

February 9, 2006

CALL TO ORDER: Mayor Tjeerdsma called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Councilmembers present: Bensen, Loving, Aslett, Valentine, Straathof and Montgomery. Staff present: City Administrator Aarstad, Fire Chief Anderson, Court Administrator Dite, Planning Director Fleek, Library Director Perkins, Administrative Assistant Sheahan, and City Attorney Thomas.

A motion was made by **Councilors Bensen/Loving** to excuse **Councilor Doyle** from tonight’s meeting. All approved. Motion carried.

APPROVAL OF MINUTES:

Councilor Bensen noted that action taken on the last item on the agenda is missing and should be included. A motion was made by **Councilors Valentine/Loving** to approve the corrected minutes of the January 26, 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 45639 – 45753 in the amount of \$221,642.23. All were in favor.

Current Expense	\$ 35,189.39
Current Expense Cumulative Reserve	30.89
Fire equipment Cumulative Reserve	5,223.00
City Street	63,840.51
Library	114.79
Parks & Recreation	6,808.39
Cemetery Fund	193.87
Stadium Fund	4,212.35
Parks & Recreation Reserve	79,280.01
Sewer Fund	25,098.57
Sewer cumulative Reserve	1,480.46
Storm Drainage Utility	170.00
Total	\$ 221,642.23

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Planning Director Fleek updated the Council regarding planting of a commemorative cherry tree on February 14, 2006. She suggested that the City plant two varieties of cherry trees along Anacortes Street from Fairhaven Avenue south to Gages Slough. She noted that the City has an eighty foot right-of-way. She will organize a planting event for volunteers. The event may include other tree planting locations planned for the City. Council was in favor of planting trees along Anacortes Street.

Fire Chief Anderson distributed the 2006 Year-End Response Report for the Fire Department. He noted that there were 1,581 responses in 2005; the total dollar loss due to fire in 2005 was less than \$400,000 and that the busiest day of the week for calls is usually Saturday. Average response time (Engine 611, Aid vehicle 619) is five minutes.

Fire Chief Anderson discussed problems they are having with the halide lights in the fire station truck bay. They are old and wearing out – thus producing less light. The recommendation is to replace those lights with high energy fluorescent fixtures. The estimated cost for replacement is \$7,000; one half of which would be paid by Puget Sound Energy. Puget Sound Energy estimates the City would save \$1,800 per year in energy costs by changing the fixtures to fluorescent. He noted that he does have funds in the department

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capital improvement budget to cover this expense. Councilmembers were in favor of changing the fixtures.

Court Administrator Dite announced that the Court processed 59 U.S. Passports in January providing \$1,770 in revenue to the City. She announced that the Burlington Kiwanis Club has taken on a fundraising program "Cartridges for Kids" that pays non-profit organizations for used printer ink cartridges, old cell phones, computer equipment, etc. The club will collect the items and the funds raised will be used for projects to benefit Burlington residents. She asked for permission to place recycling collection boxes in City buildings. Councilmembers were in favor of this program and granted permission to place collection boxes in City buildings.

Fire Chief Anderson noted that the Bay Ridge Fire Station has been accepted by the Fire District from the contractor. He expects the station to open for use within the next few weeks.

City Administrator Aarstad announced that a notice has been posted for the new Assistant Public Works Director position. The position is open until filled and application review will begin February 28, 2006.

City Administrator Aarstad distributed information regarding effects of map revisions on flood insurance. The document was prepared by the Washington State Department of Ecology. The Federal Emergency Management Agency is in the process of revising the current flood maps.

City Administrator Aarstad noted that Skagit County Commissioners approved spending \$200,000 towards Hopper Road improvements and \$200,000 towards the Nevitt Road/Highway 20 project. These are partnership projects with the County.

City Administrator Aarstad distributed copies of a letter signed by several Mayors that is being sent to the Board of County Commissioners regarding the Interlocal Agreement for Solid Waste / Operation of County Transfer Station.

Councilor Aslett suggested the possibility of opening up the City yard waste collection site early to allow residents to get rid of debris from the recent wind storm. **City Administrator Aarstad** stated that Buildings & Grounds Supervisor Rasmussen has suggested opening on a few Saturdays prior to regular opening of the site in mid March.

UNFINISHED BUSINESS:

REVISIONS TO INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF GRESHAM, OREGON.

City Attorney Thomas stated that after review of the agreement by the City Attorney of Gresham Oregon; several changes have been made to incorporate references to appropriate Oregon law. A motion was made by **Councilors Bensen/Aslett** to approve the revised interlocal agreement with the City of Gresham, Oregon and authorize the Mayor to sign. All approved. Motion carried.

