

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

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

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

ITEMS FROM THE AUDIENCE

A. SCHEDULED

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. APPROVAL OF PAYROLL

C. SET TIME AND DATE TO RECEIVE PUBLIC COMMENT REGARDING
WATER/SEWER UTILITY RATES AND WATER/SEWER FCI FEES

III NEW BUSINESS

A. RIGHT OF WAY USE AGREEMENT - DALENE KOETJE - PORTION OF BRADLEY ROAD

B. ORDINANCE NO. 1377 - REPEALING CHAPTER 5.28 OF THE LYNDEN MUNICIPAL CODE - PINBALL AND GAMES OF SKILL

C. REQUEST TO REPLACE LYNDEN HIGH SCHOOL'S STORAGE SHED AT CITY PARK

D. REQUEST TO USE EXCESS BUDGETED CAPITAL RESERVE FUNDS AND REQUEST BIDS FOR THE RE-ROOFING OF THE BERTHUSEN BARN

E. WATER SERVICE AGREEMENT BETWEEN THE CITY OF LYNDEN, MEADOWBROOK WATER ASSOCIATION, AND CLARENCE AND KELLIE KOBES - 8783 NORTHWOOD ROAD

F. ECONOMIC DEVELOPMENT SUMMIT DISCUSSION

IV EXECUTIVE SESSION

V ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19th, 2010

AGENDA ITEM: Set Time and Date to Hear Public Comment on Proposed Water & Sewer Utility Rates and Water & Sewer FCI Fees		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: Draft Resolutions Memos to City Council and Staff 2010 Rate Study	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

City staff and the Public Works Committee have completed their revisions and review of the proposed rate increases for Water & Sewer Utility Rates and for Water & Sewer Facility Capital Improvement (FCI) fees. The draft resolutions are attached.

At their April 7th meeting, the Public Works Committee concurred to recommend approval of the rate adjustments to City Council after public comment has been heard. Staff is recommending that the public be invited to attend the May 3rd City Council meeting to give comments, and at that time the Council may approve the resolutions if they so choose.

RECOMMENDED ACTION: That City Council set May 3rd, 2010 at 7:00 P.M. as the date to hear comments on the proposed revision to the Water & Sewer Utility Rates and the Water & Sewer FCI Fees.
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COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19th, 2010

AGENDA ITEM: Right of Way Use Agreement for Portion of Bradley Road – Dalene Koetje		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: Right-of-Way Use Agreement	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

Dalene Koetje has requested approval to install an underground power line within a portion of City street right-of-way on Bradley Road. From there, the line will cut through Koetje's private property (8628 Line Road) to the Koetje's barn located near the north end of the property.

At their April 7th meeting the Public Works Committee reviewed the Right-of-Way Use Agreement, which defines the terms for granting the Koetje's use of City right-of-way, and concurred to recommend approval to the full City Council. A compensation amount of \$250 has been offered for the grant.

RECOMMENDED ACTION: That City Council 1) approve the Right-of-Way Use Agreement between the City and Dalene Koetje, 2) accept the offer of \$250 as compensation for the grant, and 3) authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19, 2010

AGENDA ITEM: Repeal Chapter 5.28 of LMC regarding Pinball and Games of Skill		AGENDA SECTION: New Business
PREPARED BY: Dawn M. Castle	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.: III-B
ATTACHMENTS: Proposed Ordinance 1377	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

During a routine review of Title 5 of the Lynden Municipal Code, it was discovered that Chapter 5.28 dealing with the licensing of pinball machines and other games of skill, was outdated, largely unenforceable, and currently yielding the city less than \$100 per year in revenue. In light of the above, it is requested that the Council approve Ordinance 1377 repealing LMC Chapter 5.28.

RECOMMENDED ACTION: Motion to approve and authorize Mayor to sign Ordinance 1377
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19, 2010

AGENDA ITEM: Request by Lynden High School to replace storage shed with a larger shed		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.: III-C
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The Lynden High School Tennis team is requesting to replace their current 8X10 storage shed with a larger 12X12 shed at City Park. They have agreed to paint it the same colors as the existing buildings at City Park, and will supply a liability insurance form listing the City as a secondary insured.

There is no formal agreement in place regarding the current shed, and the Parks Department is requesting a written formal agreement allowing the placement of the shed on City property.

The Parks Committee has reviewed the request and recommends allowing the shed to be placed on City property. An agreement will be brought before Council that will outline the lease arrangements for this shed that are consistent with the City's leasing requirements.

RECOMMENDED ACTION:

A motion that the Lynden High School request to replace their existing storage shed with a new 12X12 storage shed be approved and that staff be directed to draft a lease agreement consistent with the City's leasing requirements for Council review.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19, 2010

AGENDA ITEM: Request use of excess budgeted capital reserve bleachers funds to be used to reroof the Berthusen Barn		AGENDA SECTION: NEW BUSINESS
PREPARED BY: Vern Meenderinck Parks Director	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.: III-D
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Needed	APPROVED BY:

Excess capital reserve funds are available from the following sources:

- Shakes for the Berthusen Barn have been purchased with the grant received from the Jansen Foundation. There is approximately \$5,000 left in that account.
- Capital Reserve funds have been budgeted for 2010 for the Berthusen Barn in the amount of \$25,000.
- Rotary Club has also committed \$3,700 to the re-roofing project.
- The 2010 Capital Reserve budget listed \$100,000 for replacement bleachers, and the final bid awarded came in under \$50,000.

We have received a preliminary estimate from Western Roofing to install the shakes for \$48,000, plus the cost of replacing any needed rotten boards etc., plus tax.

The Parks Department is requesting to use a portion of those excess budgeted funds to finish the re-roofing project for Berthusen Barn.

The Parks Committee reviewed matter and recommended that the installation of the shakes be funded as follows: remainder of the Jansen foundation funds; the budgeted Berthusen Barn funds; monies received from the Rotary Club; and the remainder to be funded by the budgeted funds not used to purchase the bleachers. The Parks Committee is also recommending that bids for the installation of the shakes be requested and brought before Council prior to funds being expended.

RECOMMENDED ACTION:

A motion that the Parks Department be authorized to request bids for the Berthusen Barn re-roofing project which will be brought before Council for review, and that excess Capital Reserve Funds be used to complete this project.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19th, 2010

AGENDA ITEM: Water Service Agreement between the City, Meadowbrook Water Association and Clarence and Kelli Kobes to Provide Water Service at 8783 Northwood Road		AGENDA SECTION:
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.: <p align="center">III-E</p>
ATTACHMENTS: Water Service Agreement	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

A single family residence, located at 8783 Northwood Road, Everson, was recently annexed into the Lynden City limits. As the property is in need of potable water and the City has no water infrastructure available to directly deliver water service to this property, an agreement was written which will allow the property to be served water by the Meadowbrook Water Association until the time the City has water infrastructure available for the property to hookup to. The current property owners are Clarence and Kelli Kobes.

The Association will be reimbursed by the property owner for materials and labor to install the meter; and the property owner will also pay a membership fee. At the time the property can hookup to City water, the Association will reimburse the property owner the amount of the membership fee, which in turn can be used towards City hookup fees.

The Public Works Committee discussed this agreement at their April 7th, 2010 meeting, and concurred to recommend approval to the full City Council.

RECOMMENDED ACTION: That City Council approve the Water Service Agreement between the City, Meadowbrook Water Association and Clarence and Kelli Kobes; and authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: April 19, 2010

AGENDA ITEM: Economic Development Summit Discussion		AGENDA SECTION: New Business
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 checked="" type="checkbox"/> Comm. Dev. <input type="checkbox"/> Not Reviewed	AGENDA NO.: III. F
ATTACHMENTS: Notes from Economic Development Summit	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The meeting to discuss local economic development efforts (the Economic Development Summit) was held on April 1. The meeting was a starting point in discussing many issues related to Lynden’s economy, from the downtown business hours to encouraging development in West Lynden.

On April 14, the Community Development Committee discussed the challenges and ideas that were discussed during the summit. In the next 30 days, the Chamber of Commerce will be involved in a retreat to discuss many of these same topics and how that organization will move ahead with its role in economic development efforts.

It was determined that it would be an appropriate time to bring these ideas forward to the full Council for open discussion and direction. The Community Development Committee is seeking a 20 to 30 minute discussion of the ideas listed in the attached summary.

RECOMMENDED ACTION: <u>FOR DISCUSSION</u>
COUNCIL ACTION: