

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

**7:00 P.M.
SEPTEMBER 15, 2008
AGENDA**

I CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

ITEMS FROM THE AUDIENCE

A. SCHEDULED - Bellingham/Whatcom County Commission Against Domestic Violence - Director Andrea Cary-Grant

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. ORDINANCE NO. 1334 - A 2008 BUDGET AMENDMENT

B. ORDINANCE NO. 1332 - RIGHT-OF-WAY FRANCHISE AGREEMENT - VAN LOO'S AUTO SERVICE

C. LAW ENFORCEMENT OFFICER AND FIREFIGHTER 1 (LEOFF 1) RETIREMENT PLAN - BENEFIT COSTS

D. INTERLOCAL AGREEMENT FOR PICTOMETRY SERVICES

E. APPROVAL OF CLAIMS

III NEW BUSINESS

A. ORDINANCE NO. 1333 - BOND ISSUANCE FOR UTILITY LOCAL IMPROVEMENT DISTRICT (ULID) 2008-01

B. RETAIL MARKET ANALYSIS PRESENTATION BY PITNEY BOWES MAPINFO

C. INTRODUCTION OF ORDINANCE NO. 1335 - AMENDING ORDINANCE NO. 1145 REGARDING THE SALE OF ALCOHOL ON SUNDAYS

D. INTRODUCTION OF A 2008 BUDGET AMENDMENT

E. DOWNTOWN RESTROOM LOCATION AND DESIGN

IV EXECUTIVE SESSION

V ADJOURNMENT

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Ordinance No. 1334, An Ordinance Amending the Budget for the Year 2008		AGENDA SECTION: Consent Agenda
PREPARED BY: Teresa L. Camfield, CPA Finance 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.: II - A
ATTACHMENTS: Ordinance No. 1334	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Needed	APPROVED BY: <i>Teresa L. Camfield</i>

On September 2, 2008 a 2008 budget amendment was introduced to the City Council.

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

Employee Liability (#114):

To modify budgeted revenue and expenditure amounts for Employee Liability Fund due to retirement of employees.

In addition, there was a clerical error with the Fund 380 Kok Road Improvements created on August 4, 2008 per Ordinance No. 1328. The next available fund number was 381, not 380. The fund number only needs to be changed, not the description nor budget amount authorized. This correction is noted on Ordinance No. 1334 for council consideration.

The Finance Committee recommends that the City Council adopt Ordinance No. 1334 Amending the Budget for the Year 2008.

RECOMMENDED ACTION: That the Council approves Ordinance No. 1334 as presented and authorizes the Mayor's signature.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 2, 2008

AGENDA ITEM: Introduction of Draft Ordinance No. 1332 for Van Loo's Auto Service Right of Way Franchise		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-B
ATTACHMENTS: Ordinance No. 1332	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

On September 2nd, 2008, Ordinance No. 1332 was introduced to City Council per RCW 35A.47.040. This ordinance grants a non-exclusive 25-year franchise to Van Loo's Auto Service, 205 Liberty Street in Lynden, so that they may gain full us of their parking area by utilizing City right-of-way for twelve existing parking stalls (per Exhibit A of the attached franchise agreement).

Approval of this agreement does not waive any rights the City has now or will have in the future regarding this right-of-way, and all construction in the area will be built to comply with City construction standards.

The franchise agreement also requires that Van Loo's Auto Service maintain insurance in full force for the life of the agreement, per City risk management standards.

RECOMMENDED ACTION: That City Council 1) approves Ordinance No. 1332, which serves as a right-of-way franchise agreement between Van Loo's Auto Service and the City of Lynden for the construction, operation, maintenance and repair of twelve existing parking stalls that protrude into City right-of-way in the parking lot at 205 Liberty Street, and 2) authorizes the Mayor's signature on the Ordinance.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE:

AGENDA ITEM: Law Enforcement Officer And Firefighter (LEOFF) 1 Retirement Costs		AGENDA SECTION: Consent Agenda
PREPARED BY: Bill Verwolf, City Administrator	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.: II-C
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

This agenda item is for the City to confirm the policy to include Medicare Part B premiums for those LEOFF I retirees who are over 65 years of age, in our definition of reimbursable medical expenses, as was recommended by the Whatcom County LEOFF Disability Board.

RECOMMENDED ACTION: Motion to confirm the policy of including Medicare Part B premiums as a reimbursable expense for LEOFF I retirees.

COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Approval of Interlocal Agreement for Pictometry Services		AGENDA SECTION: Consent agenda
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"/> Quasi Judicial.	AGENDA NO.: II. D
ATTACHMENTS: Agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The City has been working with Whatcom County and the other jurisdictions in the County to have a complete aerial flyover for the county. Pictometry provides highly accurate vertical and horizontal data in an aerial photograph format that allows all departments within the City to use the data for preliminary planning, development review, riparian monitoring and other activities.

The cost to the City of Lynden is \$8,000 over two years (\$4,000 in 2008 and \$4,000 in 2009). The Planning Department and the Public Works Department who will be the primary users of the product have both included these funds in their 2008 and 2009 budgets. In comparison, in 1989, the City spent more than \$40,000 for a less accurate and useable aerial data set.

This has been reviewed by the Community Development Committee who recommends the approval of the interlocal agreement.

RECOMMENDED ACTION: Motion to approve the Interlocal Cooperative Agreement between the City of Lynden and Whatcom County to establish a cost sharing partnership for licensed pictometry imagery and software and authorize the Mayor's signature on said agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Utility Local Improvement District (ULID) 2008-1 Bond Ordinance		AGENDA SECTION: New Business
PREPARED BY: Teresa L. Camfield, CPA Finance 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 - A
ATTACHMENTS: Ordinance No. 1333	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Needed	APPROVED BY: <i>Teresa L. Camfield</i>

On March 6, 2006, City Council approved Ordinance No. 1256 to create a Local Improvement District (LID) to provide for the payment of costs for the City to acquire the West Lynden Stormwater Detention Facility for operation and maintenance purposes, including stormwater quantity and quality.

The city proceeded with building upon the assessment method originally proposed by West Lynden. After a number of discussions and reviews, a public hearing was held on July 21, 2008 to hear comments on the proposed final assessment roll. On August 4, 2008, council approved Ordinance No. 1325 which confirmed the final assessment roll and converted the LID No. 4 to Utility Local Improvement District (ULID) 2008-1 for the purpose of financing the costs within LID No. 4 with revenue bonds of the City, payable from assessments as well as utility revenues.

In order to provide permanent financing for the West Lynden Stormwater Detention Pond, council must approve an ordinance authorizing the issuance of ULID No. 2008-1 bonds. Per discussions with the Finance Committee, Administration as well as input from bond counsel (Cynthia Weed) and the underwriters (Seattle Northwest Securities), the attached Ordinance No. 1333 has been prepared for council review.

Since the pricing of the bonds is on September 15, 2008, the actual interest rate as well as several other bond issuance factors will not be known until early morning on the 15th. A final copy of Ordinance No. 1333 will be provided to council prior to the council meeting on September 15. There will be a black lined copy provided for comparison to note the changes.

RECOMMENDED ACTION: That the Council approves Ordinance No. 1333 as presented and authorizes the Mayor's signature.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Presentation of Retail Market Analysis Results		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"/> Quasi Judicial.	AGENDA NO.: III. B
ATTACHMENTS: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The City entered into a contract with Pitney Bowes MapInfo in March of this year to analyze the retail market area for Lynden. The firm has identified the City's local and regional trade areas, completed a field analysis, and compiled the demographic, lifestyle, and retail expenditure data for the trade area.

The consultants will be present at the City Council meeting to make a presentation detailing their findings to the Council and interested public. Copies of the report have been available on the City's website and have been made available to City Council members as requested. There will be additional copies available to Council members at the meeting.

The Zoning Text Committee is currently discussing this issue and how to approach increasing the availability of goods and services within the city. The question of whether maximum store size of 65,000 square feet should be removed has been the subject of much discussion and the committee is leaning toward that option for west of 19th Street. Input from the City Council as a whole, would be useful and welcome.

RECOMMENDED ACTION:
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Introduction of Ordinance No. 1335 - Amending Ordinance No. 1145 Regarding the Sale of Alcohol on Sundays		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.: III-C
ATTACHMENTS: Ordinance No. 1335	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

The Council on September 2, 2008, scheduled a public hearing on the question of eliminating the restriction on alcohol sales on Sunday in Lynden. The attached is an ordinance that would accomplish that change, and is presented so that anyone interested in testifying on the issue can see what is being proposed.

The change does not remove any other restrictions on the sale of alcohol.

<p>RECOMMENDED ACTION:</p>
<p>COUNCIL ACTION:</p>

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Introduction of a 2008 Budget Amendment		AGENDA SECTION: New Business
PREPARED BY: Teresa L. Camfield, CPA Finance 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: None	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Needed	APPROVED BY: <i>Teresa L. Camfield</i>

Introduction of a 2008 Budget Amendment:

As required by State regulations, Finance would like to introduce a proposed amendment to the 2008 Budget. The amendment reflects Council authorized transactions.

The following fund needs to be modified:

Fund 230 ULID 2008-1 Bond Redemption

The Finance Committee was contacted in regards to the need for this introduction. After follow-up discussion with City Administrator Verwolf, this budget amendment introduction is being presented to council and the ordinance will be reviewed by the Finance Committee at their October 6, 2008 meeting, prior to the council meeting the same night.

RECOMMENDED ACTION: For Information Only
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 15, 2008

AGENDA ITEM: Downtown Restroom Location and Design		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.: III-E
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

A subcommittee of three Councilmen, from the Public Works and Community Development Committees, has agreed to propose the downtown restrooms be built at the corner of 4th and Front Streets, in the parking lot and just north of the small windmill.

The design is proposed to be a conventional men's and women's restroom, with capacity of handicapped plus 3 on the women's side and handicapped plus two on the men's side.

Design elements to meet the Design Review Board criteria are recommended.

RECOMMENDED ACTION: Confirmation of the recommendation of the subcommittee and direction to the staff to proceed with the construction.
COUNCIL ACTION: