

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

**7:00 P.M.
MARCH 16, 2009
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

ITEMS FROM THE AUDIENCE

A. SCHEDULED - Ms. Mary Michaelson - Judson Statue Update

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. 1352 - A 2009 BUDGET AMENDMENT

C. SET PUBLIC HEARING DATE FOR STORMWATER UTILITY RATES

D. SET PUBLIC HEARING DATE FOR STORMWATER FACILITY CAPITAL IMPROVEMENTS

E. SET PUBLIC HEARING DATE FOR GROWTH MANAGEMENT OBJECTIVES

III NEW BUSINESS

A. PROPOSED CONTRACT AMENDMENT FOR PROBATION SERVICES FOR THE LYNDEN MUNICIPAL COURT

B. PROPOSED CONTRACT FOR PUBLIC DEFENDER SERVICES FOR THE LYNDEN MUNICIPAL COURT

C. ORDINANCE NO. 1353 - ADOPTING INTERNATIONAL EXISTING BUILDING CODE

D. ACCEPTANCE OF AMERICAN RECOVERY AND REINVESTMENT ACT STIMULUS FUNDS FOR EAST GROVER IMPROVEMENT PROJECT - PROJECT NO. 2008-05

E. MEMORANDUM OF UNDERSTANDING - WHATCOM WATER ALLIANCE

IV EXECUTIVE SESSION

V ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16th, 2009

AGENDA ITEM: Set Public Hearing Date – Resolution No. 798 Storm Water Utility Rates		AGENDA SECTION: Consent
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.: II-C
ATTACHMENTS: Resolution No. 798	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

Resolution No. 798, Storm Water Utility Rates, is a follow up to the recent City Council approval of the Storm Water Management System Ordinance No. 1350. The attached resolution describes the various customer categories and associated fees.

At their February 18th meeting, the Public Works Committee concurred and recommended that this resolution be forwarded to the full City Council for review and subsequent approval.

Note: A separate council action may be required to address the individual issues that arise during the Public Hearing process; such as Windward Consulting, LLC - Dick Vandenburg's request to the Public Works Committee on January 7, 2009 for a credit of the difference between the proposed new rate (once approved) that accounts for on-site retention vs. the current rate he has been paying with no consideration for on-site retention for West Lynden Business Park. Vandenburg states that the business park has 100% storm water infiltration into the ground and does not utilize the City's storm water system; however he stated that he is willing to pay a rate more in keeping with his impacts on the system.

RECOMMENDED ACTION: That City Council set a Public Hearing date of April 20th, 2009 at 7:00 P.M. to hear comments on the proposed revision to the Storm Water Utility Rates (through Resolution No. 798), and authorize the Mayor's signature on the resolution.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Set Public Hearing Date – Resolution No. 797 Storm Water General Facility Improvement Charges		AGENDA SECTION: Consent
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.: II-C
ATTACHMENTS: Resolution No. 797	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

Resolution No. 797, Storm Water Utility Rates, is a follow up to the recent City Council approval of the Storm Water Management System Ordinance No. 1350. The resolution describes the various customer categories and the associated fees.

At their February 18th meeting, the Public Works Committee concurred and recommended that this resolution be forwarded to the full City Council for review and subsequent approval.

RECOMMENDED ACTION: That City Council set a Public Hearing date of April 20th, 2009 at 7:00 P.M. to hear comments on the proposed revision to the Storm Water Utility Rates (through Resolution No. 797), and authorize the Mayor's signature on the resolution.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Set Public Hearing Date for Growth Management Objectives		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:

On March 12, 2009 the Planning Commission and the City Council held a joint work session to review the work being done by the Growth Management Coordinating Committee. As a result of this meeting it was determined that an Resolution stating their findings would be added to the April 6, 2009 City Council meeting agenda as a Public Hearing in order to allow the public to comment on the process.

RECOMMENDED ACTION: That the public hearing regarding growth management objectives be set for April 6, 2009 at 7:00 PM at the City Hall Annex, 205 4 th Street, Lynden, WA, 98264.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Proposed Contract Amendment for Probation Services for the Lynden Municipal Court		AGENDA SECTION: New Business
PREPARED BY: Bill Verwolf City Administrator	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.: III-A
ATTACHMENTS: -Letter dated 12-12-09 from Bruce Van Glubt -The proposed amendment	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Attached are the Probation Contract amendment for 2009-2010, together with a letter from Bruce Van Glubt, District Court Administrator, summarizing the contract modifications, and changing the calculation method.

The Probation Contract in Section III (General Provisions) Item J provides for the County's right to renegotiate the monthly rate per open case if revenues generated by the contract do not cover the costs generated by the contract.

For 2009, probation costs per open active case will increase approximately 23%, from \$29.15 to \$36.00 per month (as identified in Section II B in the Contract Amendment).

For 2010, the monthly rate per open active case will be determined by the County using a specific formula for estimating the costs of providing probation services (as described in Section II C in the Contract Amendment).

The Finance Committee has reviewed the amendment and recommends approval.

RECOMMENDED ACTION: That the amendment to the contract for probation services for the Lynden Municipal Court be approved and that the Mayor be authorized to sign said amendment.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Proposed Contract for Public Defender Services for the Lynden Municipal Court		AGENDA SECTION: New Business
PREPARED BY: Bill Verwolf City Administrator	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.: III-B
ATTACHMENTS: -Letter from Attorney Daniel Parsons -Comparables -Draft Contract	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Attorney Daniel Parsons of Roy, Simmons & Parsons requested to increase his fees for Public Defender services which he provides to the Lynden Municipal Court.

Case Referral Fees	2005-2008	2009-2011 (proposed)
New criminal charges	\$175	\$200
Probation matters	\$100	\$115

The attached draft contract reflects his requested increases and adjusted dates. No other language was changed.

The Finance Committee has reviewed the contract and recommends approval.

RECOMMENDED ACTION: That the contract for public defender services for the Lynden Municipal Court be approved and that the Mayor be authorized to sign said contract.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Ordinance No. 1353 Adopting the International Existing Building Code		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.: III-C
ATTACHMENTS: Ordinance 1353	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

On March 4th, the Public Works Committee reviewed a request from Jeff Johnson, co-owner of Delft Square on Front Street, and Charles Waugh, of Geiger Engineers in Bellingham. They would like to adopt the International Existing Building Code (IEBC), in addition to the previously adopted International Building Code (IBC).

The IEBC regulates the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historical buildings. Adopting the IEBC will allow the owners to incorporate the existing building's materials and construction when they retrofit the building at Delft Square. It will also be helpful for remodels such as the Lynden Middle School or the current City Hall.

City Building Official Tom Varbiro determined that the IEBC can be used without issue.

Upon review, the Public Works Committee concurred to recommend to City Council that the IEBC be adopted by the full City Council

RECOMMENDED ACTION: That City Council approve Ordinance No. 1353, Adopting the International Existing Building Code, and authorize the Mayor's signature on the ordinance.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Resolution No. 799 – Acceptance of American Recovery and Reinvestment Act Stimulus Funds for East Grover Improvement Project No. 2008-08		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-D
ATTACHMENTS: Resolution No. 799	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The City is preparing to solicit construction bids for the East Grover Street Project No. 2008-08, and has been working with the Washington State Department of Transportation (WSDOT) to prepare for this. Additionally, the City has received WSDOT economic stimulus funding through the American Recovery and Reinvestment Act (ARRA) for this project in the amount of \$1,309,000.

In addition to the ARRA funding, the City will be utilizing water and sewer utility funds, in proportion to project costs for these components; as well as \$1.34 million dollars from the arterial street fund to complete the estimated \$3.7 – 4.0 million project.

In accordance with WSDOT requirements, the City Council must confirm that local funds are secure for this project. This is being done through attached Resolution No. 799.

RECOMMENDED ACTION: That City Council approve Resolution No. 799, accepting the American Recovery and Reinvestment Act Stimulus Funds for East Grover Improvement Project No. 2008-08, and authorize the Mayor's signature on the resolution.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 16, 2009

AGENDA ITEM: Memorandum of Understanding - Whatcom Water Alliance		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-E
ATTACHMENTS: Memorandum of Understanding	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

On March 4th, 2009, the Public Works Committee reviewed the proposed Memorandum of Understanding between the Whatcom Water Alliance and the City of Lynden. The Whatcom Water Alliance is a group consisting of local governments, including the Cities of Blaine and Ferndale, and the Birch Bay Water and Sewer Districts. To date, all except the City of Lynden have signed this agreement.

The goals set forth in this agreement include the collaboration of the local government water purveyors in Whatcom County to achieve greater efficiency and effectiveness in delivering water supply services, and to develop and promote common water conservation programs. Signing this agreement will also count towards the City's goals in complying with the Water Use Efficiency Rule.

Upon review, the Public Works Committee concurred to recommend to the full City Council that this Memorandum of Understanding be approved.

RECOMMENDED ACTION: That City Council approve the Memorandum of Understanding for the Whatcom Water Alliance: Coordination of Regional Water Resource Programs, and authorize the Mayor's signature on the agreement.
COUNCIL ACTION: