

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

**7:00 P.M.
MAY 18, 2009
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. ORDINANCE NO. 1358 - A 2009 BUDGET AMENDMENT
- C. REQUEST TO CANCEL CLAIMS WARRANT C-49935
- D. REQUEST TO SET PUBLIC HEARING DATE FOR SIX YEAR
TRANSPORTATION IMPROVEMENT PLAN
- III PUBLIC HEARING**
- A. RECOMMENDED CHANGES TO THE LYNDEN URBAN GROWTH AREA
- B. RECOMMENDED CHANGES TO COMMERCIAL ZONING - CHAPTER 19.23 OF
THE LYNDEN MUNICIPAL CODE
- IV NEW BUSINESS**
- A. YEAR 2010 DRAFT BUDGET CALENDAR
- B. ESTABLISHMENT OF IDENTITY THEFT POLICY
- C. REFUND REQUEST FOR EAST LYNDEN SEWER FCI SURCHARGE
DIFFERENCES
- D. RESIGNATION OF COUNCILMEMBER DOUG ADELSTEIN
- V EXECUTIVE SESSION**
- VI ADJOURNMENT**

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Ordinance No. 1358, An Ordinance Amending the Budget for the Year 2009		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: Ordinance No. 1358	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

On May 4, 2009 a 2009 budget amendment was introduced to the City Council.

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

Main St Fishtrap Creek Culvert Replacement (#382):

To create budgeted revenue and expenditure amounts for Main St Fishtrap Creek Culvert Replacement Fund.

The Finance Committee recommends that the City Council adopt Ordinance No. 1358 Amending the Budget for the Year 2009.

RECOMMENDED ACTION: That the Council approves Ordinance No. 1358 as presented and authorizes the Mayor's signature.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: MAY 18, 2009

AGENDA ITEM: A Request to Cancel Claims Warrant C-49935		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-49935 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-49935 payable to Washington Organic Recycling Council (WORC) in the amount of \$125.00 be cancelled. A membership renewal “invoice” was presented to the city and signed by Public Works; however, it was actually a sales receipt, not invoice. The vendor sent a sales receipt in an invoice format as confirmation of an earlier payment.

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-49935 – Washington Organic Recycling Council (WORC) in the amount of \$125.00
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: 6-Year Transportation Improvement Plan (STIP) – Request for Public Hearing		AGENDA SECTION: New Business
PREPARED BY: Heather Sytsma, Public Works Senior Administrative 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: Last Year’s 6-Year Transportation Improvement Plan (2009-2014)	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

By law, a public hearing must be held for City Council to consider comments regarding the City's 6-Year Transportation Improvement Plan (2010 to 2015). The plan consists of a listing of proposed street improvement projects. After the hearing is closed, the Council may pass a resolution approving the plan.

In order to apply for funding for these projects, every city and county must prepare a local plan and forward it to the Washington State Department of Transportation for inclusion in the State Transportation Plan (STIP). The plan must be submitted to the state by July 31st, 2009.

The Public Works Committee received a preliminary plan at their May 6th meeting and will discuss the plan at their next meeting on May 20th. Staff is recommending that City Council set a public hearing date of June 15, 2009 at 7:00 p.m., at the Lynden City Hall Annex, to hear comments on the City’s Six-Year Transportation Improvement Plan.

RECOMMENDED ACTION: That City Council set a public hearing date of June 15, 2009 at 7:00 p.m., at the Lynden City Hall Annex, to hear comments on the city's 6-Year Transportation Improvement Plan.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Public Hearing Regarding Recommendation for UGA Expansion		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.: <p align="center">III. A</p>
ATTACHMENTS: Draft Proposal for UGA Expansion, Map, Planning Commission Resolution, Correspondence	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

It was noted during the Council and Planning Commission work session that the City’s urban growth area was undersized for the residential population that had been projected for the City of Lynden. After the City Council adopted Resolution 804 that recommended the populations of 18,118 in 2029 and 19,027 in 2031, staff completed the work on the land capacity analysis to determine how much too small the UGA was.

The attached proposal is still in draft form, but provides the Council with the information and background to make a recommendation to the County Council. The proposal is due to Whatcom County by June 1. Due to the move of City Hall, staff is hoping to have it delivered by May 22.

The Planning Commission held a public hearing on May 7. A number of property owners asked questions regarding the addition to the UGA, but there was no one who was clearly speaking in favor or in opposition. The Commission’s resolution recommending the UGA expansion is included in the Council package.

In brief summary, the recommendation includes the addition of 326 acres to Lynden’s UGA. This is 314 acres west of the current UGA line plus the 12 acres proposed for inclusion by Galen Koetje some years ago. With the Comprehensive Plan Update due in 2011, more work will be done on the particulars of zoning and density. This addition is the first step in that process.

RECOMMENDED ACTION: Motion to complete the draft proposal recommending the addition of 326 acres to Lynden’s Urban Growth Area as set forth in the draft proposal and authorize the Mayor and Planning Director to move this proposal forward to the Whatcom County Council.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Public Hearing Regarding Proposed Commercial Zoning Changes		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. B
ATTACHMENTS: Draft text, map and findings, Planning Commission Minutes.	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

The Zoning Text Review Committee has completed their work on the City's zoning ordinance as it relates to the commercial zoning. This has been a lengthy and detailed process with the Committee working through a number of issues related to the future commercial development within the City.

The Planning Commission held a public hearing on the proposed changes and has recommended approval. Due to the nature of several of the recommendations, the document has also been through a substantial legal review. Additional legal review will take place on the actual ordinance, to ensure all necessary findings are included and is anticipated to be on the consent agenda for June 1.

The attached map provides the Zoning Text Review Committee's recommendations for changes to the zoning *areas*. The map shows where zones are proposed to change to other commercial zones or industrial zones. Large prints of the existing zoning and proposed zoning will be at the hearing. Property owners were notified by mail of the Planning Commission hearing and no one spoke in opposition to the changes. The minutes for that meeting are attached.

RECOMMENDED ACTION: Motion to approve changes to Chapter 19.23 of the Lynden Municipal Code and zoning districts and direct staff to prepare the final ordinance for adoption.
COUNCIL ACTION:

CITY OF LYNDEN
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Year 2010 Draft Budget Calendar		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: Draft Year 2010 Budget Calendar and Council Committee Meeting Schedule	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

As required by RCW, there are several budget preparation deadlines as the city moves forward in preparing its year 2010 budget. Attached is a proposed draft 2010 budget calendar for council review.

Administration has reviewed this draft and the Finance Committee will be review the final schedule at the Finance Committee meeting on June 1, 2009 prior to presentation to the council that evening.

Committee Chairs: Please review the attached Council Committee Meeting Schedule for dates. Once approved in June, these dates will be distributed as presentation dates to the satellite agencies as well as to city departments.

RECOMMENDED ACTION: For Information Only. Will be submitted to council for approval on June 1, 2009.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Identity Theft Prevention Program, Policy Number F-11		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 - B
ATTACHMENTS: Policy Number F-11	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

The Federal Trade Commission’s new rules on identity theft, known as “Red Flags Rules,” require financial institutions, utilities and other creditors to set up programs aimed at preventing identity theft. Due to the definition of “creditor” in these rules, many municipalities are affected, including the City of Lynden.

In order to be compliant to these new requirements, the attached policy number F-11 is presented for your review. The policy is required to include policies and procedures for detecting, preventing and mitigating identity theft and enable a financial institution or creditor to:

1. Identify “red flags”;
2. Detect “red flags”;
3. Respond appropriately to any “red flags” that are detected to prevent/mitigate identity theft;
4. Ensure the policy is updated periodically to reflect changes in risks from identity theft.

The Finance Committee has reviewed the attached policy at its meeting on May 4, 2009 and recommends its approval by council.

RECOMMENDED ACTION: That the Council approves Policy F-11 Identity Theft Prevention Program as presented.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Refund Request for East Lynden Sewer FCI Surcharge Differences		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: Listing of Affected Properties	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

On March 2, 2009, Council approved Consent Agenda II-D which authorized refunds of East Lynden Sewer FCI Surcharges. The surcharge was based on estimates and when the project was completed, there was reconciliation to actual. The refunds were based on that reconciliation.

During the course of processing the refunds, there were noted two errors. Per permit 6329 for 1625 Scenic Place, Marv VanMersbergen paid \$4,767.00 on March 30, 2008 per receipt #14649. The FCI charge should have been \$4,091.00. A refund of \$676.00 should be remitted for the overpayment.

Permit #5380 dated 9/18/2006 in the amount of \$4,540 was authorized for a refund in the amount of \$449 due to overpayment. However, there was an underpayment for this party on another permit, so the refund will be applied to the underpayment.

RECOMMENDED ACTION: That the Council approves the above noted refund in the amount of \$676.00.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 18, 2009

AGENDA ITEM: Resignation of Councilmember Doug Adelstein		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 checked="" type="checkbox"/> Not Reviewed	AGENDA NO.: IV-D
ATTACHMENTS: <ul style="list-style-type: none"> • RCW 42.12.010 • RCW 42.12.030 • RCW 42.12.070 • Dates for filling vacancy • Draft Publication to fill vacancy 	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Councilmember Doug Adelstein has indicated he will submit his resignation from the Lynden City Council at this meeting. We have included information on the Council process for selecting a replacement until a replacement Council member is elected in November.

Staff recommends that Council accept the resignation and discuss the process they wish to follow to temporarily fill that position until a person can be elected into the position.

RECOMMENDED ACTION: That the resignation from Doug Adelstein from Councilmember position 4 of the Lynden City Council be accepted and that staff is directed to begin the process to fill that position until a new councilmember can be elected.

COUNCIL ACTION: