

December 14, 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, Fleek, Martin, Sheahan, Thomas and Ruhland.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Loving/Valentine** to approve the minutes of the November 21, 2006 Council meeting. All were in favor. Motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** presented the bills. A motion was made by **Councilors Aslett/Bensen** to approve vouchers 48178 – 48338 in the amount of \$1,384,888.73. All were in favor. Motion carried.

Current Expense	\$ 72,939.45
Current Expense Cumulative Reserve	2,213.48
City Street	40,183.18
Library	10,233.39
Library Permanent Book	117.40
Parks & Recreation	6,642.47
Cemetery Fund	1,115.15
Stadium Fund	12,696.27
Local Capital Improvement Fund	1,187,225.95
Sewer Fund	10,947.66
Sewer Cumulative Reserve	25,139.06
Storm Drainage Utility	15,435.27
<b>Total</b>	<b>\$ 1,384,888.73</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Planning Director Fleek** distributed a map of the proposed annexation area on North Skagit Street. She noted that the Supreme Court has recently determined that the Boundary Review Board cannot increase the land area to be annexed. The map shows the area that could be included based on this ruling. The annexation petition is in the County Assessor’s Office for certification. She suggested that this issue be reconsidered by City Council at the first meeting in January 2007. She spoke with the Police Chief regarding the problems that would be caused by this annexation. **Councilor Loving** indicated that he has some concerns regarding this annexation because of the infrastructure plans already in place. Council agreed that the issue should be on the next agenda. **Mayor Tjeerdsma** voiced his concern with annexation that leaves some streets out of the annexation that can only be accessed through the City. This can create problems for police, fire, sheriff, etc.

**Public Works Director Martin** discussed the Smith House in Hamilton investigation regarding flooding over the past 98 years. He distributed a photograph which indicated that there has been no flood water in the house as should have been based on USGS data. This suggests that data being used for the current USGS and COE study is incorrect and should not be used for future flood prediction.

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**Public Works Director Martin** discussed the studies that will probably increase the FEMA flood elevation levels in Burlington. In the meantime, the City needs to continue to be sure that data being used to determine the levels is correct.

**Public Works Director Martin** discussed the possibility of flood water storage in the Nookachamps. The plan would be to relieve pressure from the river and protect other areas from flooding. It has been suggested that this proposal be put through the Environmental Impact review process to determine the feasibility of this proposal. He noted that he will be meeting with the Public Works Committee, the Mayor and Council Members to get something going to help with flood control and protection issues. **Planning Director Fleek** agreed that the Environmental Impact Study process is a very good idea to move forward with flood protection and is in favor of having Burlington involved in the process. **City Administrator Aarstad** suggested a council workshop might be helpful so that all council members understand the work that needs to be done. **Public Works Director Martin** suggested the City and Skagit County Dike District #12 might be better off breaking away from a large group process. A workshop may be scheduled in January, 2007. **Mayor Tjeerdsma** suggested that DD#12 be invited to the workshop as well.

**City Administrator Aarstad** noted that the Skagit River Impact Partnership joint meeting originally planned for December 20, 2006 will be rescheduled for January 17, 2007 at the Mount Vernon Police/Court Facility on Continental Place.

#### **CONSENT AGENDA:**

- 1) Agreement with Sybrandy & Witt for 2007-2008 Public Defender services.
- 2) Agreement with Chamber of Commerce for 2007 Tourism Promotion.
- 3) Agreement with Chamber of Commerce for 2007 Float & Band.
- 4) Agreement with Chamber of Commerce for 2007 Visitor Information Center.
- 5) Agreement with Chamber of Commerce for 2007 Harvest Festival.
- 6) Agreement with Skagit Valley Tulip Festival for 2007 lodging tax funds.
- 7) Agreement with McIntyre Hall for 2007 lodging tax funds.
- 8) Agreement with Upper Skagit Bald Eagle Festival for 2007 lodging tax funds.
- 9) Agreement with Lincoln Theatre for 2007 lodging tax funds.
- 10) Agreement with Skagit County Fair & Rodeo for 2007 lodging tax funds.
- 11) Agreement with EDASC for 2007 services.
- 12) Contract with Curt Miller, Landscape Architect to provide grant development and design assistance for Downtown public spaces.
- 13) Contract with Urban Forest Services for assistance with tree planting and landscape issues.
- 14) Contract with Mt. Vernon Abstract and Title Co. for preparation of legal descriptions.
- 15) Contract with Carletti Architects to prepare illustrations for the Zoning Code.
- 16) Contract with BMR Design-Advertising to provide assistance with the Urban Wayfinding and City signage program.

A motion was made by **Councilors Bensen/Aslett** to approve Consent Agenda items #1 – 16 and authorize the Mayor to sign the appropriate documents. All approved. Motion carried.

#### **UNFINISHED BUSINESS:**

There was no unfinished business.

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**NEW BUSINESS:****TEMPORARY STREET CLOSURE ON NORTH SIDE OF 600 E. VICTORIA FOR ANNUAL EAGLES CONFERENCE.**

**Planning Director Fleek** stated that the requested street closure will allow for access to Pike's Automotive and the Chamber of Commerce as well as the residence on the north side of the street. This is the third year for this request. The dates are Friday night January 19 – noon Sunday January 21, 2007. Details will be worked out between the Eagles and the property owners. A motion was made by **Councilors Valentine/Loving** to authorize a temporary street closure subject to working out details with abutting property owners. All approved. Motion carried.

**PROPOSED CONDITIONAL USE PERMIT TO ESTABLISH A DRIVE-THROUGH FOR A PROPOSED 4,000 SQUARE FOOT BANK. APPLICANT IS CASCADE BANK.**

**Planning Director Fleek** stated that a public hearing was conducted by the Planning Commission at their regular November meeting and a recommendation was made to approve the conditional use permit, subject to final plan review by the Planning Commission. The site of the bank is the southeast corner of Sharon Street and Burlington Boulevard and it includes additional area for future buildings along South Alder Street. Access to the bank will only be permitted down the alley on Sharon Street, which will be widened to a two way alley the length of the bank site. **Councilor Loving** asked if the alley is being changed to a street by allowing two lane traffic. **Planning Director Fleek** stated that this issue was raised with the Technical committee which determined they did not want an entrance on Burlington Boulevard or on Sharon Street closer to the intersection to the west. **Councilor Loving** suggested moving the entrance further west of the alley and then exit through the alley (to reduce traffic in the alley). **Public Works Director Martin** thought that proposal might work. **Councilor Loving** suggested the design be changed by 20 feet to allow for entrance directly in to the bank parking lot rather than through the alley. A motion was made by **Councilors Loving/Valentine** to grant the Conditional Use Permit #6-06 for a bank drive-through located at 822 South Burlington Boulevard, subject to council changes and final plan review by the Planning Commission. All agreed. Motion carried.

**PROPOSED CONTRACT REZONE TO CONSTRUCT FOUR BUILDINGS INCLUDING TOWNHOUSE UNITS AND OFFICE. APPLICANT IS RICK HOLT.**

**Planning Director Fleek** stated that a public hearing was conducted by the Planning Commission at their regular November meeting and a recommendation was made to approve the contract rezone, subject to final plan review by the Planning Commission. The site of the mixed use residential and office development consists of 29,571 square feet and four buildings are proposed including townhouse units and office on the ground floor of one building. The contract rezone is proposed to allow uses consistent with the R-3 Multi-Family Zoning, but to provide for different development standards to better utilize this site that is in a transitional location between zoning districts. **Councilor Montgomery** asked for clarification as to the request. **Planning Director Fleek** stated that the contract rezone would allow three stories with 40 foot maximum height to accommodate pitched roofs, relief from setback requirements, some relief from parking requirements, and 45% lot coverage and 80% impervious surface. **Councilor Doyle** asked what the townhouse price would be. Mr. Allen Elliott, Architect, indicated the prices would be low to medium (not luxury, but nice and well landscaped). **Councilor Doyle** reminded council that this is the kind of housing the council has discussed over the past few years. A motion was made by **Councilors Aslett/Montgomery** to grant the Contract Rezone #1-06 for a mixed use development located at the northwest corner of Sharon and Alder Streets, subject to final plan review by the Planning Commission. All agreed. Motion carried.

**WORKING WITH THE RAILROAD TO SECURE LAND DOWNTOWN FOR PARKING AND FOR THE RAILROAD PARK & PLAZA PROJECT. AMEND CONTRACT WITH CLAY LEARNED TO CHANGE SCOPE OF WORK AND EXTEND TIMELINE.**

**Planning Director Fleek** requested that council give the approval for staff to proceed with a request to Staubach International to investigate the possibility of the City acquiring both the

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Railroad Park site and the proposed parking lot behind Stowe’s. This would necessitate a contract amendment with Clay Learned to reflect the change in the scope of work to include both sites and investigation of acquisition as well as leasing. A motion was made by **Councilors Valentine/Doyle** to authorize application to acquire land from Burlington Northern Santa Fe Railroad, including Railroad Park and parking lot site behind Stowes Department Store. All agreed. Motion carried.

A motion was made by **Councilors Valentine/Doyle** to amend the scope of the contract with Clay Learned to include both sites and investigation of acquisition as well as leasing. All agreed. Motion carried.

**RESOLUTION ESTABLISHING LICENSE FEES FOR BUSINESSES AND OCCUPATIONS CARRIED ON WITHIN THE CITY.**

**Accounting Technician Ruhland** reviewed the fee changes for Taxi Driver Application fee from \$5 to \$25; Taxi Driver Renewal fee from \$15 to \$35; and the Taxi Company fee from \$25 to \$85. **Councilor Straathof** asked how many taxi companies operate in Burlington. **Accounting Technician Ruhland** indicated that three taxi companies operate in Burlington. A motion was made by **Councilors Aslett/Straathof** to adopt the resolution establishing license fees for Businesses and Occupations carried on within the City of Burlington. All agreed. Motion carried.

**(Resolution # 20-2006)**

**ORDINANCE ENACTING A NEW BURLINGTON MUNICIPAL CODE, CHAPTER 1.30, ENTITLED “PUBLIC RECORDS.”**

**City Attorney Thomas** stated that the purpose of this Ordinance is to follow the new Washington Public Records Act (RCW 42.56) that requires jurisdictions to establish a process for requesting public records and responding to requests for public records. A motion was made by **Councilors Bensen/Montgomery** to approve the ordinance adding a new chapter to Burlington Municipal Code, Chapter 1.30 Public Records. All agreed. Motion carried.

**(Ordinance # 1615)**

**ADDENDUM TO FIRE STATION LEASE BETWEEN THE CITY OF BURLINGTON AND SKAGIT EMERGENCY MEDICAL SERVICES COMMISSION.**

**City Administrator Aarstad** stated that this is an amendment to the Fire Station Lease Agreement with Skagit EMS for use of the Burlington Fire Station for an EMS paramedic unit and transport vehicles. This is the annual recalculation of the monthly utility costs. The monthly rate effective November 1, 2006 will be \$301.88. A motion was made by **Councilors Aslett/Valentine** to approve addendum to Fire Station Lease between the City of Burlington and Skagit EMS Commission. All agreed. Motion carried.

**COUNCIL COMMITTEES FOR 2007 AND ELECTION OF 2007 MAYOR PRO TEMPORE.**

**City Administrator Aarstad** distributed the 2007 committee assignments as recommended by the Mayor. He noted that council must elect a Mayor Pro Tempore for 2007 as well as a council member to serve on the Investment Committee for 2007.

