

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

**7:00 P.M.
MARCH 2, 2009
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

OATH OF OFFICE - Firefighter Travis Krueger

- Firefighter Ryan Winkler

- Firefighter Christopher Byer

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 PAYROLL

B. BERTHUSEN PARK ANNUAL REPORT - 2008

C. REQUEST TO CANCEL CLAIMS WARRANT C-49773

D. EAST LYNDEN SEWER SURCHARGE - REFUND REQUEST

E. AWARD CONTRACT FOR MOWING CITY PROPERTIES

F. AWARD CONTRACT FOR USE OF CITY PARKING LOT

G. APPOINTMENT TO THE BOARD OF ADJUSTMENT - MR. DENNY VANDERVELDEN

III PUBLIC HEARING

A. ORDINANCE NO. 1350 REGARDING STORMWATER

IV NEW BUSINESS

A. INTRODUCTION OF A 2009 BUDGET AMENDMENT

B. ORDINANCE NO. 1351 - ADOPTING A PENALTY FOR FAILURE TO CONNECT TO CITY SEWER SYSTEM

C. REQUEST TO SURPLUS EXISTING CITY HALL - 323 FRONT STREET

V EXECUTIVE SESSION

VI ADJOURNMENT

CITY OF LYNDEN
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Berthusen Park Annual Report - 2008		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 - B
ATTACHMENTS: Copy of the 2008 Annual Financial Report	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T Camfield</i>

Annual Review of Berthusen Park Financial Report:

As stipulated in the Berthusen's will granting Berthusen Park to the City of Lynden, a year end financial report needs to be reviewed by the City Council.

Attached is a copy of the 2008 Berthusen Park Financial Report.

The Finance Committee will review this matter on March 2, 2009 prior to the council meeting later the same night.

RECOMMENDED ACTION: For Information Only
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: A Request to Cancel Claims Warrant C-49773		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 - C
ATTACHMENTS: Copy of Claims Warrant C-49773 and supporting documentation	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

The Finance staff requests that Claims Warrant C-49773 payable to WA State Department of Labor & Industries in the amount of \$171.10 be cancelled. L & I made an error in the calculation of the electrical permit for the Public Restrooms project and invoiced the city incorrectly.

L & I has returned the above warrant and will issue the city a new corrected invoice. The warrant is in the custody of the Finance Department until cancellation is approved by council.

RECOMMENDED ACTION: That the Council authorizes the cancellation of Claims Warrant C-49773 – WA State Dept of Labor & Industries in the amount of \$171.10
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Refund Request for East Lynden Sewer FCI Surcharge Differences		AGENDA SECTION:
PREPARED BY: Heather Sytsma, Sr. Admin. Assistant	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.: II-D
ATTACHMENTS: Spreadsheet	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

In 2006, 2007 and 2008, properties that developed in the East Lynden area that planned to utilize the improvements from the East Lynden Sewer Project were assessed a Sewer Surcharge (FCI). The fees were based on an estimate of the construction and administration costs associated with this project.

Once the project was completed and the final costs were calculated and incorporated into the latest East Lynden Sewer Surcharge Resolution 787, it was discovered that several developers paid a higher fee based on the estimated costs than they would have paid on the actual costs that were later assessed. However, they did pay the fee that was approved by City Council at the time (see attached spreadsheet). Although staff never promised a refund there have been a couple of inquiries.

At their meeting on February 18th, 2009, the Public Works Committee reviewed the differences in surcharge amounts and concurred to recommend that the full City Council refund the difference between estimated and actual costs of the East Lynden Sewer Project (\$12,148.00) to those developers who paid their FCI fees prior to May, 2008.

RECOMMENDED ACTION: That City Council approve refunds for the difference in FCI fees between estimated and actual construction costs for the East Lynden Sewer Project (\$12,148.00) to those developers who paid their FCI fees prior to May, 2008.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Bid Award for Lease of City Properties		AGENDA SECTION: Consent Agenda
PREPARED BY: Heather Sytsma, Sr. Admin. Assistant	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.: II-E
ATTACHMENTS: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The City currently leases three parcels for the purpose of maintaining grass. Staff advertised for bids on February 4, 2009. Bids were received at 1:00 p.m. on February 13, 2009.

Bids were as follows:

Property Name	Property Address	Bidder	Bid
Airport Property	8600 Benson Rd.	Con Holleman	\$1,160.00
Airport Property	8600 Benson Road	Gary & Cynthia Witman	250.00
West Lynden Detention Facility	Flynn Rd.	Triple S Construction	400.00
Heritage Park Area	Near Vinup Rd. and Badger Rd.	Con Holleman	200.00

The Public Works Committee reviewed the bids at their February 18, 2008, meeting, and concurred to recommend that bids be awarded to the highest bidder for each property.

Staff also advertised for bids on “Future Park Property” at 750 S. 6th Street and “City of Lynden Open Space” west of South 7th Street, but no bids were received. Staff will contact winning bidders and offer them the opportunity to mow the properties at no charge.

RECOMMENDED ACTION: That City Council award the following leases: 1) the Airport Property to Con Holleman in the amount of \$1,160.00, 2) the West Lynden Detention Facility to Triple S Construction in the amount of \$400.00, and 3) Heritage Park to Con Holleman in the amount of \$200.00.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Bid Award for the Lease of City Property Located at 1892 Kok Road		AGENDA SECTION: Consent Agenda
PREPARED BY: Heather Sytsma, Sr. Admin. Assistant	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.: II-F
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, 2009.

The City received one bid from the Northwest Washington Fair in the amount of \$600.00.

The Public Works Committee reviewed the bid at their February 18, 2009, meeting, and concurred to recommend to City Council that the Northwest Washington Fair Association be awarded the contract in the amount of \$600.00.

RECOMMENDED ACTION: That City Council award the contract for lease of City Property located at 1892 Kok Road for the purpose of leasing parking spaces during the Northwest Washington Fair in August, 2009, to the Northwest Washington Fair Association, in the amount of \$600.00.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Ordinance No. 1350 Amending Chapter 13.24 of the Lynden Municipal Code – Storm Water		AGENDA SECTION: Public Hearing
PREPARED BY: Laura Burford, Administrative Office Manager, Public Works Dept.	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: Ordinance 1350	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

On February 17, 2009, City Council set a Public Hearing date of March 2nd to hear comments on the revisions to Chapter 13.24 of the Lynden Municipal Code relating to Storm Water.

The language revisions will assist the City in meeting the increased demands of storm water management due to Lynden's growing population. Additionally, the ordinance sets forth the reasoning behind the General Facility Charges and the utility rates for storm water. These fees will be presented through resolution in separate agenda items.

Other highlights of the ordinance include:

- new definitions and better clarification of existing definitions
- the establishment of rate exemptions and reductions for the provision of water quality facilities, detention or retention of storm water
- identification of discharges that are not allowed in the storm water system.

RECOMMENDED ACTION: That City Council approve Ordinance No. 1350, amending Chapter 13.24 of the Lynden Municipal Code relating to the Storm Water Management System, Storm Water Utility Rates and Storm Water General Facility Improvement Charges, and authorize the Mayor's signature on the ordinance.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Introduction of a 2009 Budget Amendment		AGENDA SECTION: New Business
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.: IV - A
ATTACHMENTS: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

Introduction of a 2009 Budget Amendment:

As required by State regulations, Finance would like to introduce a proposed amendment to the 2009 Budget. The amendment reflects Council authorized transactions.

The following funds need to be created:

- Fund 106 Federal Seizures/Forfeitures
- Fund 238 Public Works Trust Loan – 17th Street
- Fund 239 Public Works Trust Loan – Kok Road

The following fund needs to be modified:

- Fund 001 Current Expense

The Finance Committee will review this budget amendment introduction at their meeting on March 2, 2009.

RECOMMENDED ACTION: For Information Only
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: Ordinance No. 1351 Adopting a Penalty for Failure to Connect to Sanitary Sewer System		AGENDA SECTION: New Business
PREPARED BY: Laura Burford, Administrative Office Manager, Public Works Dept.	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.: IV-B
ATTACHMENTS: Ordinance 1351	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

On February 18th, 2009 the Public Works Committee reviewed the issue of Wayne Kroon, 1570 Bradley Meadows Lane, whose septic drain field is partially located on his adjacent neighbor's property. Mr. Kroon has agreed to hookup to City sewer; however he requested that a lien be placed on the property so that the FCI fees would be deferred. Communication regarding the hookup fees has been discussed between City staff and Mr. Kroon and at Public Works Committee meetings for several months.

City Attorney Carmichael determined that although the Lynden Municipal Code (LMC) requires hookup to City sewer when sewer is within 300 feet of a building (or when the existing septic system fails) the LMC has no direct enforcement mechanism to require connection. In order to remedy this situation, the attached ordinance is being presented for approval. If approved, Mr. Kroon will have 90 days to pay the FCI fee from the date the ordinance is adopted.

The Public Works Committee reviewed Ordinance 1351 at their February 18, 2009 meeting, and concurred to recommend approval to City Council.

RECOMMENDED ACTION: That City Council adopt Ordinance No. 1351, Adopting a Penalty for Failure to Connect to the City's Sanitary Sewer System, and authorize the Mayor's signature on the ordinance.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 2, 2009

AGENDA ITEM: A Request to Surplus Existing City Hall – 323 Front Street		AGENDA SECTION: New Business
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.: IV - C
ATTACHMENTS: Parcel Number and Legal Description	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

When city offices move into the new city hall, the city will no longer have a need for the vacated city hall at 323 Front Street.

In order to proceed with possible options for this property, the council needs to declare the city hall property located at 323 Front Street as surplus.

The Finance Committee will review this request at their committee meeting on March 2, 2009, prior to the council meeting.

RECOMMENDED ACTION: That the Council declares the city owned real estate located at 323 Front Street (parcel number 400320 331313 000) surplus and direct the Finance Director or designee to proceed with advertisement to solicit bids for the property.
COUNCIL ACTION: