

March 23, 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, Aslett, Valentine, Straathof and Montgomery. Staff present: Aarstad, Bloodgood, Cavanaugh, Fleek, Sheahan, and Thomas.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Loving/Doyle** to approve the minutes of the March 9, 2006 Council meeting. All were in favor. Motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** noted a correction to the February 23, 2006 Audit of Bills. The total amount approved for payment included Voucher # 45876 (a manual warrant in the amount of \$250). This voucher number was not included in the voucher report approved for payment. **Councilor Aslett** presented the bills. A motion was made by **Councilors Aslett/Bensen** to approve vouchers 46047 – 46151 in the amount of \$226,883.46 and to correct the minutes of the February 23, 2006 council meeting to reflect the inclusion of Voucher # 45876 as approved for payment. All were in favor. Motion carried.

Current Expense	\$ 56,491.62
Current Expense Cumulative Reserve	4,344.33
Fire Equipment Cumulative Reserve	2,393.21
City Street	42,320.00
Library	43.49
Parks & Recreation	5,026.98
Cemetery Fund	261.62
Stadium Fund	5,199.71
Local Capital Improvement Fund	77,917.30
Parks & Recreation Reserve	4,152.47
Sewer Fund	19,871.87
Sewer Cumulative Reserve	5,300.86
Storm Drainage Utility	3,560.00
<b>Total</b>	<b>\$ 226,883.46</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Mr. Larry Willis, Waste Management General Manager**, asked Council if they had any questions or concerns regarding garbage services since Waste Management took over the garbage collection in the City. **Councilor Aslett** noted that his neighbors seem pleased with service. Mr. Willis noted that a few problems that have come up he as taken care of them himself. Most were small problems/issues. He just wanted to be sure service is OK. **Councilor Doyle** asked if customers are doing a better job of placing their bins at the street (and keeping them 3 feet apart). **Councilor Loving** suggested we put something in the newsletter to remind customers that space is needed between the bins to allow for ease of disposal as Waste Management is now using automated trucks for collection. Mr. Willis stated that the Waste Management drivers place tags on bins to alert the resident if there is a problem with collection bins. That type of notice seems to work well.

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**Parks & Recreation Director Cavanaugh** commented that the transition to Waste Management has worked out well for his department when they have tournaments at Skagit River Park, etc.

**Parks & Recreation Director Cavanaugh** noted that the restroom/concession project at Skagit River Park may be completed sooner than expected, perhaps by the end of May.

**APPROVAL OF PROPOSED FENCE IN PLACE OF SPLIT RAIL FENCE OPTION.**

**Planning Director Fleek** noted that some time ago the Council heard an appeal by Mr. Hughes, regarding a fence construction project. Mr. Hughes is very concerned about his proposed project and would like council approval prior to installation to avoid further hearings. She distributed a drawing of the proposed fence to council members and the mayor. A motion was made by **Councilors Loving/Doyle** to approve proposed style of fence as an appropriate alternate for “split rail” fencing. All approved.

**City Administrator Aarstad** distributed a copy of an article published in “About Growth” by the Washington State Department of Community, Trade and Economic Development. The article, written by **Planning Director Fleek**, about the Mayor and Council’s long range planning efforts that include revitalization of historic downtown, a plan for open space all the way around the city that will be designed as a permanent buffer as well as plans for excellent streets, public spaces and ownership opportunities such as townhouses and cottage housing, with mixed-use projects on Fairhaven.

**City Administrator Aarstad** announced that Camping World (1240 Old Highway 99 North) will hold a groundbreaking ceremony at 7:30 a.m. Friday March 31, 2006. **Mayor Tjeerdsma** has been invited to speak at this event.

**City Administrator Aarstad** noted that the County Commissioners have requested Burlington City Council to determine if they would be in favor of fluoridation of Skagit County Public Utility District #1 water. PUD serves the central area of Skagit County that includes the cities of Mount Vernon, Burlington, and Sedro-Woolley. The commissioners would like input from the elected representatives of the city residents prior to making a decision on this issue. City Councilmembers indicated they would like to have more information and an opportunity for public input prior to making a recommendation to the County Commissioners.

**CONSENT AGENDA:**

- 1) Agreement between City of Burlington and Skagit County Community Action Agency for 2006.
- 2) Agreement between City of Burlington and Volunteers of America North Sound 2-1-1 for 2006.

A motion was made by **Councilors Bensen/Aslett** to approve Consent Agenda items 1 – 2. All agreed. Motion carried.

**UNFINISHED BUSINESS:**

**BRIEFING ON RAILROAD PARK AND THE 5-WAY INTERSECTION PROJECT.**

**Planning Director Fleek** reviewed the conceptual plan for improving the 5-way intersection on Fairhaven Avenue and Railroad Park. She has started the application process for grant funding and approval by the various arms of the Burlington Northern Santa Fe Railroad. She asked that council members contact her with any comments or additional suggestions for Railroad Park and/or the five way intersection. The conceptual plan includes construction of a building in the style of the original Burlington train station. The building would house a welcome (visitor information) center that would include public restrooms, and a performance/stage area. Parking would be increased in the park area off of Fairhaven Avenue. The plan also calls for closing off Cherry Street north of Fairhaven so that the intersection (Cascade Highway, Fairhaven Avenue, Cherry Street south of Fairhaven) would

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become a 4-way intersection. The lawn south of the welcome center could include art display areas, play and picnic areas.

**Councilor Loving** asked about the width of the street shown on the concept design and if on-street parking would be removed. **Planning Director Fleek** noted that this is only a concept design and that no decisions have been made for the design (to remove or add parking). **Councilor Loving** asked if business owners have been involved with this project. **Planning Director Fleek** indicated that all but one business owner in the affected area have been contacted and to date there have been no objections to the concept plan. The Downtown Burlington Association members working on this plan included Duane Stowe, Ken Pike, and Kendall Gentry.

**FUNDING FOR TREE PLANTING ON ANACORTES STREET.**

**Planning Director Fleek** stated that the Burlington Parks Foundation along with several volunteers planted 42 flowering 6-year old cherry trees along Anacortes Street between Fairhaven Avenue and Rio Vista. She requested funding in the amount of \$4,500. to pay for the trees. The Parks Foundation will pick up any expense over the \$4,500. She noted that at the first spring neighborhood meeting this past Tuesday, she had good feedback about the tree planting along Anacortes Street. A motion was made by **Councilors Aslett/Loving** to authorize funding of \$4,500 for the tree planning project (50% from the Executive budget and 50% from the Legislative Emergency Fund). All agreed. Motion carried.

**NEW BUSINESS:**

**DIANE SAGER IS ASKING FOR CITY SUPPORT TO ADD THE EASTERN PORTION OF HER PROPERTY TO THE BURLINGTON URBAN GROWTH AREA.**

**Planning Director Fleek** stated that this site is located outside of the Urban Growth Area, south of the migrant camp and southwest of Raspberry Ridge and presently zoned for Agriculture. The area was considered and rejected by the City Council in 2005. The property owner has requested action by Skagit County, but the County cannot act without the approval of the City. The owner of the triangular site to the south does not want to be included and does not support the Sager request. The Sager property is low and sandwiched in behind Raspberry Ridge. The house is located at 302 South Gardner Road. There was no motion by Council. The issue died for lack of a motion to support.

Mrs. Diane Sager stated that she has been working on this issue for ten years. She asked why the City doesn't want to help her make something of her property. As it is, one half is in the city limits; the other portion is neither in the city limits nor in the Urban Growth Area. **Councilor Aslett** noted that the City Council did not make the decision to divide the zoning of her property but rather it was the County Commissioners who designated the east portion of her parcel as not in the Urban Growth Area.

**REQUEST FOR CITY COUNCIL CONSIDERATION OF WHETHER OR NOT THE PROPOERTY LOCATED AT 18132 PETERSON ROAD, IN THE URBAN GROWTH AREA, SHOULD BE ANNEXED.**

**Planning Director Fleek** noted that this site is located in the Urban Growth Area, on the south side of Peterson Road. The city limit boundary runs east-west on the north side of Peterson Road. This parcel connects to the City limits only along Peterson Road. The adjacent parcels to the east, west and south are in the Urban Growth Area but are not within the city limits. Annexation of this long narrow site would allow creation of three additional lots on sanitary sewer. It is an unusual configuration and review by City Council is needed to provide direction to the property owner, prior to incurring the expense of annexation. She noted the police department would also then have to respond to calls at the location if it was annexed into the city. This annexation would create a little finger of property jutting into the UGA. **Councilor Aslett** noted the council has tried very hard to annex property in groups rather than parcels that would create irregular city limit boundaries. A motion was made by **Councilors Aslett/Montgomery** to not to proceed with annexation of the property located at 18132 Peterson Road. All approved. Motion carried.

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**CONTRACT TO COMPLETE PROJECT TO SET UP FEE STRUCTURE TO COLLECT FUNDS TO ACQUIRE FARMLAND DEVELOPMENT RIGHTS AROUND BURLINGTON.**

**Planning Director Fleek** stated that this project will be finished with just a more few hours of work by the consultant. This project was delayed because of the need to re-write the zoning codes. The previous agreement expired in 2005. She will reconvene the task force to make recommendations on setting the rate of Burlington Agricultural Heritage Credits for new dwelling unit downtown, (more than four per acre). The program was adopted in concept in the 2005 update of the Comprehensive Plan, but awaits completion of a new zoning code to implement it all. That is expected to happen later this year. She has funding in her budget for this project. A motion was made by **Councilors Doyle/Valentine** to approve the contract with Cedar River Group effective April 1, 2006 – December 31, 2006. All agreed. Motion carried.

**AGREEMENT WITH NORTHWEST OVAL/OFF-ROAD RADIO CONTROL ASSOCIATION TO LOCATE A DIRT TRACK FOR SMALL R/C RACE CARS AT SKAGIT RIVER PARK.**

**Parks & Recreation Director Cavanaugh** reviewed the request by the association to use a portion of Skagit River Park for the development of a dirt track for small radio controlled race cars. A presentation was made to the Council as well as the Parks Board. The parks Board has recommended approval of a contract that addresses the following conditions: a one-year contract; portable restrooms; fencing; utilities; lights; noise; garbage; maintenance and painting of structures. The contract presented this evening includes all of these conditions but there are more discussions that need to take place with the association prior to final agreement of the document. Also the document was distributed to Councilmembers just prior to this meeting, not enough time for review. He recommended the agreement be placed on the next council agenda for consideration.

A motion was made by **Councilors Bensen/Loving** to approve \$3,000 from the Legislative Emergency Fund to assist with construction and site preparation for a dirt track. All agreed. Motion carried.

**City Attorney Thomas** asked for clarification from the council regarding their desire for a one-year term with option for additional time (three-years). **Mayor Tjeerdsma** reminded **Parks & Recreation Director Cavanaugh** that the City may have some surplus concrete light poles to use at the site. Mr. Turner noted that he is willing to use 4x4 treated lumber for poles. **Parks & Recreation Director Cavanaugh** noted that the race car group is working on site doing construction. He voiced his concern regarding liability during this period prior to approval of a contract. Mr. Turner stated that he is a licensed electrician and has an approved electrical permit for work at the site. In addition he had Burlington named as an additional insured and has forwarded copies of his insurance certificate to both **City Attorney Thomas** and **Parks & Recreation Director Cavanaugh**. **City Administrator Aarstad** suggested a letter of understanding could be drafted in the next day or so to address the concerns of **Parks & Recreation Director Cavanaugh**. Mr. Turner stated that he is planning to put up orange barricades across the entire front of the site along Whitmarsh Road. This will stay in place until the electrical inspector can inspect the trenches that will be installed over this weekend.

**REVIEW OF STAFF RECOMMENDATION AND POSSIBLE AWARD OF BID FOR THE LIBRARY CONSTRUCTION PROJECT.**

**City Administrator Aarstad** noted that eight bids were received for construction of the Library. The Architect's estimate for this phase of the project is \$4,200,000. Seven of the eight bids were less than the architect's estimate and all were analyzed by the Architect for completeness of bid and references were contacted. The Architect has determined the lowest responsible bidder for this project is Colacurcio Brothers Construction with a bid of \$3,700,600.00 (Base Bid of \$3,693,000 plus Alternate #1 of \$7,600.00). A motion was made by **Councilor Aslett/Bensen** to accept the \$3,693,000 base bid and \$7,600.00 Alternate #1 of Colacurcio Brothers Construction for the construction of the City Library and authorize **Mayor Tjeerdsma** and his staff to proceed with the construction contract. All agreed. Motion carried.

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**APPROVAL OF CONTRACT WITH WEBeFX TO CONSTRUCT NEW INTERACTIVE WEBSITE FOR THE CITY OF BURLINGTON.**

**City Administrator Aarstad** noted that during the preparation of the 2006 budget, proposals were requested to develop a new web site for Burlington. WEBeFX was selected as the company to provide us with a web site that would allow staff of each department to manage their dedicated web page. This proposal also provides a 15% discount if Burlington and Mount Vernon combine their efforts by both using WEBeFX to perform this service. A motion was made by **Councilors Valentine/Aslett** to approve the contract with WEBeFX to develop an interactive City web site and authorize **Mayor Tjeerdsma** to sign the agreement on behalf of the City of Burlington. All agreed. Motion carried.

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

A motion was made by **Councilors Doyle/Montgomery** to adjourn the meeting at 8:06 p.m. All were in favor. Motion carried.

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Richard A. Patrick  
Finance Director / City Clerk

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Chris Loving  
Mayor Pro Tem