



**ORDINANCE NO. 3166**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCES 3021 AND 3130, ESTABLISHING PROJECT FUNDING FOR THE WASTEWATER TREATMENT PLANT BIO SOLIDS INCINERATOR CONTROLS PROJECT; AUTHORIZING THE BID AWARD FOR THE PROJECT; AUTHORIZING EXPENDITURES IN UTILITY FUND 411 AS CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, pursuant to Chapters 35A.33 and 35A.34 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's Wastewater Treatment Plant (WWTP) Bio Solids Incinerator was constructed in 1992; and

WHEREAS, the existing WWTP Bio Solids Incinerator controls are based on old and out dated electrical relays; and

WHEREAS, the City's planned WWTP Bio Solids Incinerator Controls Project ("Project") includes the design and construction of improvements to provide state of the art Program Logic Controllers (PLC's) for the WWTP Bio Solids Incinerator, which will extend the useful life of the facility; and

WHEREAS, the Environmental Protection Agency (EPA) has issued new air emission regulation limits for existing sludge incinerators which go into effect in March 2016; and

WHEREAS, the Project will install new emission scrubbing equipment to bring the WWTP Bio Solids Incinerator into compliance with the new EPA regulations; and

WHEREAS, it is necessary that the bid and contract award for the Project be expedited to complete the Project by the effective date of the new EPA air emission regulations, and therefore the City Council deems it in the best interests of the public to authorize the Mayor to enter into a contract with the lowest responsible bidder on the Project, in an amount not to exceed \$1,193,470, which includes all sales tax; and

WHEREAS, the anticipated funding for the project will be under Utility Fund 411, of which the proposed improvements to be completed by the Project are eligible expenses; and

WHEREAS, the City has previously approved a Project financial plans in Ordinances 3021 and 3130;

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 10/22/2015, and summarized as follows:

Project Phase	Amount
Design	<b>507,350</b>
Right of Way	<b>1,500</b>
Construction	<b>2,437,450</b>
<b>Total</b>	<b>2,946,300</b>

B. The sum of \$2,946,300 is hereby appropriated, to the extent not previously appropriated for completion of the Project as follows:

Prior Ord # / Current Activity	Fund No.	Revenue		Expenditures	
		Description	Amount	Description	Amount
Ordinance #3021	411	Utility Fund	260,400	Design	260,400
Ordinance #3130	411	Utility Fund	246,950	Design	246,950
Ordinance #3130	411	Utility Fund	1,550,000	Construction	1,550,000
10/22/15 Update	411	Utility Fund	1,500	Right of Way	1,500
10/22/15 Update	411	Utility Fund	887,450	Construction	887,450
10/22/15 Update		<b>Current Total Appropriation</b>	<b>2,946,300</b>		<b>2,946,300</b>

C. The Funding Appropriation(s) and related changes, modifications, adjustments, if any, are provided in detail as follows:

Prior Ord # / Current Activity	Fund No.	Revenue		Expenditures	
		Description	Amount	Description	Amount
<b>Design</b>					
Ordinance #3021	411	Utility Fund	260,400	Consultant Services	260,400
Ordinance #3130	411	Utility Fund	39,950	Testing	39,950
Ordinance #3130	411	Utility Fund	207,000	Consultant Services	207,000
		<b>Design - SubTotal</b>	<b>507,350</b>		<b>507,350</b>
<b>Right of Way</b>					
10/22/15 Update	411	Utility Fund	1,500	Temporary Construction Easement	1,500
		<b>Right of Way - SubTotal</b>	<b>1,500</b>		<b>1,500</b>
<b>Construction</b>					
Ordinance #3130	411	Utility Fund	522,000	Early Procured Equipment	522,000
Ordinance #3130	411	Utility Fund	780,000	Construction Contract	780,000
Ordinance #3130	411	Utility Fund	145,000	Consultant CM and Testing	145,000
Ordinance #3130	411	Utility Fund	25,000	CM Support	25,000
Ordinance #3130	411	Utility Fund	78,000	Contingency	78,000
10/22/15 Update	411	Utility Fund	(38,120)	Early Procured Equipment	(38,120)
10/22/15 Update	411	Utility Fund	257,800	Construction Contract	257,800
10/22/15 Update	411	Utility Fund	363,100	Consultant CM and Testing	363,100
10/22/15 Update	411	Utility Fund	(15,000)	CM Support	(15,000)
10/22/15 Update	411	Utility Fund	77,670	Contingency	77,670
10/22/15 Update	411	Utility Fund	7,000	Permits	7,000
10/22/15 Update	411	Utility Fund	15,000	City Supplied Equipment	15,000
10/22/15 Update	411	Utility Fund	220,000	Sludge Haul	220,000
		<b>Construction - SubTotal</b>	<b>2,437,450</b>		<b>2,437,450</b>
10/22/15 Update		<b>Current Total Appropriation</b>	<b>2,946,300</b>		<b>2,946,300</b>

**Section 2. Modifications of the 2015-2016 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, 2015 and 2016 are hereby modified and amended.

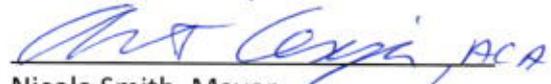
**Section 3. Construction Bid Award Authority.** The Mayor is hereby authorized (1) to determine the lowest responsive and responsible bidder on the Project and to enter into and execute on behalf of the City a contract containing the provisions in the City's standard public works contract form, with the lowest responsive and responsible bidder for the purpose of constructing the Project improvements in the amount not to exceed \$1,193,470.00, which includes all sales tax, and as consistent with the financial plan; or (2) to reject all bids.

**Section 4. 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 5. 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 this 23<sup>rd</sup> day of November, 2015, and signed in authentication of its passage this 25<sup>th</sup> day of November, 2015.

APPROVED:

For Mayor  
  
\_\_\_\_\_  
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Sonja Springer, Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 11/06/2015  
PASSED BY THE CITY COUNCIL: 11/23/2015  
PUBLISHED: 11/28/2015  
EFFECTIVE DATE: 12/03/2015  
ORDINANCE NUMBER: 3166

A	B	C	D	E	F	G	H	I	J
1	<b>Project Financial Plan</b>								1
2	<b>WWTP Biosolids Incineration Controls</b>								2
3									3
4	Project Fund: 411			Target/Actual		Target/Actual	Utility		
5	Last update: 10/22/15			Expense	Diff	Revenue	Fund 411		
6									6
7	Prepared by: David Mach, P.E.								7
8	Reviewed by: Jeff Elekes, P.E.			<b>2,946,300</b>	-	<b>2,946,300</b>	<b>2,946,300</b>		8
9									9
10									10
11	<b>Design</b>								11
12	Ord. #3021	Consultant Services - Preliminary		260,400	-	260,400	260,400		12
13	Ord. #3130	Testing		39,950	-	39,950	39,950		13
14	Ord. #3130	Consultant Services - Final		207,000	-	207,000	207,000		14
15				507,350	-	507,350	507,350		15
16	<b>Right of Way</b>								16
17	10/22/15 Update	Temporary Construction Easement		1,500	-	1,500	1,500		17
18				1,500	-	1,500	1,500		18
19	<b>Construction</b>								19
20	Ord. #3130	Early Procured Equipment		522,000	-	522,000	522,000		20
21	Ord. #3130	Construction Contract		780,000	-	780,000	780,000		21
22	Ord. #3130	Consultant CM and Testing		145,000	-	145,000	145,000		22
23	Ord. #3130	CM Support		25,000	-	25,000	25,000		23
24	Ord. #3130	Contingency		78,000	-	78,000	78,000		24
25	10/22/15 Update	Early Procured Equipment		(38,120)	-	(38,120)	(38,120)		25
26	10/22/15 Update	Construction Contract		257,800	-	257,800	257,800		26
27	10/22/15 Update	Consultant CM and Testing		363,100	-	363,100	363,100		27
28	10/22/15 Update	CM Support		(15,000)	-	(15,000)	(15,000)		28
29	10/22/15 Update	Contingency		77,670	-	77,670	77,670		29
30	10/22/15 Update	Permits		7,000	-	7,000	7,000		30
31	10/22/15 Update	City Supplied Equipment		15,000	-	15,000	15,000		31
32	10/22/15 Update	Sludge Haul		220,000	-	220,000	220,000		32
33				2,437,450	-	2,437,450	2,437,450		33
34									34
35									35
36	<b>Total Project</b>			<b>2,946,300</b>	-	<b>2,946,300</b>	<b>2,946,300</b>		36
37									37



On the 23rd day of November, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3166. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3166**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCES 3021 AND 3130, ESTABLISHING PROJECT FUNDING FOR THE WASTEWATER TREATMENT PLANT BIO SOLIDS INCINERATOR CONTROLS PROJECT; AUTHORIZING THE BID AWARD FOR THE PROJECT; AUTHORIZING EXPENDITURES IN UTILITY FUND 411 AS 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 28<sup>th</sup> day of November, 2015.

  
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Debbie Karber, Deputy City Clerk



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Debra Karber, the duly appointed Deputy 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. 3166 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3166**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSADING ORDINANCES 3021 AND 3130, ESTABLISHING PROJECT FUNDING FOR THE WASTEWATER TREATMENT PLANT BIO SOLIDS INCINERATOR CONTROLS PROJECT; AUTHORIZING THE BID AWARD FOR THE PROJECT; AUTHORIZING EXPENDITURES IN UTILITY FUND 411 AS 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 November 23, 2015 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 November 28, 2015.

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Debra Karber, Deputy City Clerk