

March 9, 2006

CALL TO ORDER: Mayor Tjeerdsma called the meeting to order at 7:01 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Loving, Valentine, Straathof and Montgomery. Staff present: Aarstad, Bowers, Sheahan and Thomas.

APPROVAL OF MINUTES:

A motion was made by **Councilors Loving/Doyle** to approve the minutes of the February 23, 2006 Council meeting. All were in favor. Motion carried.

AUDIT OF BILLS:

Councilor Bensen presented the bills. A motion was made by **Councilors Bensen/Montgomery** to approve vouchers 45877 – 46046 in the amount of \$238,317.74. All were in favor. Motion carried.

Current Expense	\$ 35,397.39
Current Expense Cumulative Reserve	7,660.90
Fire Equipment Cumulative Reserve	13,740.10
City Street	9,097.04
Library	6,040.62
Parks & Recreation	5,590.43
Cemetery Fund	257.39
Stadium Fund	2,235.15
Local Capital Improvement Fund	909.35
Parks & Recreation Reserve	140,985.97
Sewer Fund	16,403.40
Total	\$ 238,317.74

A motion was made by **Councilors Montgomery/Loving** to excuse **Councilor Aslett** from tonight’s meeting. All were in favor. Motion carried.

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Councilor Loving noted that the Parks Board met with the miniature race car club last Monday. Mr. Turner, 1206 Talcott, Sedro-Woolley, distributed packets of information of information regarding a proposal by the miniature race car club to build a racecar track on Burlington Park property on Whitmarsh Road. He noted that they just recently lost their race track site in south Mount Vernon. The club would pay for construction of the track that would be open to the public. Participants must conform to the rules of the club – providing fun with children and families. The club will spend \$2,000 - \$4,000 to build the track. The race season will begin the first week of May. Construction will take about 4 weeks. They will discuss an agreement/contract with Parks & Recreation Director Cavanaugh next week and hopefully the contract will be ready to come before the city council at the March 23rd council meeting. The initial contract may be for short term (one-three years). Mr. Turner noted that if the contract is very short term and the City does not renew, then the car club would be without a site and no money left in their treasury. He invited council members to the indoor track in Mt. Vernon Friday evening at 7:30 p.m. to watch the car race operation.

City Administrator Aarstad announced the groundbreaking ceremony for the new Library from 4:00 – 5:00 p.m. Tuesday March 14th. The celebration will take place at the corner of Washington & Holly streets.

March 9, 2006

UNFINISHED BUSINESS:**REQUEST TO INCREASE FUNDING PER MAYOR TJEERDSMA AND CITY COUNCIL DIRECTIVE FOR THE ADDITION OF A POLICE OFFICER TO THE CITY'S POLICE DEPARTMENT.**

Police Chief Bowers noted that during the 2006 budget process a directive was given to staff that funding would be added to the Police Department budget upon the hiring of a successful candidate to fill the approved position. A candidate has been found and it is the department's desire to hire this person to report for duty on March 16, 2006. An unexpected opening has occurred at the Criminal Justice Training Academy. The new officer will go to the Academy March 28th for pre-tests. The Academy training session will run April 14 – Aug 17, 2006. The funding request includes salary, benefits, purchase of the officer's uniform, field gear and supplies. A motion was made by **Councilors Loving/Bensen** to approve the budget adjustment to the Police Department Budget to account for the hiring of a new officer and appropriate expenses associated with uniform, field gear, supplies, and required training. All approved. Motion carried.

DISCUSSION AND POSSIBLE DECISION RELATED TO THE AMOUNT OF LIQUOR EXCISE TAX DEDICATED TO THE SKAGIT COUNTY HUMAN SERVICES ALCOHOLISM PROGRAM.

City Administrator Aarstad noted that during the later part of 2005, the City of Burlington was presented with a program and a request by Skagit County to dedicate 15%+ of the Liquor Excise Tax dollars to the County's alcoholism program. In prior years the City of Burlington has allotted 7% of the Liquor Excise Tax to Skagit County's alcoholism program. Due to increasing costs for the provision of this service, Skagit County is requesting an additional amount from this tax fund. At this time, the City Councils of the Cities of Mount Vernon, Mount Vernon, Sedro-Woolley and Anacortes have voted to pay 10% and the City Council of the Town of LaConner has voted to pay 7% of their tax receipts to Skagit County. A motion was made by **Councilors Loving/Montgomery** to designate 10% of the Liquor Excise Tax to the Skagit County Human Service Alcoholism Program and pay this amount to the program based on quarterly billings received from Skagit County. All agreed. Motion carried.

REVIEW AND APPROVAL OF AN ORDINANCE THAT CHANGES THE STATE CLASSIFICATION OF THE CITY OF BURLINGTON FROM A SECOND CLASS CITY TO A NONCHARTER CODE CITY PER RCW 35A.02.

City Administrator Aarstad stated that on November 22, 2005, the City Council of the City of Burlington authorized **Mayor Tjeerdsma** to sign Resolution #11-2005 declaring the City's intent to change its current governmental status of a Second Class City to a Non-charter Code City classification according to the requirements of RCW 35A.02. This Resolution was published in the Argus as a public notice that specified the City would make this classification change after a 90-day public appeal period. No public appeal or petition was presented to the City during this 90-day period. The City Council can now vote to approve an ordinance to formally move to a non-charter Code City classification. A motion was made by **Councilors Bensen** and seconded by **Councilors Loving, Valentine, Doyle, Straathof and Montgomery** to approve the ordinance to formally change the municipal government of the City of Burlington to a non-charter Code City and authorize **Mayor Tjeerdsma** to sign this Ordinance. All agreed. Motion carried.
(Ordinance # 1604)

NEW BUSINESS:**MAJOR AMENDMENT TO CONDITIONAL USE PERMIT TO ESTABLISH A DRIVE-THROUGH FOR MCDONALD'S RESTAURANT LOCATED AT 2034 MARKETPLACE DRIVE.**

City Administrator Aarstad explained to Councilmembers that a conditional use permit was issued for a drive-through window in 2004, at a different tenant pad at the Burlington Crossings development. They would like to relocate the drive-through to the south end of the site which is considered a major amendment to the conditional use permit. He noted that the

March 9, 2006

Planning Commission conducted a public hearing on February 15, 2006 and recommended approval of the major amendment to the conditional use permit subject to coordinating the street trees and landscaping plan along Burlington Boulevard with the City. A motion was made by **Councilors Valentine/Doyle** to amend Conditional Use Permit #2-04 for drive-through subject to the recommendations of the Planning Commission. All agreed. Motion carried.

RESOLUTION TO AMEND PERSONNEL POLICY MANUAL, CHAPTER 9.

City Administrator Aarstad stated that during union contract negotiations this past year it was decided to include brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law as well as adopted children and step children to the definition of Immediate Family when allowing for bereavement leave. He recommends that the same provisions be added to the City of Burlington Personnel Policy and Procedures Manual which covers the non-represented employees. It has also been suggested that use of vacation leave be allowed in one-half hour increments. The current policy requires a minimum of one-hour increments. Use of other accrued leave (sick and compensatory) is allowed in one-half hour increments. A motion was made by **Councilors Valentine/Doyle** to approve the resolution. All approved.

(Resolution # 10-2006)

**REVIEW AND APPROVAL OF LODGING TAX ADVISORY COMMITTEE
RECOMMENDATION TO INCREASE THE FUND ALLOCATION TO THE CITY
OF BURLINGTON PARKS AND RECREATION DEPARTMENT.**

City Administrator Aarstad stated that this request was brought to the Lodging Tax Advisory Committee on February 16, 2006. **Parks & Recreation Director Cavanaugh** asked that the funds in the Lodging Tax Capital Outlay fund be transferred to his budget to fund the Skagit River Park restroom/concession/covered shelter complex currently under construction. The cost of the project is about \$235,000 more than the original estimate. Without the Lodging Tax funds his Department would have to use all of the Parks Reserve Fund and borrow \$100,000 to complete the project. Using Lodging Tax funds would reduce the cost of having to borrow funds and allow other capital projects planned for the parks in 2006 to go forward. He noted that he had been granted \$10,000 from the Lodging Tax Fund in 2005 for this project, but was unable to use it prior to the end of the year due to project delays; thus the allocation went back to the Lodging Tax Fund. **Parks & Recreation Director Cavanaugh** also asked the Lodging Tax Committee for an additional \$6,111 to complete the publication and distribution of a parks brochure. The initial cost estimates were based on 2005 prices and a 12-inch by 9-inch brochure. The brochure design team has determined that the brochure should be 12 inches by 16 inches to accommodate a map of the City parks. Also, the brochure prices were increased January 1, 2006. To complete the project additional funding is needed. The Lodging Tax Advisory Committee considered his requests and voted to recommend that \$6,111 be awarded the Parks & Recreation Department to for completion of the parks brochure and \$10,000 be awarded towards completion of the Skagit River Park restroom/concession/covered shelter complex. A motion was made by **Councilors Valentine/Doyle** to authorize \$16,111 of Lodging Tax Funds for the Parks and Recreation Department towards completion of the facility under construction at the Skagit River Parks and for the parks brochure. All agreed. Motion carried.

Mayor Tjeerdsma asked Mr. Turner (of the miniature race car club) if he could estimate the amount of dirt they would need to construct the race tract. He replied that they would need about 150 yards. **Mayor Tjeerdsma** stated that perhaps he could locate dirt for the project; perhaps from another City project site. He asked the Council if they had any objections to moving dirt onto the park site in anticipation of construction of the dirt track. Council members were in favor of his suggestion.

Mayor Tjeerdsma discussed his trip to Washington D.C. noting that the Skagit County delegation talked with representatives of the Federal Emergency Management Agency (FEMA) and Army Corps of Engineers (USACE) regarding flood protection. He stated that you never know if you've made a difference until some later date, but that the meetings seemed useful. Congressional leaders are very busy and they were pleased that they were also able to schedule meetings with representatives of their offices during the visit.

COUNCIL CHAMBERS

CITY HALL

BURLINGTON, WA

March 9, 2006

EXECUTIVE SESSION:

The Mayor and Councilmembers adjourned to Executive Session at 7:35 p.m. to discuss litigation. The Mayor and Councilmembers returned from Executive Session at 7:52 p.m.

ADJOURNMENT:

A motion was made by **Councilors Doyle/Straathof** to adjourn the meeting at 7:53 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Roger "Gus" Tjeerdsma
Mayor