



ORDINANCE NO. 3081

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3067 ESTABLISHING PROJECT FUNDING FOR ENERGY /UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING (ESPC) PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES AND AUTHORIZING EXPENDITURES IN PROJECT FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, pursuant to Chapter 35A.33 RCW, the City of Lynnwood is required to appropriate funds for City projects and to formally authorize the transfer of appropriations from one fund to another fund; and

WHEREAS, the City of Lynnwood has previously entered into an agreement (No: K1289) with Washington State Department of Enterprise Services (DES) for the Statewide Energy Performance Contracting (ESPC) program: and

WHEREAS, the City of Lynnwood has previously approved expenditures for Phase 1, Investment Grade Audit, Design and Construction of new screw press, non-potable water modification and replacement of primary clarifier covers: and

WHEREAS, the City of Lynnwood has previously approved expenditures for Phase 2 A & B, Investment Grade Audit, Design and Construction of new sewage lift station No 16, relocating and upsizing of lift station No 4 and upsizing of lift station No 8: and

WHEREAS, the Energy Services Authorization (#TBD) will provide for final design, development of plans and specifications, and construction of proposed improvements; and

WHEREAS, the 2013-2014 City budget anticipated funding various capital improvements under Fund 411 and by sale of utility revenue bonds, of which the improvements to be completed by the Project are eligible expenses,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Appropriation:

A. The estimated costs of the project are provided in detail on the attached Financial Plan dated (Month, Day, Year), and summarized as follows:

Project Phase	Amount
Phase 1, Design/Constr, Fees, E	3,866,548
Phase 2, Meters IGA, ETC.	31,047
Phase 2A, LS 16 IGA, Permits, E	571,076
Phase 2B, LS 4 & 8 IGA, Permits	676,618
Phase 3, Aeration IGA, Permits.	204,695
Total	5,349,984

B. The sum of \$5,349,984 is hereby appropriated, superceding Ordinance 3067, for permits, design, engineering, plans, specifications and appropriate taxes as follows:

Prior Ord # / Current Activity	Fund No.	Revenue		Expenditures	
		Description	Amount	Description	Amount
	411	Utility Fund	1,030,173	Phase 1, IGA, Design, Construction & Construction Manag	
3067	411	Future Bonds	2,816,375	Phase 1, IGA, Design, Construction & Construction Manag	3,846,548
		Subtotal Prior Activity	3,846,548	Subtotal Prior Activity	3,846,548
Sept Update	411	Utility Fund	20,000	Phase 1 Permits & Fees	20,000
Sept Update	411	Utility Fund	31,047	Phase 2 Water Meters Investment Grade Audit (IGA)	31,047
Sept Update	411	Utility Fund	1,247,694	Phase 2A & B, LS 4, 8 and 16 IGA, Design, Permits	1,247,694
Sept Update	411	Utility Fund	204,695	Phase 3 IGA, Design & Permits	204,695
		Subtotal Sept Update	1,503,436	Subtotal Sept Update	1,503,436
		Current Appropriation	5,349,984		5,349,984

Section 2. Modifications of the 2013-2014 Biennial Budget. The required expenditures for operation of the various departments and funds of the City of Lynnwood for the fiscal years ending December 31, 2013 and 2014 are hereby modified and amended hereto and incorporated herein.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 22nd day of September, 2014 and approved by the Mayor this 24th day of September, 2014.

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 09/22/2014
PASSED BY THE CITY COUNCIL: 09/22/2014
PUBLISHED: 09/25/2014
EFFECTIVE DATE: 09/30/2014
ORDINANCE NUMBER: 3081

TRANE FINANCIAL PLAN		Target Exp	Diff	Target Rev	Fund 411	Future Bond
Project:	Energy / Utility Conservation Proj., PHASE 1, 2 A, 2B, 3					
Last Update:	07/15/14					
Project Manager:	Harry Dahm P.E.					
Reviewed by:	Jeff Elekes, P.E.					
1	PRIOR APPROVAL					
2	PHASE 1					
1	PHASE 1 CONSTRUCTION, DESIGN, CM, PERMITS					
4	Ord. # 3067 A. Construction Costs					
5	Ord. # 3067 Screw Press, Non Potable, Clarifier, Etc	1,894,108.00	-	1,894,108.00		1,894,108.00
6	Ord. # 3067 Safety and Site Superintendent	161,000.00	-	161,000.00		161,000.00
7	Ord. # 3067 Construction Bonding	22,843.00	-	22,843.00		22,843.00
9	Ord. # 3067 B. Energy Service Company (ESCO) Fees, (IGA, Design & CM)					
10	Ord. # 3067 Investment Grade Audit (IGA)	178,456.00	-	178,456.00	178,456.00	
11	Ord. # 3067 Design Fee - Subconsultant	305,058.00	-	305,058.00	305,058.00	
12	Ord. # 3067 Design Fee - Trane	53,433.00	-	53,433.00	53,433.00	
13	Ord. # 3067 Construction Admin	123,306.00	-	123,306.00	123,306.00	
14	Ord. # 3067 Overhead and Profit	369,920.00	-	369,920.00	369,920.00	
16	Ord. # 3067 C. Other Costs					
17	Ord. # 3067 Project Contingency	238,700.00	-	238,700.00		238,700.00
18	Ord. # 3067 Contingency on Screw Press	92,558.00	-	92,558.00		92,558.00
19	Ord. # 3067 Measurement and Verification (M & V)	15,000.00	-	15,000.00		15,000.00
22	Ord. # 3067 E. Taxes and Department of Energy Services (DES)					
23	Ord. # 3067 Taxes (all of above)	328,166.00	-	328,166.00		328,166.00
24	Ord. # 3067 DES Fee (not taxed)	64,000.00	-	64,000.00		64,000.00
27	Ord. # 3067 Total Prior Phase 1 IGA / Design / Construction / CM	3,846,548.00	-	3,846,548.00	1,030,173.00	2,816,375.00
28						
29	PROPOSED ACTIVITY					
30	PHASE 1 - CONSTRUCTION F. Permits & fees					
31	Building Permit	5,000.00	-	5,000.00		5,000.00
32	Electrical Permit	5,000.00	-	5,000.00		5,000.00
33	Contingency	10,000.00	-	10,000.00		10,000.00
35	Total Proposed Phase 1 Screw Press, ETC.	20,000.00	-	20,000.00	-	20,000.00
36	PHASE 2					
37	PHASE 2 - Water Meters					
38	Water Meters IGA - Separate sub project	28,353.00	-	28,353.00		28,353.00
40	Taxes and Department of Energy Services (DES)					
41	Taxes (all of above)	2,694.00	-	2,694.00		2,694.00
42	DES Fee (not taxed)		-			
44	Total Proposed Phase 2 Water Meters	31,047.00	-	31,047.00	-	31,047.00
45	PHASE 2 A - LS #16					

46	LS #16 - IGA	466,736.00	-	466,736.00		466,736.00
48	Taxes and Department of Energy Services (DES)					
49	Taxes (all of above)	44,340.00	-	44,340.00		44,340.00
50	DES Fee (not taxed)		-			
52	Permits & Fees					
53	R/W Permit	5,000.00	-	5,000.00		5,000.00
54	Building Permit	10,000.00	-	10,000.00		10,000.00
55	Electrical Permit	5,000.00	-	5,000.00		5,000.00
56	Contingency	40,000.00	-	40,000.00		40,000.00
58	Total Phase 2 A LS 16	571,076.00	-	571,076.00	-	571,076.00
59	PHASE 2 B - LS #4 and LS #8					
60	LS #4 and LS #8 - IGA	566,318.00	-	566,318.00		566,318.00
62	Taxes and Department of Energy Services (DES)					
63	Taxes (all of above)	53,800.00	-	53,800.00		53,800.00
64	DES Fee (not taxed)		-			
66	Permits & Fees					
67	WSDOT JA Agreement	15,000.00	-	15,000.00		15,000.00
68	WSDOT Permit Fee	500.00	-	500.00		500.00
69	Right of Way Permit	5,000.00	-	5,000.00		5,000.00
70	Building Permit	10,000.00	-	10,000.00		10,000.00
71	Electrical Permit	5,000.00	-	5,000.00		5,000.00
72	LS #8 Appraisal Fee	4,000.00	-	4,000.00		4,000.00
73	LS #4 Boundary Line Adjustment	1,500.00	-	1,500.00		1,500.00
74	LS #4 Street Vacation App Fee	1,500.00	-	1,500.00		1,500.00
75	LS #4 Street Vacation Surveyor	4,000.00	-	4,000.00		4,000.00
76	Contingency	10,000.00	-	10,000.00		10,000.00
78	Total Phase 2B LS 4 & 8	676,618.00	-	676,618.00	-	676,618.00
79	PHASE 3					
80	PHASE 3 - WWTP Aeration					
81	Aeration - IGA and 30% Design	168,671.00	-	168,671.00		168,671.00
83	Taxes and Department of Energy Services (DES)					
84	Taxes (all of above)	16,024.00	-	16,024.00		16,024.00
85	DES Fee (not taxed)		-			
87	PERMITS & FEES PHASE 3					
88	Building Permit	5,000.00	-	5,000.00		5,000.00
89	Electrical Permit	5,000.00	-	5,000.00		5,000.00
90	Contingency	10,000.00	-	10,000.00		10,000.00
92	Total Phase 3 Aeration	204,695.00	-	204,695.00	-	204,695.00
93	SUMMARY					
	Total Prior Authorization, Ord 3067	3,846,548.00		3,846,548.00	1,030,173.00	2,816,375.00
	Total Proposed	1,503,436.00		1,503,436.00		1,503,436.00
	TOTAL ALL PHASE TO DATE	5,349,984.00		5,349,984.00	1,030,173.00	4,319,811.00
94						
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On the, 22nd day of September, 2014 the City Council of the City of Lynnwood, Washington, passed ordinance 3081. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3081

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSADING ORDINANCE 3067 ESTABLISHING PROJECT FUNDING FOR ENERGY /UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING (ESPC) PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES AND AUTHORIZING EXPENDITURES IN PROJECT FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.

DATED this 25th day of September, 2014.



Lorenzo Hines Jr., Finance Director



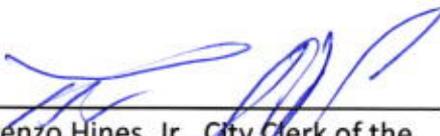
LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3081 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3067 ESTABLISHING PROJECT FUNDING FOR ENERGY /UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING (ESPC) PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES AND AUTHORIZING EXPENDITURES IN PROJECT FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on September 22, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on September 25, 2014.



Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH590581 ORDINANCE NO. 3081 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/25/2014 and ending on 09/25/2014 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$41.40.

M. Gates

Subscribed and sworn before me on this

26 day of September,
2014.

Debra Ann Grigg

Notary Public in and for the State of
Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBER

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017



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DATED this 25th day of September, 2014.

Published: September 25, 2014.

Lorenzo Hines Jr., Finance Director
EDH590581

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