

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

**7:00 P.M.
FEBRUARY 16, 2010
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

ITEMS FROM THE AUDIENCE

A. SCHEDULED - None

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. ORDINANCE NO. 1374 - AIRPORT OVERLAY ZONE

C. AWARD CONTRACT FOR LEASE OF CITY PROPERTY - 1892 KOK ROAD -
VEHICLE PARKING DURING THE 2010 NORTHWEST WASHINGTON FAIR

D. AWARD CONTRACT FOR CEDAR SHAKES - BERTHUSEN BARN

E. AWARD CONTRACT FOR ALUMINUM BLEACHERS

F. ORDINANCE NO. 1373 - A 2010 BUDGET AMENDMENT

III NEW BUSINESS

A. AGREEMENT FOR PROFESSIONAL SERVICES - LYNDEN MUNICIPAL COURT
JUDGE

B. RESOLUTION NO. 814 - RESCINDING RESOLUTIONS NO. 759 AND SETTING
VOLUNTEER FIREFIGHTER PAY

C. REQUEST FROM THE LYNDEN SHOTGUN CLUB TO CONSTRUCT A BUILDING AT
BERTHUSEN PARK

D. REQUEST FOR AUTHORITY TO SELL FIRE TRUCK "RESERVE 75" BY ALTERNATE
METHOD

E. RESOLUTION NO. 815 - OPPOSING WHATCOM TRANSIT AUTHORITY SALES TAX
INCREASE

IV EXECUTIVE SESSION

V ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2010

AGENDA ITEM: Approval of Ordinance No. 1374 – Airport Overlay Zone Chapter 19.55		AGENDA SECTION: Consent agenda
PREPARED BY: Korene Samec, Planning Technician	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 type="checkbox"/> Not Reviewed	AGENDA NO.: <p align="center">II - B</p>
ATTACHMENTS: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Based on recent changes to the building and zoning codes, the City has determined that it is necessary to amend this section of the zoning code to ensure consistency.

The proposed ordinance will repeal the current Chapter 19.55 – Airport Overlay Zone and replace it with the revised Chapter 19.55. Two public hearings have been held regarding the proposed revisions to this Chapter of the Lynden Municipal Code. The first hearing was held by the Planning Commission on November 12, 2009, and the second public hearing was held by the City Council on December 21, 2009, where Staff was directed to prepare the final ordinance for adoption.

RECOMMENDED ACTION: Motion to approve Ordinance # 1374 and to authorize the Mayor’s signature on said document.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2010

AGENDA ITEM: Award Contract for Lease of City Property at 1892 Kok Road		AGENDA SECTION: Consent
PREPARED BY: Heather Sytsma, Sr. Admin. Assistant	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.:
ATTACHMENTS: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Public Works staff recently advertised for bids to lease a portion of City property located at 1892 Kok Road for the purpose of leasing parking spaces during the Northwest Washington Fair in August, 2010.

The City received the following bids on February 5, 2010:

Bidder	Amount
Northwest Washington Fair Association	\$650.00
Friends of Lynden Christian Athletic Booster Club	\$650.00

Because the bids were the same amount, staff planned to conduct a telephone auction on Monday, February 8 between the two parties to determine a high bidder. After contacting both parties, the Friends of the Lynden Christian Athletic Booster Club stated that they were not interested in proceeding with bidding and they withdrew their bid.

Due to the bid withdrawal, that left one remaining bid of \$650.00 from the Northwest Washington Fair Association.

RECOMMENDED ACTION: That City Council award the contract for lease of City property at 1892 Kok Road, for the lease of parking spaces during the Northwest Washington Fair in August, 2010, to the Northwest Washington Fair Association in the amount of \$650.00, and authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: Feb. 16, 2010

AGENDA ITEM: Parks Department Berthusen Barn Shakes- Bid Award		AGENDA SECTION:
PREPARED BY: Vern Meenderinck, Parks Director	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Bid Tally sheet and Spec. sheet	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Needed	APPROVED BY:

The Parks Department solicited bids for supplying #1 Heavy - 3/4" X 24 cedar shakes , starter shingles, and Hip & Ridge for the Berthusen Barn.

Eight bids were received with varying degrees of grade and warranties.

The bids were opened and tabulated at the Parks Committee meeting held Feb. 8, 2010.

The lowest bid was not accepted, due to a shorter warranty, grade difference, and no second party inspection.

It was determined that the second lowest bid, most closely matched the bid specs as "premium Heavy shakes".

The funds for the purchase came from a \$30,000 donation from the Jansen Foundation.

Parks Committee has reviewed and ranked the bids, and recommends awarding the bid to Vander Griend Lumber for the "Teal Cedar" premium shakes at a cost of \$24,148.00.

<p>RECOMMENDED ACTION: Award the bid for #1 premium shakes for the Berthusen Barn as per bid specifications to Vander Griend Lumber at a cost of \$24,148.00the price of which includes shipping, delivery, and sales tax.</p>
<p>COUNCIL ACTION:</p>

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: Feb. 16, 2010

AGENDA ITEM: Parks Department Aluminum Bleacher- Bid Award		AGENDA SECTION:
PREPARED BY: Vern Meenderinck, Parks Director	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Bid Tally sheet and Spec. sheet	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Needed	APPROVED BY:

The Parks Department solicited bids for supplying thirty six (36) 4 row aluminum bleachers.

The bids were opened and tallied at the Parks Committee meeting held Feb. 8, 2010. Seven bids were received with a range in cost from \$44,949 to \$70,000.

After further review it was determined that all bids met the minimum specifications. Bid specs and tally sheets are included.

Funds have been budgeted in the 2010 budget from Parks Capital Reserve for this purchase.

Parks Committee has reviewed and ranked the bids, and recommends awarding the bid to the lowest bidder, N.W. School Equipment at a cost of \$44,949.38, which includes shipping, delivery, and sales tax.

RECOMMENDED ACTION: Award the bid for 36- 4 row aluminum bleachers as per bid specifications to N.W. School Equipment at a cost of \$44,949.38 the price of which includes shipping, delivery, and sales tax.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2010

AGENDA ITEM: Ordinance No. 1373, An Ordinance Amending the Budget for the Year 2010		AGENDA SECTION: Consent Agenda
PREPARED BY: Teresa L. Camfield, CPA Finance Director	COUNCIL REVIEW: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.: II - F
ATTACHMENTS: Ordinance No. 1373	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

On February 1, 2010 a 2010 budget amendment was introduced to the City Council.

This amendment reflects Council's authorized transactions to create the following funds:

City Hall Construction (#379):

To create budgeted revenue and expenditure amounts for the City Hall Construction Fund to reflect completion of project costs.

The Finance Committee recommends that the City Council adopt Ordinance No. 1373 Amending the Budget for the Year 2010.

RECOMMENDED ACTION: That the Council approves Ordinance No. 1373 as presented and authorizes the Mayor's signature.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2010

AGENDA ITEM: Agreement for Professional Services, Lynden Municipal Court Judge		AGENDA SECTION: New Business
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 type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Attached is the Agreement for Professional Services between the City of Lynden and Terrance G. Lewis, Attorney at Law for the purpose of providing the services of Municipal Court Judge for the Lynden Municipal Court.

This agreement is for a four year term that matches the term of the appointment of Judge Lewis, as confirmed at the January 19th, 2010 meeting of the Lynden City Council.

RECOMMENDED ACTION: Motion to approve the Agreement for Professional Services Lynden Municipal Court Judge, and authorize the Mayor to sign the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2010

AGENDA ITEM: Resolution No. 814 - Rescinding Resolutions No. 759 and Setting Volunteer Firefighter Pay		AGENDA SECTION:
PREPARED BY: Gary Baar, Fire Cheif	COUNCIL REVIEW: <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Resolution No. 814	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The City of Lynden Fire Department has paid volunteer firefighters \$9.00 an hour for the time spent in Emergency Medical Technician (EMT) and Fire Academy classes. Chief Baar requests Council’s approval to discontinue paying this class time as training time. There are no other fire departments within Whatcom County that currently paying their volunteers for the time they spend in class.

Resolution No. 814 will rescind Resolution No. 759 that held the provision for paying for class and training time for the EMT and Fire Academy classes. Resolution No. 759 also had provisions for Saturday stand-by duty pay and Sunday and Holiday station pay which have been removed from Resolution No. 814 as they are no longer relevant.

RECOMMENDED ACTION: That Resolution No. 814, Rescinding Resolution No. 759 and Setting the Volunteer Firefighter Pay be approved and that the Mayor be authorized to sign said Resolution.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2009

AGENDA ITEM: Request from the Lynden Shotgun Club to construct a building at Berthusen Park		AGENDA SECTION:
PREPARED BY: Vern Meenderinck Parks Director	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.:
ATTACHMENTS: Building Drawing	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

Mr. Don LePlant representing the Lynden Shotgun Club made a presentation to the Parks Committee requesting permission for the club to construct a new club house building on the property currently being used as a shotgun range. According to the lease agreement between the Club and the City, the Club must receive permission from the City prior to making any additions, alterations, or building on the site.

The existing club house is a converted chicken house that was moved on to the property over 50 years ago. The structure has outlived its usefulness as a club house, due to its age, condition, and lack of handicap access. There will be no cost to the City, as the club will raise the needed funds for materials, and their members (4 of whom are contractors) will do the construction.

The club has requested permission to construct the building and permits will be applied for through the county. Final plans, including elevations will be forwarded to the City building inspector and Parks Committee before final approval would be granted.

Parks Committee reviewed the request and recommended forwarding the request to council for approval.

RECOMMENDED ACTION: That the Lynden Shotgun Club be granted permission to construct a club house on the property they are currently leasing provided that all required permits are acquired, final plans including elevations are provided to the Lynden Building Inspector and the Parks Committee for review, and final approval is given by the Parks Director.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 16, 2010

AGENDA ITEM: Consider adoption of resolution opposing WTA sales tax increase		AGENDA SECTION: New Business
PREPARED BY: Amy Harksell, Planning Director	COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Comm. Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.: <p align="center">III. E</p>
ATTACHMENTS: Draft Resolution	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

On April 27, the Whatcom Transportation Authority (WTA) will have a ballot measure before the voters to increase sales tax rates by 0.2% to “maintain and improve” service.

Given the reductions in services by many taxing authorities in Whatcom County, it seems prudent that WTA also look for additional cost saving measures before increasing the sales tax rate for all the residents of Whatcom County.

The issue was brought to the Community Development Committee for discussion and they agreed that the City of Lynden should take a stand against the proposal. The points noted in the attached resolution were reviewed and agreed upon at their meeting on February 10.

RECOMMENDED ACTION: Motion to approve Resolution No. 815 as recommended by the Community Development Committee and authorize the Mayor’s signature on said resolution.
COUNCIL ACTION: