

November 21, 2006

**CALL TO ORDER:** Mayor Tjeerdsma called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Loving, Valentine, Straathof and Montgomery. Staff present: Aarstad, Martin, Perkins, Sheahan and Thomas.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Doyle/Bensen** to approve the corrected minutes of the November 9, 2006 Council meeting. All were in favor. Motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** presented the bills. A motion was made by **Councilors Aslett/Valentine** to approve vouchers 48087 – 48177 in the amount of \$173,886.79. All were in favor. Motion carried.

Current Expense	\$ 43,165.10
Current Expense Cumulative Reserve	5,624.58
City Street	13,101.77
Library	203.66
Parks & Recreation	4,576.54
Cemetery Fund	204.06
Stadium Fund	875.00
Local Capital Improvement Fund	41,696.01
Park & Recreation Reserve	204.39
Sewer Fund	25,856.08
Sewer Cumulative Reserve	38,379.60
<b>Total</b>	<b>\$ 173,886.79</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Library Director Perkins** announced that the Friends of the Library are sponsoring a puppet show on December 12, 2006.

**Library Director Perkins** reviewed the schedule to move to the new Library. She noted that the library will probably be closed for services to the public from mid April to mid May. This will allow time to move all of the collections from the old library to the new library and get the new book collection shelved as well as getting everything installed prior to re-opening. The new library will be open for about a month prior to the Grand Opening tentatively scheduled for June 16, 2007.

**Public Works Director/City Engineer Martin** reported that **Engineering Administrative Specialist Ziel** and **Building & Grounds Supervisor Tingley** repaired the Washington State flag that flies over City Hall. He complimented them for their willingness to take on the task.

**Public Works Director/City Engineer Martin** reported that today he visited the Smith House in Hamilton (built in 1908) looking for evidence of flood elevations from prior years. The house has a full basement and has not shifted position over the years. The current property owners have been very helpful. Plans are to visit the house on Monday to photograph and record flood elevations history. Evidence of prior flood elevations should provide historical data relating to previous Skagit River flood events and future flood elevation predictions.

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**City Attorney Thomas** presented an emergency resolution regarding repairs to Hillcrest Drive. **Public Works Director/City Engineer Martin** noted that this is an unusual situation and it would be in the city's best interest to clarify (by resolution) that this is an emergency situation regarding repairs to the road. A motion was made by **Councilors Loving/Bensen** to approve the resolution. All approved.

**(Resolution #18-2006)**

**City Administrator Aarstad** asked if any Council members were interested in attending the AWC legislative conference will be held on February 13<sup>th</sup> – 15<sup>th</sup> in Olympia. **Councilor Loving** indicated he would like to attend. **City Administrator Aarstad** indicated that **Mayor Tjeerdsma, Public Works Director Martin** and he will also be attending the conference.

**City Administrator Aarstad** reminded Council members of the November 29, 2006 flood information presentation 5 p.m. at City of Mount Vernon in the Police/Court building.

**City Administrator Aarstad** noted that he and **Planning Director Fleek** have been discussing the issue of temporary auto sales at Cascade Mall. He received a call from the Cascade Mall management inquiring as to the status of this issue. Council discussed the benefits and possible disadvantages of limiting these events.

Mr. Jeremy Cook, Champion Events, clarified that all Burlington auto dealers are invited to participate in the events at the mall. If they don't have enough Burlington participants then they will go outside the area to invite other dealers. He stated that the fee to participate ranges from \$10,000 - \$15,000. He noted that out of the area dealers can only attend six off-site events per year. Permission must be permitted through the State of Washington, thus the sales tax is then routed to the city where the sale occurred (rather than city of the dealer's home location). He stated that he is more than willing to share his records with Burlington City officials. He noted that he has an agreement with the mall to limit the events to four per year. **Councilor Aslett** noted that dealerships in Burlington are located where zoning allows car sales whereas sales at the mall allows for car sales where such zoning does not exist. He voiced his concern for those dealers located in Burlington day to day and pay property taxes in addition to sales taxes. **Councilor Bensen** asked for clarification as to number of days for the event. Mr. Cook indicated the events run Thursday – Monday. This allows for customers to work with banks for financing and if they have credit problems, they can wait to see the bank on Monday to close the deal. **Councilor Loving** suggested the City might require that all Burlington auto dealers be listed on signs or flyers at the event.

Mr. Robert Eger, commercial property owner, stated that it is not always about the dollar. **Mayor Tjeerdsma** believes in the free enterprise system, as long as rules aren't being broken. **City Administrator Aarstad** clarified that a decision does not have to be made this evening, but the mall management has an event tentatively scheduled for January. They are holding off with permission in case the City planned to implement new rules or changes to policy. The Council agreed that the January event should go forward and council will consider changes at a later date.

**Councilor Loving** thanked everyone for the time they put in working on the 2007 budget. It was a difficult process and he appreciated all those who worked so hard. He noted the budget committee held the line on many requests.

**City Administrator Aarstad** noted that the new phone system allows for numbers for each department to be published in the 2007 phone directory.

**Councilor Valentine** noted that the Police Academy is full until March 2007. The Police Department may not be able to fill the vacant Police Officer position until mid 2007.

**CONSENT AGENDA:**

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- 1) Agreement with Skagit County Senior Services for 2007 services to City seniors.
- 2) Agreement with SPOT (Saving Pets One at a Time) for 2007 services.

A motion was made by **Councilors Loving/Bensen** to approve items 1 – 2 of the Consent Agenda. All were in favor. Motion carried.

**UNFINISHED BUSINESS:**

There was no unfinished business.

**NEW BUSINESS:**

**RESOLUTION RATIFYING A PUBLIC WORK CONTRACT FOR PARTIAL REPLACEMENT OF SIDING ON THE COMMUNITY CENTER.**

**Public Works Director / City Engineer Martin** stated that he mistakenly entered into a public work contract to replace sections of siding on the City's Community Center building. Unfortunately, the City does not have a "Small Works" roster established that would have allowed the "3 price quote" process that was followed here. Further, there is no way to now make this right. The only thing to be done is provide full disclosure of the mistake and to put measures in place to ensure the error does not occur again. To that end, an interlocal agreement with the City of Lynnwood to enable Burlington to access Lynnwood's shared roster will be considered by the Council this evening. The contract under consideration is with Exxel Northwest, Inc to replace sections of siding on the Community Center. Work is already underway and most of the damaged siding has been replaced. A motion was made by **Councilors Loving/Bensen** to approve the Resolution to ratify a contract with Exxel Northwest, Inc. to replace certain sections of siding on the Community Center, and authorize the Mayor to sign. All approved. Motion carried.

**(Resolution #19-2006)**

**INTERLOCAL AGREEMENT WITH THE CITY OF LYNNWOOD TO JOIN LYNNWOOD'S SMALL WORKS ROSTER.**

**Public Works Director/City Engineer Martin** presented an interlocal agreement to enable the City of Burlington to join the City of Lynnwood's Small Works Roster and, at Burlington's option, the City of Lynnwood's A-E Services roster. The city of Lynnwood's rosters are recognized throughout northwest Washington by contractors familiar with the Small Works Roster process. When this agreement is in place, the Public Works Department will advertise the availability of this roster and encourage local contractors to sign up with the City of Lynnwood. The small works roster process will enable the City of Burlington to use an abbreviated competitive process to contract for "public work" under \$200,000. A motion was made by **Councilors Aslett/Bensen** to authorize the Mayor to enter into an interlocal agreement with the City of Lynnwood to join its Small Works Roster for "public work" and A-E services. All agreed. Motion carried.

**VALUE ENGINEERING FACILITATOR CONTRACT FOR NORTH BURLINGTON BOULEVARD.**

**Public Works Director/City Engineer Martin** presented a contract to provide facilitation services for a "Value Engineering" study for the City of Burlington North Burlington Boulevard project. This process involves a small group (5-8 people) of experts and/or knowledgeable individuals who undertake a comprehensive study of the project with a view toward saving money or otherwise optimizing the final outcome. The practice has been shown to be effective and is required in a TIB-funded project of this size. The theory is that through facilitation, a small group of people with the right background can use its combined knowledge, experience and creativity to improve what is ultimately built, and provide a solid review of the proposal to validate the design approach. This study will take place over a two and a half day period the second week of January, 2007. A motion was made by **Councilors Bensen/Doyle** to approve the contract with Value Management Strategies, Inc. to provide Value Engineering facilitation services for the North Burlington Boulevard improvement project. All agreed. Motion carried.

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**CONTRACTS WITH OTAK, INC. FOR PROFESSIONAL SERVICES RELATED TO GAGES SLOUGH.**

**Public Works Director/City Engineer Martin** presented four contracts with OTAK, Inc. that will provide for a range of professional services related to ongoing water quality monitoring, long range planning, and habitat acquisition in and adjacent to Gages Slough. He noted that the total cost of the four contracts is \$94,200 and will be paid from the Drainage Utility Fund. A motion was made by **Councilors Bensen/Aslett** to authorize the Mayor to enter into agreements with OTAK, Inc. to provide professional services associated with Gages Slough monitoring, long range planning, and habitat acquisition. All agreed. Motion carried.

**CONSULTANT AGREEMENT WITH PERTEET, INC. FOR THE DESIGN OF THE NORTH BURLINGTON REGIONAL STORMWATER AND PUMP STATION FACILITY.**

**Public Works Director/City Engineer Martin** presented a Consultant Agreement for \$293,656.00 with Perteet, Inc. which will allow the City to complete the design and right-of-way for the North Burlington Regional Stormwater Facility to be constructed the summer of 2007. The intended general service area is bounded by N. Burlington Boulevard on the west side, Fountain Street on the north side, Burlington Northern Santa Fe Railroad (BNSF) tracks on the east side, and Avon Avenue (SR-20) at the south end. Service will also include stormwater runoff from North Burlington Boulevard (as will be improved by the North Burlington Boulevard Improvement Project) between Avon Avenue (SR-20) and Old Highway 99 and potentially two parcels west of North Burlington Boulevard (including the future SKAT park-and-ride). A motion was made by **Councilors Montgomery/Doyle** to authorize the Mayor to enter into a Standard Consultant Agreement with Perteet, Inc. for the amount of \$293,656.00. All agreed. Motion carried.

**INTERLOCAL AGREEMENT WITH SKAGIT COUNTY DISTRICT COURT PROBATION FOR 2006 AND 2007 SERVICES.**

**City Administrator Aarstad** presented an agreement for services in 2006 in which the fees would be \$92.17 per unit from January 1, 2006 – August 31, 2006. This is the same as in prior year's contracts. Effective September 1, 2006 the calculation will be \$50 per month for each defendant placed on probation supervision to a maximum of \$1,200 per defendant/case. The 2007 agreement would be effective January 1, 2007 – December 31, 2007 and provides for the fees to continue at \$50 per month to a maximum of \$1,200 per defendant/case. A motion was made by **Councilors Montgomery/Straathof** to approve the Interlocal Cooperative Agreements between Skagit County District Court Probation and the City of Burlington for probation services for 2006 and authorize **Mayor Tjeerdsma** to sign the agreements on behalf of the City. All agreed. Motion carried.

A motion was made by **Councilors Montgomery/Straathof** to approve the Interlocal Cooperative Agreements between Skagit County District Court Probation and the City of Burlington for probation services for 2007 and authorize **Mayor Tjeerdsma** to sign the agreements on behalf of the City. All agreed. Motion carried.

**RETRO PROGRAM DISCUSSION.**

**City Administrator Aarstad** stated that the AWC Workers' Compensation Retrospective Rating (RETRO) Program began January 1, 2004 and the City of Burlington has been a member since March 2004. This past week AWC notified the City that we would receive \$11,639 as a return of Administrative Fees for 2004 and 2005. In addition, AWC indicated an additional refund would occur after the final Labor and Industry adjustment. A decision needs to be made to either stay with the AWC program or join the Building Industry Association of Washington program. A motion was made by **Councilors Straathof/Bensen** to continue membership with the AWC RETRO program in 2007. All agreed. Motion carried.

**EXECUTIVE SESSION:**

There was no Executive Session.

**COUNCIL CHAMBERS**

**CITY HALL**

**BURLINGTON, WA**

November 21, 2006

**ADJOURNMENT:**

A motion was made by **Councilors Valentine/Doyle** to adjourn the meeting at 8:04 p.m. All were in favor. Motion carried.

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Richard A. Patrick  
Finance Director / City Clerk

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Roger "Gus" Tjeerdsma  
Mayor