**Councilor Doyle** nominated **Councilor Loving** for Mayor Pro Tempore for 2007; **Councilor Bensen** seconded the nomination. **Councilor Montgomery** nominated **Councilor Valentine** for Mayor Pro Tempore for 2007. **Councilor Valentine** withdrew her nomination. A motion was made by **Councilors Bensen/Valentine** to close the nominations and vote on the nomination. All were in favor of **Councilor Loving** for Mayor Pro Tempore for 2007. Motion carried. **Mayor Tjeerdsma** asked if anyone would like to volunteer for the Investment Committee. **Councilor Montgomery** volunteered to serve on the Investment Committee. A motion was made by **Councilors Loving/Aslett** to accept the Mayor’s 2007 committee assignments for those positions that require confirmation by the Council. All agreed. Motion carried.

Council Committees for 2007 shall be as follows:

Mayor Pro Tempore:

Councilor Loving

**COUNCIL CHAMBERS**

**CITY HALL**

**BURLINGTON, WA**

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Investment Committee: Councilor Montgomery

Audit and Finance Committee: Councilor Bensen (Chair)  
Councilor Aslett  
Councilor Montgomery  
Councilor Valentine (Alternate)

Public Works Committee: Councilor Straathof  
Councilor Loving  
Councilor Montgomery  
Councilor Doyle (Alternate)

Public Safety Committee: Councilor Loving  
Councilor Bensen  
Councilor Doyle  
Councilor Straathof (Alternate)

Parks & Recreation Board & Cemetery Board: Councilor Loving  
Councilor Doyle  
Councilor Straathof  
Councilor Montgomery (Alternate)

Traffic Safety Committee: Councilor Aslett (Chair)  
Councilor Bensen (Alternate)

Board of Trustees of the Volunteer Firefighter's Relief and Compensation Fund:  
Councilor Valentine

Land Use Committee: Councilor Aslett (Chair)  
Councilor Bensen  
Councilor Straathof

Americans with Disabilities Committee: Councilor Montgomery (Chair)  
Councilor Aslett

Downtown Burlington Association: Councilor Valentine  
Councilor Doyle  
Councilor Bensen

Lodging Tax Committee: Councilor Doyle (Chair)  
Councilor Aslett (Alternate)

Emergency Service Council: Councilor Loving

Museum Board: Councilor Straathof (Chair)  
Councilor Bensen

Skagit Transit Board: Councilor Valentine  
Councilor Bensen (Alternate for Councilor Valentine)  
Councilor Loving (Alternate for Mayor)

SCOG/RTPO/MPO: Councilor Loving (Alternate for Mayor)  
Councilor Bensen (Alternate for Mayor)

Municipalities Committee: Councilor Bensen  
Councilor Loving (Alternate for Mayor)

**PUBLISHER FOR LEGAL NOTICES AND ORDNANCES FOR 2007.**

**City Administrator Aarstad** stated that the City did not receive any bids for 2007. Staff contacted the Skagit Valley Publishing Company regarding rates to advertise in the Argus.

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Advertising rates for 2007 legal notices in the Argus are \$5.27 per column inch. The Argus is distributed (free of charge) to all residents within the city limits of Burlington and the Burlington School District. A motion was made by **Councilors Valentine/Montgomery** to approve the resolution designating the Argus as publisher for legal notices in 2007. All agreed. Motion carried.

**(Resolution # 21 - 2006)**

**FUEL BIDS FOR 2007.**

**City Administrator Aarstad** noted that two bids were received. One bidder (Associate Petroleum Products) does not have fuel available within the city limits; the other is Skagit Farmers Supply (the fuel supplier for 2006). **Councilor Straathof** asked if the City has to take the lowest bid. **City Administrator Aarstad** stated that the City must review all bids but that they are not required to take the lowest bid. **Councilor Loving** asked about off-road diesel prices for equipment used by the City. **City Administrator Aarstad** will check on prices paid by the city for off-road diesel. A motion was made by **Councilors Bensen/Valentine** to award the 2007 fuel bid to Skagit Farmers Supply. All agreed. Motion carried.

**EXECUTIVE SESSION:**

The Mayor and Council members adjourned to Executive Session at 8:04 p.m. to discuss personnel and litigation. The Mayor and Council members returned from Executive Session at 8:39 p.m.

**ADJOURNMENT:**

A motion was made by **Councilors Montgomery/Doyle** to adjourn the meeting at 8:40 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