

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

**7:00 P.M.
APRIL 6, 2009
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES - March 12, 2009 Special Session

- March 16, 2009 Regular Session

ITEMS FROM THE AUDIENCE

A. SCHEDULED - Lynden Library Branch Manager Regan Robinson

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. REQUEST TO CANCEL CLAIMS WARRANT C-49885

C. INTRODUCTION OF RESOLUTION NO. 800 AMENDING RESOLUTION NO. 787 REGARDING SEWER GENERAL FACILITY CHARGES; RESOLUTION NO. 801 AMENDING RESOLUTION NO. 788 REGARDING SEWER RATES; RESOLUTION NO. 802 AMENDING RESOLUTION NO. 789 REGARDING WATER GENERAL FACILITY CHARGES; AND RESOLUTION NO. 803 AMENDING RESOLUTION NO. 790 REGARDING WATER RATES

D. AQUIFER AND STORAGE RECOVERY PROJECT

III PUBLIC HEARING

A. RESOLUTION NO. 804 - POPULATION AND EMPLOYMENT GROWTH

IV NEW BUSINESS

A. CONSIDERATION OF PURCHASE AND SALE AGREEMENT FOR 401 FRONT STREET

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

C. CONSIDERATION OF LEASE AGREEMENT WITH THE LYNDEN SHOTGUN CLUB

D. REQUEST TO APPLY FOR COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT

V EXECUTIVE SESSION

VI ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 6, 2009

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| AGENDA ITEM: Introduction of: Resolution No. 800 Regarding Sewer General Facilities Charges Resolution No. 801 Regarding Sewer Rates Resolution No. 802 Regarding Water General Facilities Charges Resolution No. 803 Regarding Water Rates | | AGENDA SECTION: Consent Agenda |
| PREPARED BY: Bill Verwolf, City Administrator | COUNCIL REVIEW: <input checked="" 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. 800 Resolution No. 801 Resolution No. 802 Resolution No. 803 | LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed | APPROVED BY: |

Attached please find the following Resolutions setting water and sewer rates for 2009, with an effective date of May 1, 2009.

- Resolution No. 800 Amending Resolution No. 787 Regarding Sewer General Facilities Charges
- Resolution No. 801 Amending Resolution No. 788 Regarding Sewer Rates
- Resolution No. 802 Amending Resolution No. 789 Regarding Water General Facilities Charges
- Resolution No. 803 Amending Resolution No. 790 Regarding Water Rates

The increases in General Facilities Charges for water are proposed at 3.6% over 2008 rates.

The increases in General Facilities Charges for sewer, and applicable to all areas served by the City, are proposed at 3.6% over 2008 rates.

The increases in the General Facilities Charge (“surcharge”) for sewer, and applicable to the East Lynden/Line Road Sub Basin as described in Ordinance No. 1247, are proposed at an additional increase of 5% of the original cost.

The increase in sewer rates are proposed at 3.6% over 2008 rates.

The increase in water rates are proposed at 3.6% over 2008 rates.

The municipal cost index for the last year, October to October, is 3.6% and the Consumer Price Index for the same period is at 8.3%.

At this time, these Resolutions are for information only. They will be brought before Council on April 20, 2009 for consideration.

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| RECOMMENDED ACTION: For information only. |
| COUNCIL ACTION: |

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 6, 2009

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| AGENDA ITEM: Aquifer Storage & Recovery (ASR) – Associated Earth Sciences, Inc. | | AGENDA SECTION: Consent |
| PREPARED BY: Heather Sytsma, Public Works Senior 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: None | LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed | APPROVED BY: |

On March 18, 2009, the Public Works Committee discussed the feasibility of utilizing an underground aquifer to store treated, non-chlorinated Nooksack River water, when the river is meeting in-stream flow requirements, and then recover/use the stored water during times of high demand when there is the potential for the river to either not meet minimum in-stream flows or additional water is needed by the city. This process is known as Aquifer Storage and Recovery (ASR).

In order to determine whether ASR is a feasible option for the City, testing needs to be done on the existence of an aquifer beneath the City by digging 400-foot to 500-foot wells.

The Committee reviewed a scope of work and budget submitted by Associated Earth Sciences, Inc. to perform ASR work that begins with the initial assessment and follows through to assistance with obtaining funding for well drilling, construction, and associated costs, if the project is feasible.

Phase 1 of the ASR will cost approximately \$110,000.00 and includes geological and hydrological assessments and well drilling. Expenses for this project are budgeted in the Water Resources Fund (340).

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| RECOMMENDED ACTION: For Information Only |
| COUNCIL ACTION: |

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: **April 6, 2009**

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| AGENDA ITEM: Population and Employment Projections 2009 – 2029-31 – Resolution 804 | | AGENDA SECTION: Public Hearing |
| PREPARED BY: Amy Harksell, AICP Planning Director | COUNCIL REVIEW: <input type="checkbox"/> Finance <input type="checkbox"/> Public Safety <input type="checkbox"/> Parks <input type="checkbox"/> Public Works <input type="checkbox"/> Com. Dev. <input type="checkbox"/> Quasi Judicial | AGENDA NO.: III. A |
| ATTACHMENTS: Power point slides, draft resolution, minutes | LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed | APPROVED BY: |

On March 12, the Council and Planning Commission held a joint work session to discuss projected population and employment growth. During that work session, historic and potential growth of both population and growth were reviewed and the land capacity analysis completed by Whatcom County was discussed.

The City Council and Planning Commission agreed to hold a public hearing on projections that were moderate and consistent with current capital facilities plans and the City’s financial ability to provide a full range of urban services.

The attached resolution provides findings and support for those projections. If the Council deems that different projections should be considered at the conclusion of the hearing, modifications will be made to the resolution.

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| RECOMMENDED ACTION: Motion to approve Resolution 804 – A Resolution to Adopt Growth Projections necessary to Plan for the next 20 Years, and authorize the Mayor’s signature on said resolution. |
| COUNCIL ACTION: |

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 6, 2009

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| AGENDA ITEM: Consideration of Purchase and Sale Agreement for 401 Front Street | | 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.: IV-A |
| ATTACHMENTS: Purchase and Sale Agreement | LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed | APPROVED BY: |

The Administration has negotiated the attached Purchase and Sale Agreement for the acquisition of the 401 Front Street property currently occupied by the Planning Department and the Information Technology operations.

The Public Works Department has scheduled asbestos and structural evaluations to determine the estimated costs of removing the building to allow the use as street right of way.

There is an existing 5 year lease between the current owners and Councilman Gary Bode for the basement space. This existing lease is not considered a conflict of interest unless it were to be changed.

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| RECOMMENDED ACTION: Motion to approve the purchase and sale agreement for 401 Front Street and authorize the Mayor to complete the acquisition of the property. |
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| COUNCIL ACTION: |
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CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 6, 2009

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| 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.: IV-B |
| 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 and 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.

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| 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: April 6, 2009

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| AGENDA ITEM: Lease with Lynden Shotgun Club | | AGENDA SECTION: New Business |
| 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.: IV-C |
| ATTACHMENTS: Lease Agreement | LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Needed | APPROVED BY: |

The City currently has had lease agreements, amendments to the leases, and memorandums of agreement with the Lynden Shotgun Club since the early 1950's. Much of their equipment was purchased when the club first started and they are currently investigating ways to secure funds to update their equipment. The club wishes to apply for a grant; however, they need to have a lease agreement in place for a minimum of 10 years.

These leases and amendments all expire in 2015. Rather than add another amendment to previous amendments, which went by numerous different names and descriptions, it was decided to draft a new 10 year lease for the club under their current name which is The Lynden Shotgun Club.

A new lease agreement has been drawn up by our City Attorney. Staff has met with the Club to discuss the leases and The Lynden Shotgun Club has agreed to the terms of the new agreement.

The Parks Committee was presented the lease proposal for their consideration, and recommends approval of the lease agreement.

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| RECOMMENDED ACTION: A motion that this new lease agreement between the Lynden Shotgun Club and the City of Lynden be approved and that the Mayor be authorized to sign said lease. |
| COUNCIL ACTION: |