REVIEW OF BIDS AND RECOMMENDATION OF AWARD OF BID FOR PHASE 3 OF THE NEW CITY LIBRARY WHICH INCLUDES DEMOLITION OF BUILDINGS, ROAD CONSTRUCTION AND SITE WORK.

City Administrator Aarstad reviewed the bids received for site work and road improvements for the new City Library. He noted that twelve (12) bids were received on February 7, 2006. The lowest responsive bid was from Wilder Construction at \$606,834.34. The Engineers estimate was \$799,036.91. He noted that bid documents have been reviewed and found to be in order. A motion was made by **Councilors Aslett/Montgomery** to award the bid to Wilder Construction for \$606,834.34. All agreed. Motion carried.

City Administrator Aarstad noted that Skagit County Public Utility District #1 (PUD) has provided a standard contract for installation of water meters at the library site. The cost,

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including credit for meters already at the site is \$18,510.00. A motion was made by **Councilor Bensen/Loving** to approve PUD contract. All agreed. Motion carried.

City Administrator Aarstad noted that the City purchasing policy allows change orders be signed by the Mayor if the change results in not more than 10% of the project cost. The Mayor can authorize a designee to authorize and sign change orders, etc. He suggested that the Mayor designate the City Administrator as the designee authorized to sign do so.

City Administrator Aarstad asked permission from the Council to move forward to hire a project manager (with civil engineering background) to oversee site work & road construction for the Library and City Hall construction projects. The Library construction project is expected to begin by February 28th. **Councilor Bensen** noted he would be in favor of the request for a projects inspector and authorizing the City Administrator to sign change orders, etc. so that the projects do not get bogged down and behind schedule. A motion was made by **Councilors Bensen/Aslett** to authorize the City Administrator to hire a project inspector for the City Hall and Library construction projects. All agreed. Motion carried.

A motion was made by **Councilors Benson/Valentine** to appoint **City Administrator Aarstad** as the Mayor's Designee authorized to approve change orders, etc. for the Library and City Hall construction projects. All agreed. Motion carried.

NEW BUSINESS:

COMPREHENSIVE PLAN AMENDMENT FROM HEAVY COMMERCIAL AND INDUSTRIAL TO COMMERCIAL, BUSINESS AND CONTRACT REZONE FOR TOWNHOUSE UNITS TO GENERAL COMMERCIAL BY HOMESTAR NORTHWEST LLC.

Planning Director Fleek stated that this is for a proposed 12 unit addition to the planned Cascade Commons Townhouse development in Burlington. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the Comprehensive Plan amendment and contract rezone. The site is located at 1026 South Spruce Street. A motion was made by **Councilors Valentine/Aslett** to approve the Resolution amending the City of Burlington Comprehensive Plan Map for Assessors parcel number P72429, from Heavy Commercial and Industrial (HC-I) to Commercial and Business (C-B). All approved. Motion Carried.

(Resolution #4-2006)

A motion was made by **Councilors Valentine/Aslett** to approve the Ordinance amending the City of Burlington Zoning Map from Industrial (M-1), to General Commercial (C-1), including contract rezone provisions, for the property known as Assessor's Parcel number P72429. All approved. Motion Carried.

(Ordinance #1592)

Planning Director Fleek reviewed the next ten items under new business. She displayed a large map of the city indicating where each parcel of property recommended for zoning change is located. She noted that the Planning Commission has recommended changes in zoning for the next four items under New Business to 8,400 square foot minimum lot size. Following the Planning Commission meeting she took a closer look at enlarged City zoning maps and found that property surrounding each of these areas is 9,600 square foot minimum lot size. She recommended that City Council approve these changes to 9,600 rather than 8,400 square foot minimum lot size.

REZONE FROM RESIDENTIAL AGRICULTURE TO SINGLE FAMILY WITH 8,400 SQUARE FOOT MINIMUM LOT SIZE. SITE IS SOUTH OF SR 20 WITH SECTION STREET ON THE EAST AND THERE ARE THREE LOTS WITH SPLIT ZONING.

Planning Director Fleek stated that this site is bounded by SR 20 on the north, Section Street on the east, and it extends south of Hazel and west to the intersection of Monroe Street and SR 20. With the adjacent land all zoned at 9,600 square foot minimum lot size, it would likely be appropriate to change the recommendation of the Planning Commission from 8,400

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square foot to 9,600 square foot lots. This is especially significant for three lots that are currently partly zoned R-1-9.6 and partly zoned R-A. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the rezone. A motion was made by **Councilors Aslett/Loving** to approve the Ordinance amending the City of Burlington Zoning Map from Residential Agriculture (R-A) to Single Family (R-1-9.6) for the property specified. All approved. Motion Carried.

(Ordinance #1593)

REZONE FROM RESIDENTIAL AGRICULTURE TO SINGLE FAMILY WITH 8,400 SQUARE FOOT MINIMUM LOT SIZE. SITE IS A PORTION OF A LOT ON FAIRHAVEN AVENUE OWNED BY MR. WILES, WITH SPLIT ZONING.

Planning Director Fleek stated that this site is the northern part of Assessor's Parcel Number P72265, a portion of a lot that abuts Fairhaven Avenue (where Mr. Wiles used to live). With the adjacent land all zoned at 9,600 square foot minimum lot size, it would likely be appropriate to change the recommendation of the Planning Commission from 8,400 square foot to 9,600 square foot lots. This is especially significant for this lot that is currently partly zoned R-1-9.67 and partly zoned R-A. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the rezone. A motion was made by **Councilors Loving/Montgomery** to approve the Ordinance amending the City of Burlington Zoning Map from Residential Agriculture (R-A) to Single Family (R-1-9.6), for the property known as the portion of the Assessor's Parcel number P72265 currently zoned R-A. All approved. Motion Carried.

(Ordinance #1594)

REZONE FROM RESIDENTIAL AGRICULTURE TO SINGLE FAMILY WITH 8,400 SQUARE FOOT MINIMUM LOT SIZE. SITE DOES NOT FRONT ON A PUBLIC STREET, BUT IS BOUNDED BY FAIRHAVEN ON THE NORTH, RIO VISTA ON THE SOUTH AND SECTION STREET ON THE EAST.

Planning Director Fleek stated that this site is in the Gages Slough corridor, and it includes portions of 8 lots and all of 7 other lots. With the adjacent land zoned at 9,600 square foot minimum lot size, and the fact that over half of the lots are currently split by the zoning district boundary, it would likely be appropriate to change the recommendation of the Planning Commission from 8,400 square foot to 9,600 square foot lots. This is especially significant for the lots that are currently partly zoned R-1-9.6 and partly zoned R-A. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the rezone. A motion was made by **Councilors Aslett/Valentine** to approve the Ordinance amending the City of Burlington Zoning Map from Residential Agriculture (R-A) to Single Family (R-1-9.6), for the property specified. All approved. Motion Carried.

(Ordinance #1595)

REZONE FROM RESIDENTIAL AGRICULTURE TO SINGLE FAMILY WITH 8,400 SQUARE FOOT MINIMUM LOT SIZE. SITE FRONTS ON RIO VISTA, WEST OF GAGES SLOUGH AND EAST OF SOUTH SKAGIT STREET.

Planning Director Fleek stated that this site is in the Gages Slough corridor, and it includes portions of one lot and all of three other lots. With the adjacent land zoned at 9,600 square foot minimum lot size, and the fact that one of the lots is currently split by the zoning district boundary, it would likely be appropriate to change the recommendation of the Planning Commission from 8,400 square foot to 9,600 square foot lots. This is especially significant for the lot that is currently partly zoned R-1-9.6 and partly zoned R-A. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the rezone. A motion was made by **Councilors Montgomery/Aslett** to approve the Ordinance amending the City of Burlington Zoning Map from Residential Agriculture (R-A) to Single Family (R-1-9.6), for the property known as Assessor's Parcel Numbers P117977, P117978, P117979, and the portion of P62716 currently zoned R-A. All approved. Motion Carried.

(Ordinance #1596)

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REZONE FROM RESIDENTIAL AGRICULTURE AND SINGLE FAMILY WITH 9,600 SQUARE FOOT MINIMUM LOT SIZE TO SINGLE FAMILY WITH 8,400 SQUARE FOOT MINIMUM LOT SIZE. SITE IS ON BOTH SIDES OF SOUTH ANACORTES STREET, SOUTH OF SHARON, EAST OF RR.

Planning Director Fleek stated that the interesting thing about this site is that there are existing lots in the Pine Street corridor with relatively small lot size, and some with the potential for further subdivision. West of S. Anacortes Street, the zoning surrounding the site is a mixture, but with much of the land in 8,400 square foot minimum lot size zoning already. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the rezone. A motion was made by **Councilors Loving/Aslett** to approve the Ordinance amending the City of Burlington Zoning Map from Residential Agriculture (R-A) to Single Family (R-1-8.4), for the several parcels south of Sharon Avenue east and west of South Anacortes Street and east and west of South Pine Street. All approved. Motion Carried.

(Ordinance #1597)

COMPREHENSIVE PLAN AMENDMENT FROM HEAVY COMMERCIAL AND INDUSTRIAL AND PUBLIC USE TO COMMERCIAL, BUSINESS AND REZONE FROM SEMI-PUBLIC AND INDUSTRIAL TO GENERAL COMMERCIAL. APPLICANT IS THE CITY. SITE IS AT CEDAR AND SOUTH SPRUCE.

Planning Director Fleek stated that this is the site of the new City Hall and is currently zoned Industrial and the proposed use is not allowed. This is a good time to change the zoning of the entire local government complex to be consistent with the adjacent area, which is General Commercial. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the Comprehensive Plan amendment and rezone. A motion was made by **Councilors Valentine/Loving** to approve the Resolution amending the City of Burlington Comprehensive Plan Map for Assessor's parcel numbers P72718 and P72723, from Public Use (P-U) to Commercial and Business (c-B) and for Assessor's Parcel number P72740 from Heavy Commercial and Industrial (H-C) to Commercial and Business (C-B). All approved. Motion Carried.

(Resolution #5-2006)

A motion was made by **Councilors Valentine/Aslett** to approve the Ordinance amending the City of Burlington Zoning Map from Semi-Public (R-S), to General Commercial (C-1), for the property known as Assessor's Parcel Numbers P72723, P72718, and amending the Zoning Map from Industrial (M-1) to General Commercial (C-1), for the property known as Assessor's Parcel Number P72740. All approved. Motion Carried.

(Ordinance #1598)

COMPREHENSIVE PLAN AMENDMENT FROM MULTI FAMILY RESIDENTIAL TO COMMERCIAL, BUSINESS AND REZONE FROM MULTI-FAMILY TO GENERAL COMMERCIAL – ASSESSOR'S PARCEL #P62661.

Planning Director Fleek stated that this is a proposed one-lot comprehensive plan amendment and rezone that appears to have been a mapping error made at some time in the past. This very small site is being acquired by Washington State Department of Transportation as part of the Fredonia project according to the appraiser, so it is appropriate that they get fair market value for the site based on appropriate zoning. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the Comprehensive Plan amendment and rezone. A motion was made by **Councilors Montgomery/Valentine** to approve the Resolution amending the City of Burlington Comprehensive Plan Map for Assessor's parcel number P62661, from Multi Family (M-F) to Commercial and Business (C-B). All approved. Motion Carried.

(Resolution #6-2006)

A motion was made by **Councilors Valentine/Montgomery** to approve the Ordinance amending the City of Burlington Zoning Map from Multi-family (R-3), to General Commercial (C-1), for the property known as Assessor's Parcel Number P62661. All approved. Motion Carried.

(Ordinance #1599)

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COMPREHENSIVE PLAN AMENDMENT FROM SINGLE FAMILY AND DUPLEX TO MULTI-FAMILY AND REZONE FROM SINGLE FAMILY AND DUPLEX TO MULTI-FAMILY. SITE IS LOCATED ADJACENT TO I-5 NORTH OF PETERSON ROAD.

Planning Director Fleek stated that this is the site of three existing duplexes adjacent to Interstate 5 and two single family dwellings along Peterson Road. This change would be consistent with the action of the City Council to rezone the Paul Erickson property last year and provide for some infill development activity. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the Comprehensive Plan amendment and rezone. A motion was made by **Councilors Valentine/Aslett** to approve the Resolution amending the City of Burlington Comprehensive Plan Map for Assessor's parcel numbers P62634, P62636, P62643, P62625, P62637, P62640, P62638, P62618, P62623, from Single Family-Duplex (SF-D) to Multi Family (M-F). All approved. Motion Carried.

(Resolution #7-2006)

A motion was made by **Councilors Valentine/Aslett** to approve the Ordinance amending the City of Burlington Zoning Map from Duplex (R-2) to Multi-family (R-3), Parcel numbers P62634, P62636, P62643, P62625, P62637, P62640, P62638, P62618, and amending the Zoning Map from Single-Family (R-1-9.6) to Multi-Family (R-3), for the property known as Parcel Number P62623. All approved. Motion Carried.

(Ordinance #1600)

COMPREHENSIVE PLAN AMENDMENT FROM COMMERCIAL, BUSINESS TO HEAVY COMMERCIAL AND INDUSTRIAL AND REZONE FROM GENERAL COMMERCIAL TO HEAVY COMMERCIAL. SITE IS WEST OF I-5, SOUTH OF GAGES SLOUGH – I-5 AUTO WORLD AREA.

Planning Director Fleek noted that this is one of the preferred locations for automobile related businesses, west of I-5. The site has General Commercial zoning which means that a conditional use permit is required to sell automobiles. This does not make sense since this is one of the few locations where the use is desired, so increased flexibility for automobile related uses is proposed. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the Comprehensive Plan amendment and rezone. A motion was made by **Councilors Aslett/Montgomery** to approve a resolution amending the City of Burlington Comprehensive Plan Map for several parcels located west of Interstate 5 between Gages Slough and the Skagit River from Commercial Business (C-B) to Heavy Commercial and Industrial (HC-1). All approved. Motion carried.

(Resolution #8-2006)

A motion was made by **Councilors Aslett/Valentine** to approve an ordinance amending the City of Burlington Zoning Map from General Commercial (C-1) to Heavy Commercial (C-2) for several parcels located west of Interstate 5 between Gages Slough and the Skagit River. All approved. Motion carried.

(Ordinance #1601)

REZONE FROM INDUSTRIAL TO HEAVY COMMERCIAL. SITE IS SOUTH OF EAST GEORGE HOPPER ROAD, WEST OF THE RAILROAD AND SEVERAL LOTS EAST OF SOUTH BURLINGTON BOULEVARD, THE NAGATANI ESTATE PROPERTY AND ADJACENT LOTS.

Planning Director Fleek noted that this site consists of the Nagatani Estate Property and the adjacent lots along the Whitmarsh Road area. Some of the property is located in the future dike setback area; the owners of the remainder would like greater flexibility in permitted land use. The Planning Commission conducted a public hearing on January 18, 2006 and recommended approval of the rezone. A motion was made by **Councilors Loving/Montgomery** to approve an ordinance amending the City of Burlington Zoning Map from Industrial (M-1) to Heavy Commercial (C-2) for several parcels located along Whitmarsh Road and west of the railroad. All approved. Motion carried.

(Ordinance #1602)

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MICROFILM READER-PRINTER.

Library Director Perkins stated that the library microfilm reader-printer, which is used to view historic City documents and microfilm copies of old newspapers, is failing. It was purchased in 1989 and is now considered obsolete. Each time it is used, problems are experienced and repairs are costly. During the 2006 budget meetings, the budget committee agreed that if the Library was successful in securing a \$5,000 state grant towards a new microfilm reader-printer, the Council would supply the \$2,352 difference to purchase it. The Library received word near the end of 2005 that the grant application was successful and she would now like authorization to proceed with purchasing the reader-printer. In order to do so, she will need authorization to expend \$2,352 from the Legislative Emergency Fund to cover the difference between the grant funding and the cost (including tax) to purchase a new reader-printer. A motion was made by **Councilors Bensen/Loving** to authorize the expenditure of \$2,352 from the Legislative Emergency Fund for the purchase of a microfilm reader-printer. All agreed. Motion carried.

RESOLUTION TO DISIGNATE THE ARGUS AS THE CITY OF BURLINGTON'S OFFICIAL NEWSPAPER TO POST LEGAL NOTICES OF THE CITY.

City Administrator Aarstad noted that no bids were received from newspapers for publication of legal notices for 2006 as all the major news publications in Skagit County are owned by Skagit Valley Publishing Company. He recommended that the City continue to use the Argus as the publisher of legal notices for the City. The Argus is published each Wednesday and distributed free of charge to every household within the city limits as well as several thousand other copies distributed throughout the surrounding area. The City will be charged the government rate established by the Argus. A motion was made by **Councilors Aslett/Montgomery** to approve the resolution designating the Argus as publisher of legal notices for the City for 2006. All agreed. Motion carried.

(Resolution # 9-2006)**INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH KING COUNTY DIRECTORS' ASSOCIATION.**

City Administrator Aarstad requested that the City Council authorize membership in the King County Directors' Association (KCDA). KCDA is a non-profit purchasing cooperative designed to save money for members by ordering in volume. Membership includes school districts, independent schools, colleges and public agencies. The City of Burlington could benefit from this membership for purchase of furniture and equipment for the new city hall and library. A motion was made by **Councilors Valentine/Straathof** to approve the Interlocal Cooperative Purchasing agreement with the King County Directors' Association. All agreed. Motion carried.

City Administrator Aarstad announced that the sample block wall for the new city hall is set up in front of CCI on South Burlington Boulevard if anyone is interested in look at it.

EXECUTIVE SESSION:

The Mayor and Council adjourned to Executive Session at 7:55 p.m. for the purpose of discussing litigation. The Mayor and Council returned from Executive Session at 8:22 p.m.

ADJOURNMENT:

A motion was made by **Councilors Aslett/Bensen** to adjourn the meeting at 8:23 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Roger "Gus" Tjeerdsma
Mayor