

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

**7:00 P.M.
DECEMBER 7, 2009
AGENDA**

- I CALL TO ORDER**
PLEDGE OF ALLEGIANCE
OATH OF OFFICE
ROLL CALL
APPROVAL OF MINUTES
ITEMS FROM THE AUDIENCE
- A. SCHEDULED - None
- 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. SET PUBLIC HEARING DATE - ZONING TEXT AMENDMENT 09-01 - AIRPORT OVERLAY ZONE
- C. SET PUBLIC HEARING DATE - ANNEXATION 09-01 - SOUTH KOK ROAD
- D. REQUEST TO CANCEL CLAIMS WARRANT C-51645
- III PUBLIC HEARING**
- A. ORDINANCE NO. 1369 - YEAR 2010 BUDGET - FINAL PUBLIC HEARING
- IV NEW BUSINESS**
- A. REQUEST TO SURPLUS 1999 ROAD RESCUE/ AMBULANCE
- B. PARTIAL RELINQUISHMENT OF SEWER UTILITY EASEMENT - LOT 4 OF K&D SHORT PLAT
- C. INTRODUCTION OF A 2009 BUDGET AMENDMENT
- D. MEMORANDUM OF UNDERSTANDING - NORTH PRAIRIE LLC
- V EXECUTIVE SESSION**
- VI ADJOURNMENT**

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7, 2009

AGENDA ITEM: Set Public Hearing Date for ZTA #09-01, Airport Overlay Zone		AGENDA SECTION: Consent agenda
PREPARED BY: Korene Samec Planning	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 checked="" type="checkbox"/> Legislative	AGENDA NO.: II. B
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

About a year ago, the Planning Commission recommended approval of the Lynden Municipal Airport Master Plan. Based on that plan and changes to building and zoning codes, it was necessary to update the overlay zone that permits the residential hangars and operation of the airport.

On November 12, 2009, the Planning Commission held a public hearing on Zoning Text Amendment #09-01, Lynden Municipal Airport Overlay Zone. The Commission recommended approval of the amendment through Resolution #09-05. The next step in the approval process is for the City Council to hold a public hearing.

RECOMMENDED ACTION: Motion to set a public hearing date for ZTA #09-01 on December 21, 2009 at 7:00 P.M.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7, 2009

AGENDA ITEM: Set Public Hearing Date for Annexation #09-01, South Kok Road		AGENDA SECTION: Consent agenda
PREPARED BY: Korene Samec Planning	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 checked="" type="checkbox"/> Legislative	AGENDA NO.: II-C
ATTACHMENTS:	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

Philip and Coralie Ross together with Terry and Delores Nearing, have requested the annexation of approximately 27.84 acres into the City for the purpose of receiving urban services.

Approximately 12 parcels including 14 residents are included in the proposed annexation area.

The Planning Commission held a public hearing on November 12, 2009 and have recommended approval through Resolution #09-06. The next step in the approval process is for the City Council to hold a public hearing.

RECOMMENDED ACTION: Motion to set a public hearing date for Annexation #09-01 on December 21, 2009 at 7:00 P.M.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7, 2009

AGENDA ITEM: 2010 Budget Adjustments		AGENDA SECTION: Public Hearing
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.: III - A
ATTACHMENTS: Funds 302 and 381	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

During preparation for the final budget hearing, an adjustment to two funds is recommended by the City Administrator and Finance Director. Fund 381, Kok Road Improvements (Project #2008-07) had listed \$837,000 as a transfer from Fund 302 Transportation Impact. The transfer should be for \$607,000, which is for engineering and land acquisition. Fund 302 Transportation Impact has been adjusted as well to show a transfer of the \$607,000 to Fund 381. Both of these adjustments have been reviewed and discussed with Public Works Director Huskey.

These are the only adjustments since the November 9, 2009 budget workshop. The adjusted 2010 budget pages are attached for your review.

RECOMMENDED ACTION: Notice only.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7, 2009

AGENDA ITEM: Ordinance No. 1369 – Adoption of the 2010 Budget		AGENDA SECTION: Public Hearing
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.:
ATTACHMENTS: Ordinance No. 1369	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

Per the approved year 2010 budget calendar, the preliminary budget hearing for year 2010 was held on November 2, 2009. A budget workshop was held on November 9, 2009. The final budget hearing is being held on December 7, 2009.

Ordinance No. 1369 represents the results of the year 2010 budget process. Passage of this ordinance will finalize the budget process and is in compliance with RCW deadlines.

The Finance Committee has been presented with this information for their review throughout the budget process as has council. This ordinance represents council's budget discussions to date.

RECOMMENDED ACTION: That the Council approves Ordinance No. 1369 as presented and authorizes the Mayor's signature.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7, 2009

AGENDA ITEM: Request to Dispose of Surplus Property		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 Advertisement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	APPROVED BY: <i>T. Camfield</i>

Per Policy F-10, Disposal of Surplus Property Other Than Real Estate, when the estimated property value of the requested surplus property is greater than \$9,999.99, the request must be reviewed by the Finance Committee. Upon their recommendation, the request is then forwarded to Council, where the disposal must be approved by a majority.

There is one vehicle, a 1999 Road Rescue Ambulance that is being brought forward per the Fire Department that qualifies for Council approval in order to dispose of the property. Public Safety Committee has reviewed this request to surplus and recommends disposal of this vehicle with a minimum bid of \$40,000.

Finance Committee will review this request at its meeting on December 7, 2009. The committee's recommendation will be presented at the December 7, 2009 council meeting. If approved by council, this surplus vehicle will be advertised in the Lynden Tribune as well as other fire equipment related sites, i.e. Washington Fire Chiefs Association. Fire Chief Baar and Finance Director Camfield will coordinate the advertisements.

RECOMMENDED ACTION: That Council declare a 1999 Road Rescue Ambulance surplus and authorize the Finance Director or designee to dispose as per instructions.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7th, 2009

AGENDA ITEM: Partial Relinquishment of Sewer Utility Easement – Lot 4 of K&D Short Plat		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.: IV-B
ATTACHMENTS: Agreement	LEGAL REVIEW COMPLETED: <input type="checkbox"/> Yes <input type="checkbox"/> Needed <input checked="" type="checkbox"/> Not Needed	APPROVED BY:

On November 18th, 2009 the Public Works Committee reviewed a request and proposed agreement for a partial relinquishment of the existing sewer utility easement on Lot 4 of the K&D Short Plat at 8794 Vinup Road, owned by Sidney and Linda Mellema. The easement was placed on the plat because there was a potential that in the future the sewer line could be extended east toward Greenfield Village. As that will not happen, Sid Mellema has requested relinquishment of 516 square feet of the sewer utility easement on his property. The access easement from the road to the remaining sewer utility easement would still be reserved, as would access to the manhole on this parcel.

Upon review, the Public Works Committee concurred to recommend approval to the full City Council.

RECOMMENDED ACTION: That City Council approve the relinquishment of 516 sf of the existing sewer easement on Lot 4 of the K&D Short Plat, and authorize the Mayor's signature on the agreement.
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 7, 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.: IV- 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>

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 funds need to be modified:

- Fund 001 Current Expense
- Fund 110 Hotel/Motel
- Fund 349 Public Works Vehicle & Equipment Reserve

The Finance Committee will review this 2009 budget amendment introduction and ordinance at their meeting on December 7, 2009.

RECOMMENDED ACTION: For Information Only
COUNCIL ACTION:

CITY OF LYNDEN

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: **December 7, 2009**

AGENDA ITEM: Approval of Memorandum of Agreement between the City of Lynden and North Prairie LLC		AGENDA SECTION: New Business
PREPARED BY: Amy Harksell, Planning Director Duane Huskey, Public Works Director	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">IV. D</p>
ATTACHMENTS: Draft Agreements, Public Works Committee minutes, map	LEGAL REVIEW COMPLETED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Needed <input type="checkbox"/> Not Needed	APPROVED BY:

When the City completed the East Lynden annexation in 2007, it was understood that development of utility infrastructure would take quite some time to reach the eastern boundary. In the past two years the house at 8783 Northwood Road was demolished due to being something of a public safety hazard.

At this time, the owners of the property (aka “Subject Property” in attached agreements) would like to sell a portion of the parcel. However, the potential buyer would like to be assured that there is an opportunity to build a new home on the property before city utilities are actually on-site.

The attached agreements for dedication of right-of-way for both Northwood Road, and for the future extension of Aaron Drive or some other east-west road assure the City will be have the access connectivity desired in the area. The memorandum of agreement lays out the timing and conditions for a new home to connect to public water and sewer. Only one single family home may be constructed on the “subject parcel” and any subdivision or other development application would trigger improvement requirements.

While the documents themselves have not been reviewed by the Public Works Committee, the concept of this type of agreement was discussed at the October 7, 2009 meeting and the Committee has been agreeable. To facilitate the closing of the property sale before the end of this year, the North Prairie LLC is requesting Council approval of the agreements at this meeting. The attached documents have been reviewed by the City’s attorney and approved. The TRC met on December 3, 2009 to review the documents and also recommends approval.

RECOMMENDED ACTION: Motion to approve the Memorandum of Agreement between the City of Lynden, Pacific Crest Partners and North Prairie LLC for Residential Development, and accept the dedication of right-of way for Northwood Road and the east-west road and authorize the Mayor’s signature on the attached documents.
COUNCIL ACTION:

