



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3190**

1  
2  
3  
4       **AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,**  
5       **SUPERSEDING ORDINANCE #3155 AND ESTABLISHING**  
6       **PROJECT FUNDING FOR ENERGY/UTILITY CONSERVATION**  
7       **PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE**  
8       **CONTRACTING PROCEDURES WITH WASHINGTON STATE**  
9       **DEPARTMENT OF ENTERPRISE SERVICES. THIS ORDINANCE**  
10       **AUTHORIZES PROJECT EXPENDITURES IN FUND 411; AND**  
11       **FUNDING ALLOCATIONS/TRANSFER FROM FUNDS 111 AND**  
12       **011-69 TO FUND 411; AND CONSISTENT WITH THE PROJECT**  
13       **FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN**  
14       **EFFECTIVE DATE AND SUMMARY PUBLICATION.**  
15

---

16  
17       WHEREAS, pursuant to Chapter 35A.33 RCW, the City of Lynnwood is required to  
18       appropriate funds for City projects and to formally authorize the transfer of appropriations  
19       from one fund to another fund; and

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

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

26       WHEREAS, the City of Lynnwood has previously approved expenditures for Phase  
27       2A, Investment Grade Audit, Design and Construction of new sewage lift station No 16; and

28       WHEREAS, the City of Lynnwood has previously approved expenditures for Phase  
29       2B, Investment Grade Audit of relocating and upsizing of lift station No 4 and upsizing of lift  
30       station No 8; and

31       WHEREAS, as a result of additional design work and property acquisition, additional  
32       funding is needed to complete the Investment Grade Audit and property acquisitions of  
33       Phase 2B; and

1 WHEREAS, the 2015-2016 City budget anticipated funding various capital  
 2 improvements under Fund 411 and by sale of utility revenue bonds, of which the  
 3 improvements to be completed by the Project are eligible expenses, and

4 WHEREAS, the City has previously approved a project financial plans in Ordinances  
 5 3067, 3081, 3089, 3119 and 3155;

6 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS  
 7 FOLLOWS:

8 **Section 1. Appropriation:**

A. The estimated costs of the project are provided in detail on the attached Financial Plan dated 04/11/2016, and summarized as follows:

Project Phase	Amount
Phase 1 WWTP Screw Press and Misc. Imp., Design/Cons	3,866,548
Phase 2 Water Meters, IGA, etc	31,047
Phase 2A LS#16, Design/Construction, etc	11,382,545
Phase 2B LS#4&8 IGA, Permits, etc	1,743,178
Phase 3 WWTP Aeration, IGA, etc	204,695
<b>Total</b>	<b>17,228,013</b>

B. The sum of \$17,228,013 is hereby appropriated, to the extent not previously appropriated, for design, engineering, plans, specifications, and bid assistance for the Project as follows:

Prior Ord/ Current Activity	Revenue			Expenditures		
	Fund No.	Description	Amount	Fund No.	Description	Amount
Prior*	411	Utility Fund	3,801,056	411	Phase 1 WWTP, IGA, Design, Construction, and Constr. Mgmt.	3,801,056
Prior*	111	Street Fund	5,428	411	Phase 1 WWTP, IGA, Design, Construction, and Constr. Mgmt.	5,428
Prior*	011-69	General Fund	60,064	411	Phase 1 WWTP, IGA, Design, Construction, and Constr. Mgmt.	60,064
Prior*	Bonds	Utility Fund Bonds	31,047	411	Phase 2 Water Meters, IGA	31,047
Prior*	Bonds	Utility Fund Bonds	11,382,545	411	Phase 2A LS #16, IGA, Design, Construction, and Constr. Mgmt	11,382,545
Prior*	411	Utility Fund	676,618	411	Phase 2B LS#4&8, IGA, Permits, Contingency	676,618
Prior*	411	Utility Fund	385,587	411	Phase 2B LS#4&8, IGA	385,587
3/21/16 Update	411	Utility Fund	401,973	411	Phase 2B LS#4&8, IGA, Permits, Contingency	401,973
3/21/16 Update	411	Utility Fund	247,000	411	Phase 2B LS#8, Property/Easement/Laydown Acquisition	247,000
3/21/16 Update	411	Utility Fund	32,000	411	Phase 2B LS#4, Boundary Line Adjustment/Street Vacation	32,000
Prior*	411	Utility Fund	204,695	411	Phase 3 WWTP Aeration, IGA, Design, Permits	204,695
		<b>Current Appropriation</b>	<b>17,228,013</b>			<b>17,228,013</b>

\*Prior Ordinances #3067, 3081, 3089, 3119, and 3155

9 **Section 2. Modifications of the 2015-2016 Biennial Budget.** The required expenditures for  
 10 operation of the various departments and funds of the City of Lynnwood for the fiscal years  
 11 ending December 31, 2015 and 2016 are hereby modified and amended hereto and  
 12 incorporated herein.  
 13  
 14

15 **Section 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this  
 16 ordinance should be held to be invalid or unconstitutional by a court of competent

1 jurisdiction, such invalidity or unconstitutionality therefore, shall not affect the validity or  
2 constitutionality of any other section, subsection, sentence, clause, phrase or word of this  
3 ordinance.

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

7 PASSED BY THE CITY COUNCIL this 25<sup>th</sup> day of April, 2016, and signed in authentication of its  
8 passage this 28<sup>th</sup> day of April, 2016..

9  
10 APPROVED:

11  
12   
13 \_\_\_\_\_  
14 Nicola Smith, Mayor  
15

16  
17 ATTEST/AUTHENTICATED:

18  
19   
20 \_\_\_\_\_  
21 Sonja Springer, Finance Director  
22

23  
24 APPROVED AS TO FORM:

25  
26   
27 \_\_\_\_\_  
28 Rosemary Larson, City Attorney  
29

30  
31  
32  
33  
34  
35  
36 FILED WITH ADMINISTRATIVE SERVICES: 04/25/2016  
37 PASSED BY THE CITY COUNCIL: 04/25/2016  
38 PUBLISHED: 04/29/2016  
39 EFFECTIVE DATE: 05/04/2016  
40 ORDINANCE NUMBER: 3190

1	TRANE FINANCIAL PLAN								
2			Target Exp	Diff	Target Rev	Fund 411	Fund 111	Fund 011-69	Bond
3	Project:	Energy / Utility Conservation Proj., PHASE 1, 2 A, 2B, 3							
4	Last Update:	04/11/16							
5	Prepared by:	David Mach, P.E.	17,228,013.00	-	17,228,013.00	1,987,217.00	5,428.00	60,064.00	15,175,304.00
6	Checked by:	Jeff Elekes, P.E.							
7									
8	<b>PHASE 1 - WWTP Screw Press, Non-Potable Water Modifications, Primary Clarifier Covers</b>								
60	<b>Total Proposed Phase 1 Screw Press, ETC.</b>		3,866,548.00	-	3,866,548.00	39,344.00	5,428.00	60,064.00	3,761,712.00
61	<b>PHASE 2 - Water Meters</b>								
68	<b>Total Proposed Phase 2 Water Meters</b>		31,047.00	-	31,047.00	-	-	-	31,047.00
69	<b>PHASE 2 A - LS #16</b>								
96	<b>Total Phase 2 A LS 16</b>		11,382,545.00	-	11,382,545.00	-	-	-	11,382,545.00
97	<b>PHASE 2 B - LS #4 and LS #8</b>								
98	<b>Prior:</b>								
99		LS #4 and LS #8 - IGA	951,905.00	-	951,905.00	951,905.00			
100		Taxes	53,800.00	-	53,800.00	53,800.00			
101		WSDOT JA Agreement	15,000.00	-	15,000.00	15,000.00			
102		WSDOT Permit Fee	500.00	-	500.00	500.00			
103		Right of Way Permit	5,000.00	-	5,000.00	5,000.00			
104		Building Permit	10,000.00	-	10,000.00	10,000.00			
105		Electrical Permit	5,000.00	-	5,000.00	5,000.00			
106		LS #8 Appraisal Fee	4,000.00	-	4,000.00	4,000.00			
107		LS #4 Boundary Line Adjustment	1,500.00	-	1,500.00	1,500.00			
108		LS #4 Street Vacation	1,500.00	-	1,500.00	1,500.00			
109		LS #4 Street Vacation Surveyor	4,000.00	-	4,000.00	4,000.00			
110		Contingency	10,000.00	-	10,000.00	10,000.00			
111	<b>Proposed:</b>								
112	4/11/16 Update	LS #4 and LS #8 - IGA	351,973.00	-	351,973.00	351,973.00			
113	4/11/16 Update	LS #8 Property/Easement Acquisition	120,000.00	-	120,000.00	120,000.00			
114	4/11/16 Update	LS #8 Laydown Area Acquisition	127,000.00	-	127,000.00	127,000.00			
115	4/11/16 Update	LS #4 Boundary Line Adjustment	9,000.00	-	9,000.00	9,000.00			
116	4/11/16 Update	LS #4 Street Vacation	23,000.00	-	23,000.00	23,000.00			
117	4/11/16 Update	Contingency	50,000.00	-	50,000.00	50,000.00			
118	<b>Total Phase 2B LS 4 &amp; 8</b>		1,743,178.00	-	1,743,178.00	1,743,178.00	-	-	-
119	<b>PHASE 3 - WWTP Aeration</b>								
130	<b>Total Phase 3 Aeration</b>		204,695.00	-	204,695.00	204,695.00	-	-	-
131									
132			17,228,013.00	-	17,228,013.00	1,987,217.00	5,428.00	60,064.00	15,175,304.00
133									

NOTE: Phases 1, 2, 2A and 3 have been compressed in this view for simplification.



On the, 25th day of April, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3190. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3190**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #3155 AND ESTABLISHING PROJECT FUNDING FOR ENERGY/UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES. THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUND 411; AND FUNDING ALLOCATIONS/ TRANSFER FROM FUNDS 111 AND 011 TO 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.

A handwritten signature in blue ink that reads 'D. Karber'.

Debbie Karber, Deputy City Clerk

DATED this 29th day of April, 2016.

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Dicy Sheppard 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 EDH696608 ORDINANCE 3190 3191 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 04/29/2016 and ending on 04/29/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$53.92.

Dicy Sheppard

Subscribed and sworn before me on this

29 day of April,  
2016.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890  
DEBBIE KARBER

**LYNNWOOD**  
WASHINGTON

CITY OF LYNNWOOD

On the, 25th day of April, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3190 and 3191. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3190  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #3155 AND ESTABLISHING PROJECT FUNDING FOR ENERGY/ UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES. THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUND 411; AND FUNDING ALLOCATIONS/TRANSFERS FROM FUNDS 111 AND 011 TO FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3191  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3093; AND ESTABLISHING PROJECT FUNDING FOR THE 2015/2016 ROAD OVERLAY & REBUILD PROGRAM ON 184th STREET SW BETWEEN ALDERWOOD MALL PARKWAY AND 33rd AVENUE W, AND ALDERWOOD MALL PARKWAY BETWEEN ASHWAY AND 184TH STREET SW; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.  
DATED this 29th day of April, 2016. Debbie Karber, Deputy City Clerk  
EDH696608  
Published: April 29, 2016.

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



**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. 3190 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3190**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #3155 AND ESTABLISHING PROJECT FUNDING FOR ENERGY/UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES. THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUND 411; AND FUNDING ALLOCATIONS/ TRANSFER FROM FUNDS 111 AND 011 TO 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 April 25, 2016 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 April 29, 2016.

*D. Karber*

---

Debra Karber, Deputy City Clerk