

February 23, 2006

CALL TO ORDER: Mayor Tjeerdsma called the meeting to order at 7:03 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Loving, Aslett, Valentine, Straathof and Montgomery. Staff present: City Administrator Aarstad, Police Chief Bowers, Administrative Assistant Sheahan, and City Attorney Thomas.

APPROVAL OF MINUTES:

A motion was made by **Councilors Valentine/Doyle** to approve the minutes of the February 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/Bensen** to approve vouchers 45754 – 45875 in the amount of \$258,141.16. All were in favor.

Current Expense	\$ 62,092.74
Current Expense Cumulative Reserve	1,328.49
Fire Equipment Cumulative Reserve	9,898.91
City Street	15,874.10
Library	3,491.47
Parks & Recreation	3,692.92
Cemetery Fund	139.50
Local Capital Improvement Fund	126,423.19
Parks & Recreation Reserve	1,482.50
Sewer Fund	31,814.09
Storm Drainage Utility	1,903.25
Total	\$ 258,141.16

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

City Administrator Aarstad invited the Mayor & Council to the Burlington Parks Appreciation Dinner at 5:30 p.m. Friday February 24, 2006 at the Burlington Committee Center. The dinner will be hosted by the Parks Board Committee.

City Administrator Aarstad announced that Skagit County District Court will hold training on March 10, 2006. Burlington Municipal Court will participate in the training and thus be closed that day.

City Administrator Aarstad announced that FEMA preliminary flood maps have just been issued. As a result, Skagit County Public Works has indicated that at this time, they will not be requesting \$25,000 from the City of Burlington for continued Skagit River flood studies. He noted that \$25,000 was included in the budget in anticipation of assisting with continued County flood studies.

Mayor Tjeerdsma noted that he was contacted by the electric racecar group about locating a race track on City park land on Whitmarsh Road. He was invited to the County fairgrounds to view this race car activity. He found it very interesting. **Mayor Tjeerdsma** requested a discussion regarding this request be added as item number four under New Business.

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UNFINISHED BUSINESS:**REVIEW OF BIDS AND RECOMMENDATION OF AWARD OF BID FOR PHASE 3 OF THE NEW CITY HALL WHICH INCLUDES DEMOLITION OF STRUCTURES AND SITE WORK.**

City Administrator Aarstad reviewed the bids received for this phase of the City Hall project. He noted that ten bids were received. The lowest responsive bid was from Interwest Construction Inc. (\$158,607.61). The Engineer's Estimate was \$239,074.03. **Public Works Director/Engineer Rod Garret** & Mr. David Lee reviewed the bids and recommend that the bid be awarded to Interwest Construction, Inc. **Councilor Straathof** asked why the bids were all lower than the estimate. **Councilor Aslett** noted that contractors aren't very busy at this time of the year. **Mayor Tjeerdsma** noted rainy weather may be hampering their work on other (dirt) projects and this is a short 60-day project on a gravel site with good drainage. **City Administrator Aarstad** stated that this contractor will also crush the concrete removed from the Library and City Hall site and reuse it as fill for construction. He noted that the City is on schedule to award the Library construction bid on March 23rd. The City Hall construction bid may be advertised and awarded a couple of weeks later than originally planned because of some design details are not yet complete. The City has hired Mr. Robin LaRue as inspector for the Library site work. A motion was made by **Councilors Aslett/Bensen** to award the contract to perform the services required to complete the demolition of structures and site work for the new City Hall construction project to Interwest Construction, Inc. at \$158,607.61. All approved. Motion carried.

NEW BUSINESS:**ORDINANCE TO PROHIBIT THE POSSESSION OR USE OF CONDUCTIVE ENERGY WEAPONS SUCH AS STUN GUNS, TASERS AND SIMILAR DEVICES.**

Police Chief Bowers explained to Councilmembers that this ordinance would prohibit the transfer, possession, or discharge of a conductive energy device or weapon within the City limits of Burlington except by a certified law enforcement officer in the performance of his/her official duties. He distributed information regarding the use of these devices by trained police officers and his concerns regarding the possession and use of these items by the general public. The taser devices used by Police last 5 seconds when discharged whereas tasers purchased by consumers last 30 seconds when discharged. He would be concerned about his officers confronting a subject with such a device. A motion was made by **Councilors Valentine/Loving** to adopt the ordinance to prohibit the possession or use of an electronic or energy device or weapon. All agreed. Motion carried.

(Ordinance # 1603)

AGREEMENT WITH MCINTYRE HALL FOR 2006 LODGING TAX FUNDS.

City Administrator Aarstad stated that funding for McIntyre Hall has already been approved by Council in the 2006 Budget. This agreement is a requirement that will satisfy the requirement of the City to have a signed written agreement with recipients of City funds. A motion was made by **Councilors Bensen/Doyle** to approve the agreement as written and authorize the Mayor to sign. All agreed. Motion carried.

Councilor Aslett asked about the length of the Public Facility District agreement that was signed several years ago. **City Administrator Aarstad** stated that he would check the files and provide that information for **Councilor Aslett**.

DISCUSSION REGARDING NEVITT ROAD PROJECT FUNDING.

City Administrator Aarstad reviewed the Nevitt Road project noting that the design is near completion. As a result of this design additional right of way is required to complete this project to City standards. The first phase of this project requires the City to purchase right of way. Currently WSDOT is preparing to purchase right of way for their portion of the Nevitt Road footprint. While in discussions between DOT and City Staff it was determined that it would be in the best interest of both parties if DOT would simply negotiate the purchase of properties for both the City and the State for the land necessary to complete Nevitt Road to the standards required by the City of Burlington. The City would need to assure the State that funding is in place and would be available for the purchase of those properties that are

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purchased on behalf of the City. Once these properties are purchased the City will then enter into a cooperative arrangement with DOT to complete the construction of the Nevitt Road Project. In order to complete both phases of this project, he requested the Council to approve City staff to secure a "line of credit" from a banking institution to provide the immediate funding necessary to complete this project. **City Administrator Aarstad** stated that he met today with DOT officials and consultant regarding the project – which is moving along quite well. A motion was made by **Councilors Aslett/Montgomery** to authorize City staff to secure a "line of credit" from a banking institution to be used solely for the purchase of right-of-way and construction of the Nevitt Road project. All agreed. Motion carried.

DISCUSSION REGARDING REQUEST BY A MINITURE RACE CAR CLUB TO BUILD TRACK AT SKAGIT RIVER PARK AND AUTHORIZE THE CITY ATTORNEY TO OVERSEE PROPOSAL AND AGREEMENT.

Mayor Tjeerdsma reviewed the request by the miniature electric rasecar club to have a racetrack constructed on City park property along Whitmarsh Road. **Councilor Aslett** asked about noise affecting commercial neighbors to the west across railroad tracks. **Mayor Tjeerdsma** agreed that might be a concern if it were in a residential neighborhood, but doubted it would affect the commercial businesses. **Councilor Aslett** suggested the contract term be for only one year. **City Administrator Aarstad** noted that the request will be presented to the Parks Committee on March 6 and there would not be a contract negotiated or a request for council approval until after that date. The contract will come before council for final approval. **City Administrator Aarstad** noted that this group's activities bring parents and children together for a lot of fun. **Mayor Tjeerdsma** noted that one parent he met brings five to six children that don't have parents up from Edmonds area every Friday. They seemed to have lots of fun. The consensus from the councilmembers was to discuss the request with the Parks Board and continue with further negotiations.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

A motion was made by **Councilors Valentine/Doyle** to adjourn the meeting at 7:35 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Roger "Gus" Tjeerdsma
Mayor