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CALL TO ORDER: Mayor Tjeerdsma called the meeting to order at 7:03 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Loving, Straathof and Montgomery. Staff present: Aarstad, Bowers, Fleek, Martin, Sheahan, Thomas, Toth, Judy and Butterfield.

A motion was made by **Councilors Bensen/Aslett** to excuse **Councilor Valentine** from tonight’s meeting.

APPROVAL OF MINUTES:

A motion was made by **Councilors Loving/Doyle** to approve the minutes of the March 22, 2007 Council meeting. All were in favor. Motion carried.

AUDIT OF BILLS:

Councilor Bensen presented the bills. A motion was made by **Councilors Bensen/Doyle** to approve vouchers 48994 – 49298 in the amount of \$1,347,446.43. All were in favor. Motion carried.

Current Expense	\$ 100,327.89
Current Expense Cumulative Reserve	30,915.27
Fire Equipment Cumulative Reserve	21,957.73
City Street	242,803.04
Library	5,639.68
Parks & Recreation	8,181.37
Cemetery Fund	272.56
Stadium Fund	6,856.63
Local Capital Improvement Fund	850,468.06
Park & Recreation Reserve	4,267.50
Sewer Fund	36,960.65
Sewer Cumulative Reserve	25,228.25
Storm Drainage Utility	13,567.80
Total	\$ 1,347,446.43

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Public Works Director/City Engineer Martin reported that new study on the Skagit River flood projections was recently released. He noted it was a very good and thorough study.

Public Works Director/City Engineer Martin stated that the Concrete Town council approved Puget Sound Energy’s shoreline permit at their meeting this week. He was in attendance along with Burlington **City Attorney Thomas**. They were disappointed that the council approved the permit without any questions or further review of new comments and information that had been submitted.

Public Works Director/City Engineer Martin stated that the repairs to Hillcrest Drive should be completed by the end of this week. The guard rail should be installed today or tomorrow. He noted that the new city storage building construction is coming along fine.

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City Administrator Aarstad asked that if any Council members are interested in attending the AWC Annual Conference in June to please let he or Judy know so that registrations can be sent in.

LEAVE DONATION TO CITY EMPLOYEE.

City Administrator Aarstad stated that a long-time city employee is out on medical leave and will exhaust their leave banks prior to the expected return to work. He asked that council authorize full-time staff to donate leave to this individual. A motion was made by **Councilors Loving/Bensen** to authorize employee donation of leave to this particular employee. All approved. Motion carried.

INTERLOCAL AGREEMENT FOR ECONOMIC DEVELOPMENT PUBLIC FACILITY PROJECT GRANT FUNDS.

City Administrator Aarstad distributed a copy of an interlocal agreement with Skagit County. Skagit County has awarded the City of Burlington \$300,000 to be used toward the Nevitt Road project. This agreement must be approved and signed prior to distribution of the funds. A motion was made by **Councilors Bensen/Aslett** to approve the interlocal agreement with Skagit County for Economic funds in the amount of \$300,000 to be used by the City for the Nevitt Road project and authorize the Mayor to sign. All agreed. Motion carried.

Councilor Loving reported that he has invited a representative from Chinook Enterprises to the next Council meeting to make a presentation.

City Attorney Thomas distributed a draft letter to council regarding Raspberry Ridge II. He stated that Raspberry Ridge Phase II is currently going through the permitting process. He noted that the project is located within the city's urban growth area. In 1997, the city and county entered into an interlocal agreement which states that sewer service must be provided to construction projects within the UGA. He understands that at this time a sanitary septic permit is being applied for – which suggests sewer connections will not be requested. He has drafted a letter to the county to ask for clarification as to the plans for a sewer disposal system for this project. **Councilor Aslett** asked for clarification regarding building within the UGA; does construction have to comply with Burlington codes or County codes. **City Attorney Thomas** noted that county regulations have been waived by the Board of County Commissioners for this project, but that city zoning codes would apply. **Councilor Aslett** suggested that other issues (zoning, set-backs, annexation) are of concern as well and should be addressed. **City Administrator Aarstad** clarified that the City Attorney's letter is to point out to the county that the agreement for managing construction in the UGA must be followed as well as inquiring about the plans for septic. **Mayor Tjeerdsma** asked if council was in favor of letter. All agreed they were in favor of the letter drafted by the City Attorney be sent to the Skagit County Planning Department.

PROCLAMATION:

City Administrator read the proclamation declaring the week of April 29 – May 5, 2007 as Native Plant Appreciation Week in Burlington.

PRESENTATION:

Ms. Judy Hemenway, Upper Skagit Bald Eagle Festival, thanked the City Council for providing Lodging Tax Fund revenue to assist with promotion of the festival. The festival continues to grow in attendance. She presented to the City a framed 2007 Upper Skagit Bald Eagle Festival poster. The Mayor and Council members thanked her for the poster and wished the Festival continued success in the future. Mr. John Burmaster played a recording of a radio commercial used for this year's festival. They plan to expand advertising over the next few years. The interpretive center (which is open for several months) has seen several hundred visitors each weekend.

UNFINISHED BUSINESS:

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FINAL PLAT ORDINANCE TO CREATE NINE NEW LOTS, THE ASPEN LANE PHASE II SUBDIVISION.

Planning Director Fleek stated that the final site work and construction of infrastructure is nearing completion and approval of the final plat ordinance will allow the recording of the plat once the work is complete. The preliminary subdivision was approved on April 27, 2006. **Councilor Aslett** asked if the road issues had been resolved. **Planning Director Fleek** indicated that the issues had been resolved. A motion was made by **Councilors Aslett/Montgomery** to approve the final Plat Ordinance for Aspen Lane Phase II Subdivision. All agreed. Motion carried.
(Ordinance #1619)

NEW BUSINESS:**PROPOSED APPOINTMENT OF DAVE ANDERSON TO THE BURLINGTON BOARD OF ADJUSTMENT.**

Planning Director Fleek stated that **Mayor Tjeerdsma** is recommending that Mr. Dave Anderson be appointed to the Burlington Board of Adjustment. Mr. Anderson has been employed at Country Insurance for 14 years and lives at 771 Humphrey Place. He is interested in getting involved in city government. She noted that a member of the Board of Adjustment (Wanda Pitman) passed away unexpectedly. A motion was made by **Councilors Loving/Bensen** to appoint Mr. Dave Anderson to the Board of Adjustment. All agreed. Motion carried.

TEMPORARY USE PERMIT FOR ON STREET PARKING ON HILLCREST DRIVE ON SUNDAY APRIL 29, 2007 FROM 12 – 4 P.M. APPLICANT IS MELISSA BELISLE.

Planning Director Fleek noted that the site is located at 954 Hillcrest Drive. Plans show 50 feet of pavement, which should be more than enough for two cars to pass. Flaggers, cones and other notice are needed to prevent potential problems. She noted that earlier this week she received another request for on-street parking from another nearby resident. After discussions with the Police Chief and Street Supervisor, she suggested that it might be more efficient if Council were to grant authority to the Planning Department to issue temporary use permits for on-street parking. Her department would then coordinate with the Police and Street Department and could respond quickly to the applicant rather than having to schedule the request on the council agenda. A motion was made by **Councilors Bensen/Straathof** to authorize the Planning Department to issue temporary use permits for on-street parking. All agreed. Motion carried.

CONDIDIONAL USE PERMIT #2-07 TO ESTABLISH AN AUTOMOBILE SALES USE AT 1749 SOUTH BURLINGTON BOULEVARD, FOR MOTOR CARS LTD. THIS IS A RENOVATION OF THE OLD COPELAND LUMBER BUILDING.

Planning Director Fleek stated that the Planning Commission conducted a public hearing on March 21, 2007 on the proposed conditional use permit. The proposal fits into a difficult location and reuses an existing building for their classic cars. A recommendation was made for approval by the Planning Commission. **Councilor Loving** stated that the City Council has over the years declined to allow auto sales on Burlington Boulevard, with the exception of Saturn Motors. A motion was made by **Councilor Loving/Bensen** to deny the Conditional Use Permit #2-07. All approved. Motion carried

CONTRACT REZONE #1-07 TO CONSTRUCT A FELLOWSHIP HALL ADDITION TO THE CALVARY BAPTIST CHURCH LOCATED AT 324 AVON AVENUE.

Planning Director Fleek stated that the Planning Commission conducted a public hearing on March 21, 2007 on the proposed contract rezone to allow the expansion of the Calvary Baptist Church located at 324 Avon Avenue to add a new 4,640 square foot Fellowship Hall and provide parking through joint use agreements within 500 feet of the site. **Councilor Loving** asked what time of day the special events might be held at the church. **Planning Director Fleek** noted most events would be at the church in the evenings or on weekends; when bank parking lot isn't being used. **Councilor Doyle** voiced her concern

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regarding the busy street (Avon Avenue) where the church is located. **Planning Director Fleek** noted that the proposed design would not allow access to the church parking lot from Avon Avenue. A motion was made by **Councilors Montgomery/Aslett** to approve Contract Rezone #1-07. Voting in favor were **Councilors Bensen, Loving, Aslett, Straathof** and **Montgomery**. Voting against was **Councilor Doyle**. Motion carried

SUPPLEMENT TO THE CONSULTANT AGREEMENT WITH PERTEET, INC. FOR THE DESIGN OF NORTH BURLINGTON BOULEVARD.

Public Works Director/City Engineer Martin stated that this supplement to the Consultant Agreement for \$227,804 with Perteet Inc. will allow the City to include the design changes to North Burlington Boulevard as a result of the roundabout and VE study. Additionally it will provide support for grant opportunities and permitting that has come about since the original contract was created. He noted that Perteet Inc. will provide additional assistance to the City of Burlington including preparation of the Pedestrian and Bicycle Safety Program Grant Proposal, Cultural Resources Assessment, additional survey, additional agency and stakeholder coordination and project management, roundabout design, additional monitoring well readings, and additional traffic impact and operations analysis. Landscape Architect services will be provided through a sub-consultant, Hough Beck and Baird, Inc. (HBB). The landscaping element will be approached by HBB as a Gateway Concept, as this location is considered the northern entrance to the City. A motion was made by **Councilors Aslett/Montgomery** to authorize the Mayor to supplement the Standard Consultant Agreement with Perteet, Inc. for the amount of \$227,804.00. All approved. Motion carried

PROJECT DESIGN AGREEMENT WITH PUGET SOUND ENERGY FOR UNDERGROUND CONVERSION - NORTH BURLINGTON BOULEVARD AND NEVITT ROAD.

Public Works Director/City Engineer Martin stated that these are the agreements for Puget Sound Energy to proceed with design work to underground the electric utilities along Nevitt Road and North Burlington Boulevard in conjunction with the City's street improvement projects. The City's share for Nevitt is estimated at \$42,000 and for North Burlington Boulevard, \$136,000. A second contract will follow a few months from now that will be the Project Construction Agreement. These agreements start the process for the electric utilities. Undergrounding phone and cable are still to be negotiated. A motion was made by **Councilors Aslett/Bensen** to approve project design agreements with Puget Sound Energy for underground conversion of the electric utilities along Nevitt Road and North Burlington Boulevard. All agreed. Motion carried

ORDINANCE REPEALING CHAPTER 5.08 BURLINGTON MUNICIPAL CODE AND ENACTING A NEW CHAPTER 5.08 TAXICABS.

Police Chief Bowers explained that the new chapter updates fees and elements of inspections for both taxi drivers and their vehicles. Chapter 5.08 will establish license fees, and provide penalties for violation of the chapter. He noted that the Finance Department, City Attorney and Police Department worked together to draft this ordinance. A motion was made by **Councilors Bensen/Loving** to approve the ordinance repealing chapter 5.08 Burlington Municipal Code and enacting a new chapter 5.08 Taxicabs. All approved. Motion carried.
(Ordinance #1620)

ORDINANCE REPEALING 5.20 BURLINGTON MUNICIPAL CODE AND RE-ENACTING 5.20 PAWNBROKERS AND SECOND HAND DEALERS.

Police Chief Bowers stated that the new chapter 5.20 will establish licensing fees, and provide penalties for the violation of the chapter. The major change concerns reporting of transactions which will henceforth be via electronic transmission enabling the police department to work more closely with other law enforcement agencies to identify lost or stolen property. Changes will also bring the City ordinance more in line with current State law. **Councilor Aslett** asked if this would address the recent increase in utility wire thefts. **Police Chief Bowers** indicated that it does not. That would be something for another section of the municipal code. A motion was made by **Councilors Loving/Doyle** to approve the repeal of existing title 5 Chapter 5.20 of the Burlington Municipal Code and enact a new section of BMC Title 5, Chapter 5.20 relating to pawnbrokers and second hand dealers. All approved. Motion carried.
(Ordinance #1621)

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INTERLOCAL AGREEMENT WITH ANACORTES, CONCRETE, SEDRO-WOOLLEY, MOUNT VERNON AND SKAGIT COUNTY TO PROVIDE POLICE MUTUAL AID.

Police Chief Bowers stated that in this agreement, the law enforcement agencies of Skagit County agree that when requested by another law enforcement agency pursuant to this agreement, each jurisdiction agrees to furnish such personnel, resources, and facilities as are reasonably necessary to assist any other jurisdiction in matters relating to law enforcement. No jurisdiction will be required to unreasonably deplete its resources in order to provide mutual aid. In addition, each agency assumes liability for its own wrongful and negligent acts or omissions. There has been a similar agreement in place for the last fifteen years, but because most of the officials have changed since then, this is a good time to review and update the agreement. A motion was made by **Councilors Bensen/Straathof** to approve the interlocal agreement with Anacortes, Sedro-Woolley, Mount Vernon and Skagit County to provide police mutual aid. All approved. Motion carried.

APPROVAL OF PURCHASE OF TECHNOLOGY EQUIPMENT FOR THE LIBRARY AND CITY HALL CONSTRUCTION PROJECTS.

City Administrator Aarstad noted that the City is responsible for the purchase of the technology equipment that will be placed in the Council Chambers and conference room at the new City Hall and the meeting room and training room of the new Library. Three bid responses were received with one company declining the invitation to bid. Ross Jamieson, our architect, and Kim Kleppe (Information Systems Director) have reviewed the bids and recommend the selection of Dimensional Communications, Inc. as the successful bidder. Dimensional Communications is a local company and has provided the City of Burlington with its current phone system as well as ongoing support for our network wiring with the City offices. A motion was made by **Councilors Loving/Bensen** to accept the technology equipment and installation bid of Dimensional Communications for \$105,652.45 (plus Washington State sales tax) and authorize **Mayor Tjeerdsma** to enter into a contract with Dimensional Communications to install this equipment in the new City Hall and Library. All agreed. Motion carried.

APPROVAL OF PURCHASE OF FURNITURE FOR THE CITY HALL CONSTRUCTION PROJECT.

City Administrator Aarstad stated that bids for furniture for city hall have been received. He noted that the bid is \$8,000 less than estimated. He asked for council approval to authorize a purchase order to A motion was made by **Councilors Aslett/Doyle** to move forward with furniture purchase at the bid price of \$ 298,936.58 (plus sales tax) from King County Directors Association (KCDA). All approved. Motion carried.

AGREEMENT BETWEEN CITY OF BURLINGTON AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL #4111.

City Administrator Aarstad stated that after several meetings with union representatives, an agreement has been reached that would take effect January 1, 2007 and expire December 31, 2009. The cost of living adjustment for 2007 will be 4 % and in 2008 and 2009 it will be based on 90% of the CPI-W U.S. Cities, June to June. There will be a 2.5% minimum and 4% maximum. Jon noted that a Letter of Understanding has also been agreed to that will clarify that from 1/1/07 – 4/30/07 the employees will work a 40/hour week. Effective 5/1/07 they will change to a 45 hour work week (Monday – Friday). A motion was made by **Councilors Bensen/Aslett** to approve the agreement and the LOU between the City of Burlington and the International Association of Firefighters Local #4111. All approved. Motion carried.

ANNUAL ADJUSTMENT TO WASTE MANAGEMENT SOLID WASTE FEES BASED ON CONSUMER PRICE INDEX.

City Administrator Aarstad noted that the contract with Waste Management for citywide solid waste collection has a provision (Section 9.3) allowing for a rate increase each year based on the CPI change. Documents presented to the City by Waste Management indicate that the CPI change was 2.2% (February 2006 to February 2007). The contract allows for a rate increase by 80% of the CPI change which would be an increase of 1.76%. This change went into effect April 1, 2007. **Councilor Aslett** stated that he has heard comments from his

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neighbors regarding the good service they've received from Waste Management. A motion was made by **Councilors Loving/Bensen** to confirm the rate increase as provided in the contract with Waste Management. All agreed. Motion carried.

EXECUTIVE SESSION:

Mayor and Council members adjourned to Executive Session for the purpose of discussing litigation at 7:59 p.m. The Mayor and Council members returned from Executive Session at 8:10 p.m.

City Attorney Thomas explained that the city will join in a settlement agreement with Strider construction of the new Old 99 Bridge construction project. A motion was made by **Councilors Bensen/Montgomery** that the Mayor be authorized to settle that lawsuit brought in Thurston County Superior Court by Strider Construction against the City of Mount Vernon and the City of Burlington arising out of an alleged breach of contract by the cities in their agreement for the demolition of the old Burlington bridge, in an amount not to exceed \$220,000, with the City of Burlington's share not to exceed \$110,000. All approved. Motion carried.

ADJOURNMENT:

A motion was made by **Councilors Aslett/Doyle** to adjourn the meeting at 8:12 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Roger "Gus" Tjeerdsma
Mayor