, therefore a separate easement agreement must be recorded.

On January 6th, 2010 the Public Works Committee reviewed the attached easement agreement and concurred to recommend approval to the full City Council.

RECOMMENDED ACTION: That City Council approve the attached Easement Agreement between Comcast Cable Communications, Inc. and the City of Lynden, and authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 19th, 2010

AGENDA ITEM: Easement Agreement – Verizon Northwest Inc. and City for Relocation of Cables on Puget Sound Energy Power Pole- 14th Street Expansion Project		AGENDA SECTION: Consent
PREPARED BY: Laura Burford, Administrative Office Manager	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Due to the 14th Street Expansion Project, Puget Sound Energy must relocate one of their power poles (pole #471335-160829) onto City owned property (tax parcel 400319 546345 0000). This property is located at the intersection of Glenning Street and B C Avenue. In order to do this, an easement agreement will need to be recorded.

The communication lines for Verizon hang from Puget Sound Energy's overhead power pole, therefore a separate easement agreement must be recorded.

On January 6th, 2010 the Public Works Committee reviewed the attached easement agreement and concurred to recommend approval to the full City Council.

RECOMMENDED ACTION: That City Council approve the attached Easement Agreement between Verizon Northwest, Inc. and the City of Lynden, and authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 19, 2010

AGENDA ITEM: Confirmation of Appointment Lynden Municipal Court Judge		AGENDA SECTION: Consent Agenda
PREPARED BY: Bill Verwolf City Administrator	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input checked="" type="checkbox"/> Not Reviewed	AGENDA NO.: II-E
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

As is required in Lynden Municipal Code Section 2.20.020, and Sections 3.50.003, 3.50.007, 3.50.040, 35A.12.020 and 35A.12.090 of the Revised Code of Washington, Mayor Korthuis re-appoints Terrance G. Lewis to continue as Municipal Court Judge for the Lynden Municipal Court.

This appointment is for a four year term beginning January 1, 2010 and ending December 31, 2013.

RECOMMENDED ACTION: Motion to confirm the Mayor's appointment of Terrance G. Lewis to the position of Lynden Municipal Court Judge for the period January 1, 2010 through December 31, 2013.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 19th, 2010

AGENDA ITEM: West Main Street Investments, LLC – Lot Line Adjustment - Request to Delay Improvements and Re-allocate Latecomer's Fees		AGENDA SECTION: New Business
PREPARED BY: Laura Burford, Administrative Office Manager	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.: III-A
ATTACHMENTS: Letter of Request Exhibit Drawings	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

West Main Street Investment, LLC has an opportunity to provide acreage to Versacold Cold Storage Company, who plans to build a new building as part of their business expansion. In order to offer the proposed 5-acre parcel (located at the southwest corner of a parcel at 2249 Main Street and at the eastern terminus of Alderwood Road) the developers will be applying for a Lot Line Adjustment. Additionally, the developers are requesting permission to: 1) delay required street improvements - proposed improvements that would construct only a portion of the road section established in the City's Design and Development Standards, and 2) re-allocate the latecomer's fees that have already been recorded for this area.

The attached memo details the issues involved with the developer's request and clarifies issues that require City Council action. Upon review and discussion, the City Council may either make a motion to approve or deny, or choose to delay action if more time for consideration is needed.

Following is a summary of items that the developer is asking the City Council to act on:

1. Alderwood Drive extension: Direction to staff for proper road alignment involving right-of-way outside City limits. If it is Council's desire to allow improvements to be delayed when a portion of the required right-of-way is within the Urban Growth Area (UGA) then a motion might be, "I move that when a parcel is fronted by insufficient right-of-way to build the full street section, and right of way needed to build the full street section is within the City UGA, then the Developer will be required to build the street section required by the Design and Development Standards to the width allowed by the topography, but in no case less than one quarter street."
2. Industrial Avenue construction: Though the property owner owns both sides of the street, he is asking to delay full street construction until such a time as there is additional construction on the site. They are proposing to construct a ¾ street section from Main Street to the south property line. If it is the Council's desire to allow this request, then a motion might be "I move that the construction of Industrial Avenue, associated with the West Main Street Investment, LLC Lot Line Adjustment, be allowed at a ¾ street and that the remainder of the required street section be delayed and become a requirement of future development of the site."
3. Latecomer's Re-allocation: As the law requires that the establishment of latecomer's fees be done through a public process, a re-allocation would probably require a public hearing. If it is the Council's desire to hold a public hearing regarding the re-allocation of the latecomer's fees then a motion might be, "I move that the public hearing be set to discuss the re-allocation of the latecomer's fees associated with the West Main Street Investment, LLC Lot Line Adjustment on _____."

RECOMMENDED ACTION: 1. That City Council take action and direct staff on items 1 & 2 above (Alderwood Drive and Industrial Avenue street requirements), and 2. Council may chose to set a public hearing date for the re-allocation of latecomer's fees for West Lynden Business Park.
COUNCIL ACTION: