

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

**7:00 P.M.
SEPTEMBER 8, 2009
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

APPROVAL OF PAYROLL

ITEMS FROM THE AUDIENCE

A. SCHEDULED - Ms. Mary Michaelson - Judson Park 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 NEW BUSINESS

A. INTRODUCTION OF A 2009 BUDGET AMENDMENT

B. RESOLUTION NO. 807 - A RESOLUTION AMENDING RESOLUTION 425 AUTHORIZING A PROCEDURE FOR SECURING TELEPHONE AND/OR WRITTEN QUOTATIONS FROM VENDORS.

C. REQUEST FOR AUTHORIZATION TO CHANGE FINANCIAL INSTITUTIONS FOR MUNICIPAL COURT TRUSTEE ACCOUNT.

D. BRIEFING REGARDING URBAN GROWTH AREA PROPOSAL

E. GRANT AGREEMENT WITH WASHINGTON DEPT OF ECOLOGY FOR SHORELINE MASTER PLAN UPDATE

F. APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH WHATCOM ENVIRONMENTAL SERVICES FOR THE SHORELINE MASTER PROGRAM UPDATE

G. ORDINANCE NO. 1362 - DRUG AND ALCOHOL ASSESSMENT

H. CONTRACT AWARD FOR 14TH ST. RECONSTRUCTION PROJECT NO. 2008-11

III EXECUTIVE SESSION

IV ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 8, 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.: II - 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 fund needs to be modified:

Fund 356 Parks Capital Reserve

The Finance Committee will review this 2009 budget amendment introduction and ordinance at their meeting on September 8, 2009.

RECOMMENDED ACTION: For Information Only
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 8, 2009

AGENDA ITEM: Resolution No. 807, A Resolution Amending Resolution No. 438 Authorizing A Procedure For Securing Telephone and/or Written Quotations From Vendors		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.: II - B
ATTACHMENTS: Resolution No. 807	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>W. Verwolf</i>

RCW 35.23.352 provides that advertisement and competitive bidding may be dispensed with as to purchasing of supplies, materials, or equipment between \$7,500 and \$15,000 if a procedure is established for securing quotations from enough vendors to assure competitive pricing.

In October 1988 council passed Resolution No. 438. A copy of that resolution is attached. When reviewing Resolution No. 438, it was noticed that this resolution needed to be updated. The sections updated were:

1. Deleted City Clerk, Public Works Director, Utility Superintendent with verbiage of authorized employees.
2. Added "and will be documented" to 1(c) at end of sentence.
3. Deleted 1(d), tabulation of information not required to be on Treasurer's form.

Proposed Resolution No. 807 will update the existing resolution as noted above.

The Finance Committee will review this resolution at its committee meeting on September 8, 2009 and present its recommendation at the council meeting later the same night.

RECOMMENDED ACTION: That the Council approves Resolution No. 807 as presented and authorizes the Mayor's signature.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 8, 2009

AGENDA ITEM: Request for Authorization to Change Financial Institutions for Municipal Court Trustee Account		AGENDA SECTION: New Business
PREPARED BY: Teresa L. Camfield, CPA, CPFA 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: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

After a review of banking services offered presently to the City of Lynden Municipal Court Trustee Account and the need to increase efficiencies and lower costs, the recommendation is being made to close the existing account at Bank of America and establish a new account at Peoples Bank, Main Branch. The result is that by doing so, the court account would be at the same financial institution as other city accounts.

This proposal has been reviewed by the City Administrator and court personnel. They support this recommendation.

The Finance Committee will review this recommendation at its committee meeting on September 8, 2009 and present its recommendation at the council meeting later the same night.

RECOMMENDED ACTION: That the Council approves the closure of the City of Lynden Municipal Court Trustee Account at Bank of America and authorize the Finance Director to establish the same type of account at Peoples Bank, Main Branch.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: **September 8, 2009**

AGENDA ITEM: Briefing on UGA Proposal		AGENDA SECTION: New Business
PREPARED BY: Amy Harksell, 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.: II. D
ATTACHMENTS: County Map	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Executive Pete Kremen has issued his recommendation to the Whatcom County Council regarding urban growth areas and amendments to the County’s Comprehensive Plan. Below is a summary of the changes recommended by the Executive to Lynden’s proposal.

	Pop Growth	Total 2031 Pop	Acres of Expansion
City Proposal	7,414	19,027	326
Executive Recommendation	3,559	16,159	151
Difference		2,868	175

Mayor Louws and I will be providing an oral briefing to the Council on potential actions for the City to take and the preparations being taken for the County’s public hearing on September 17. Attorney Carmichael is also up to date on the issues and will be able to answer questions.

RECOMMENDED ACTION: For information only.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: **September 8, 2009**

AGENDA ITEM: Approval of Grant Agreement with Washington State Department of Ecology		AGENDA SECTION: New Business
PREPARED BY: Amy Harksell, 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.: II. E
ATTACHMENTS: Grant agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

State law requires that the City of Lynden update it's Shoreline Master Program by December 1, 2011 and will provide the City with up to \$50,000 over the 2009-2011 biennium to complete the project. The City will retain a portion of the grant funding to cover project management and administration costs for the project.

The attached agreement includes the scope of work and budget estimated for this project. The Community Development Committee has reviewed the scope of work and recommends approval of the grant agreements.

RECOMMENDED ACTION: Motion to approve the Grant Agreement with the Washington State Department of Ecology for the City's Shoreline Master Program Update and authorize the Mayor's signature on said agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: **September 8, 2009**

AGENDA ITEM: Approval of Professional Service Contract with Whatcom Environmental Services		AGENDA SECTION: New Business
PREPARED BY: Amy Harksell, 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.: <p align="center">II. F</p>
ATTACHMENTS: Draft Professional Services Agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

State law requires that the City of Lynden update it's Shoreline Master Program by December 1, 2011 and will provide the City with up to \$50,000 over the 2009-2011 biennium to complete the project. The City will retain a portion of the grant funding to cover project management and administration costs for the project.

At the August 3rd meeting, the City Council authorized staff to negotiate a scope of work and contract with Whatcom Environmental Services to complete the work required by the Department of Ecology. The scope of work included in the draft contract is **REQUIRED** by the DOE to complete this project and has been approved by the local project manager. The Community Development Committee has reviewed the scope of work and recommends approval of the agreement in an amount not to exceed \$47,100.

RECOMMENDED ACTION: Motion to approve the Professional Services Agreement with Whatcom Environmental Services as lead consultant for the City's Shoreline Master Program Update for a cost not to exceed \$47,100 and authorize the Mayor's signature on said agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 8, 2009

AGENDA ITEM: Drug and Alcohol Assessment		AGENDA SECTION: New Business
PREPARED BY: Deputy Chief John Billester	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 G
ATTACHMENTS Proposed Drug and Alcohol Assessment Ordinance # 1362	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY Chief Jack Foster:

Currently there is no availability of funding for investigations related to the sale, or possession for sale of illegal drugs and narcotics in the City of Lynden. Any potential enforcement action regarding information from informants or covert investigations must be completed by an outside law enforcement agency with assistance from the Lynden Police Department.

The Police Department currently holds confidential information on the use and sale of illegal substances from residences within the city limits and the ability to follow up and investigate is significantly restricted by the lack of available funds and specialized equipment.

The adoption of a new city ordinance would allow the Municipal Court to assess up to \$100.00 on defendants convicted of drug and alcohol offenses. This would produce the availability of revenue, at no cost to the city, to support investigations by the Police Department into the use and sale of illegal substances within the City of Lynden.

RECOMMENDED ACTION:

Motion to approve Drug and Alcohol Assessment and to authorize the Mayor to sign Ordinance #1362.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 8, 2009

AGENDA ITEM: Award Construction Contract for 14th Street Reconstruction Project No. 2008-11		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.: II-H
ATTACHMENTS: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The 14th Street Reconstruction Project No. 2008-11 provides for the reconstruction of 14th Street, from Main Street to the 14th Street bridge; and the reconstruction of 14th Street, from the bridge to the intersection of Glenning Street and BC Avenue. The work includes the replacement of 1,100 linear feet of sanitary sewer, 1,300 linear feet of water main, and replacement of existing pavement, curb, sidewalk and storm drainage.

Bids were opened at 1:00 p.m. September 3rd, 2009 and the bid tab was forwarded to the Public Works Committee for their review. Per direction of the Committee at their August 19th meeting, if the lowest responsive bid came in under the engineer's estimate of \$960,000, recommendation to award the contract was to be forwarded directly to the full City Council. This is in order to expedite work on the project. However, if bids came in lower than the engineer's estimate, the Committee would discuss the bids at their September 9th meeting. The low responsive bid was submitted by Stremmer Gravel in the amount of \$869,518.75, including tax.

As this project is financed in part by federal funds, the Washington State Department of Transportation (WSDOT), acting as the Certified Authority (CA), must concur that the low bid meets all federal requirements. At this point, City staff is waiting for concurrence from WSDOT that all requirements have been met.

RECOMMENDED ACTION: That City Council award the contract to Stremmer Gravel, the apparent low responsive bidder, in the amount of \$869,518.75, including tax, and authorize the Mayor's signature on the contract contingent on approval from the Washington State Department of Transportation.
COUNCIL ACTION: