

May 10, 2007

**CALL TO ORDER:** Mayor Tjeerdsma called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Loving, Valentine, Straathof and Montgomery. Staff present: Bloodgood, Cavanaugh, Fleek, Martin, Sheahan, Tingley, and Hodgin.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Doyle/Valentine** to approve the minutes of the April 26, 2007 Council workshops. All were in favor. Motion carried. A motion was made by **Councilors Loving/Aslett** to approve the minutes of the April 26, 2007 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 49419 – 49572 in the amount of \$986,160.09. All were in favor. Motion carried.

Current Expense	\$ 29,013.26
Current Expense Cumulative Reserve	197.75
Fire Equipment Cumulative Reserve	97.20
City Street	159,505.71
Library	5,563.07
Parks & Recreation	7,144.47
Cemetery Fund	147.84
Stadium Fund	7,375.55
Local Capital Improvement Fund	674,961.42
Park & Recreation Reserve	12,801.52
Sewer Fund	16,492.46
Sewer Cumulative Reserve	3,739.13
Storm Drainage Utility	69,120.71
<b>Total</b>	<b>\$ 986,160.09</b>

**PUBLIC COMMENTS:**

Mr. Dick Irwin, Burlington Chamber of Commerce, announced a Town Hall Meeting at 7:00 p.m. Thursday May 24, 2007 at BEHS cafeteria. Subject will be the new FEMA Flood Elevation Maps. Congressional and Legislative delegation has been invited as well as Army Corps of Engineers and FEMA representatives. He noted this is an important subject and is hopeful that business representatives and citizens will attend.

A motion was made by **Councilors Bensen/Aslett** to move the May 24, 2007 City Council meeting to 6:00 p.m. so that Council members could attend the 7:00 p.m. meeting regarding the new FEMA Flood Elevation Maps. All approved. Motion approved. **City Attorney Thomas** clarified that the Council meeting will be adjourned prior to the Town Hall Meeting. An announcement of the Town Hall meeting will be published as a public notice and placed on Council calendar to comply with the Open Public Meetings Act.

**OFFICER REPORTS:**

**Parks & Recreation Director Cavanaugh** provided an update for the Skagit River Park Paving Project, Phase II. He noted that plans were reviewed by the Parks Board and everything looks to be on-track to start mid June. An engineering estimate is expected later this month.

May 10, 2007

**Public Works Director/City Engineer Martin** stated that the Skagit River Impact Partnership (SRIP) is forward looking to the possibility of appealing the FEMA preliminary maps after they've been issued. There is a period of 90 days following release of the maps to file an appeal. He noted that Pacific International Engineering (PIE) has not yet developed maps pursuant to the hydrologic studies. He recommends getting contracts in place to move forward with this process if needed. The estimate from PIE is \$54,000 and they expect to complete the work within 12 weeks. It is his intention to bring forward a contract to the May 24, 2007 agenda for Council approval. It is possible that we may have other partners to assist with funding of this project.

**Councilor Valentine** stated that the new SKAT commuter bus to Everett is such a success that they will be adding a second bus to the route. She noted that she has now found a need to use the services of SKAT dial-a-ride which is very helpful and a wonderful service.

**PROCLAMATION:**

**City Attorney Thomas** read a proclamation proclaiming May 13 – 19, 2007 as Police Week and May 15, 2007 as Peace Officers' Memorial Day.

**CONSENT AGENDA:**

- 1) Lakeside Industries for paving of the parking lot at the new City storage building.

A motion was made by **Councilors Bensen/Doyle** to approve Consent Agenda item #1 and authorize the Mayor to sign appropriate documents. All agreed. Motion carried.

**UNFINISHED BUSINESS:**

**REQUEST FOR RECONSIDERATION OF CONDITIONAL USE PERMIT #2-07 TO ESTABLISH AN AUTOMOBILE DEALERSHIP AT 1749 SOUTH BURLINGTON BOULEVARD.**

Mr. Jeff Benham of Motorcars Limited gave a presentation in support of his reconsideration of the City Council action to deny the conditional use permit to establish an automobile dealership at 1749 South Burlington boulevard. He provided information regarding his family history in Skagit Valley and his desire to move his business to Burlington. He provided schematic plans of the building renovation and detailed information about the operation of the business. His intent is to re-face the current structure and improve the site. He noted that this site has sat vacant for the past five years. If FEMA flood elevations are raised, he believes this site will be much more difficult to utilize in the future. He noted he has been in his current location for the past sixteen years. His current business location is a leased facility where he cannot implement any changes and cannot expand his facility. He has had great difficulty in finding a location to purchase for his dealership. He noted that the City code allows for car dealerships on Burlington Boulevard south of Pease Road with a Conditional Use Permit. **Councilor Loving** noted that if the current zoning allows car dealerships, then Mr. Benham would not have to come before the Council. Mr. Benham stated that it is his understanding that a car dealership is an allowed use on Burlington Boulevard south of Pease Road but only with a Conditional Use Permit. **Councilor Straathof** stated that the suggested location with proposed renovations seems nice. **Councilor Doyle** asked if members of the public would be allowed to speak to the Council tonight. **Mayor Tjeerdsma** indicated that he would allow comments from the public. **Councilor Aslett** asked for clarification regarding work on cars in preparation for sale; would the work be done inside or outside. **Planning Director Fleek** stated that it is a code requirement that work on vehicles must be done inside a building. Mr. Benham noted that the current building would serve his process well. **Councilor Bensen** asked if car wash facility would be inside and would reclaim the water. **Councilor Valentine** asked about bringing the building up to code. **Planning Director Fleek** stated that if the Conditional Use Permit is approved, the building would have to meet current construction codes.

May 10, 2007

**Councilor Aslett** asked why Mr. Benham needs his business in this particular location if 80% of his customers are repeat customers. Wouldn't they find him no matter where he's located. Mr. Benham stated that he is looking for a site where he can display a greater selection of vehicles. He noted that nearly all of the vehicles would be displayed inside the building rather than on an outdoor lot. He would like to offer his customers a greater selection and a place that is all-inclusive so that the car is ready for the customer on-site. If they move to the proposed Burlington location, he might interest customers shopping at COSTCO to walk over to his business. He believes the COSTCO customers have similar demographics as his customer base. **Councilor Aslett** asked why he doesn't want to be near the other dealers. Mr. Benham noted that he is not similar to the usual car dealers; he operates in a different manner. He doesn't use banners and balloons to attract customers. Mr. James Simmons, 865 Peterson Road, stated that the City Council discussed this same issue a few years ago. At that time, the Council stated their policy was to not allow car dealers on Burlington Boulevard. A dealer made a request for a conditional use permit to allow a dealership on Boulevard. Council accepted the argument, and approved the Special Use Permit. Since that dealer was allowed to locate his auto business on Burlington Boulevard; the dealership seems to operate just like any other car dealer. They have cars inside and outside. An agent of Windermere Real Estate who has been marketing the property for several years stated that the current restrictions on this parcel relating to "car trips" per day make it very difficult to find an appropriate business to locate on this particular piece of property. He noted that Mr. Benham's business does not generate high traffic. Mr. Mark Kramer, 506 S. Cherry Street, noted that he is employed in the car industry in Skagit Valley. He believes the sincerity of Mr. Benham and his proposal. Mr. Kramer asked if the City Council decides to issue the Conditional Use Permit, could the City tie the conditions to the ownership of the dealership so that a new owner would not automatically be allowed to continue auto sales as part of owning the property. **City Attorney Thomas** noted that the City would not be able to tie the CUP to ownership of the parcel. He described the types of sales and/or new ownership situations that might occur. He suggested restrictions to the permit could be applied that would be restrictive to any owner – now or later. **Councilor Aslett** asked Mr. Benham about change of ownership at a later date. Mr. Benham stated that it is not his intent to sell his business. He suggested that if the City Council doesn't want car dealerships on Burlington Boulevard they should change the Municipal Code. There are some restrictions in the code that would apply to his business at that location. He stated that there are currently five automobile dealerships on Burlington Boulevard; some will probably disappear when the parcel they occupy is developed. A motion was made by **Councilors Straathof/Montgomery** to approve Conditional Use Permit #2-07. Voting in favor were **Councilors Straathof** and **Montgomery**. Voting against were **Councilors Bensen, Loving, Valentine, and Doyle**. The motion failed.

#### **REPORT TO THE CITY COUNCIL ON PILOT PROJECT TO EMPLOY A CITY WORKER PROGRAM COORDINATOR AND RECOMMENDATIONS.**

**Buildings & Grounds Supervisor Tingley** noted that the City Council authorized a six-month (April – September) pilot project to hire a Coordinator for the City Worker Program so that persons can be used for city projects in lieu of time in jail. The Coordinator was hired April 1, 2007. In the twenty-one (21) work days available in the month of April the crew worked a total of 627 hours. If these workers had reported to jail, the cost to the City would have been \$5,135. Expenses to the City were wages for the Work Program Coordinator (\$2,629) and Labor & Industry premiums for the work crew (\$164). This is a savings to the City in the month of April of \$2,342 in lieu of jail time. He recommended that Council extend the program to the end of the calendar year. To date the crew has collected 144 bags of litter from along the city streets. The only problem he has encountered has been transportation issues. The CWP Coordinator is using an old patrol car which can transport only four workers and has almost no room for tools or equipment. This often requires multiple trips to bring all tools, supplies and workers to the project area. They also cannot pick up the bags of trash collected by the crew. **Buildings & Grounds Supervisor Tingley** requested authorization to purchase a

May 10, 2007

used crew-cab pickup for under \$10,000 (from State surplus). This vehicle would be used to transport the workers as well as provide the ability to tow an equipment trailer and filled garbage bags and yard waste. A crew cab pick-up truck would allow for 5 crew members. On the state surplus web site he found two trucks currently available; one for \$6,500 and the other for \$7,000.

Mr. Mark Kramer, 506 South Cherry, voiced his support for this program. He's seen the crew working although he hasn't seen the crew working in the neighborhoods. **Councilor Loving** stated that he has seen the crew working the neighborhoods. Mr. Kramer stated that he would like to see the neighborhoods cleaned up first and then have the crew work in the commercial areas of the City. **Councilor Aslett** asked where the funding would come from to extend the program to the end of the year. **Public Works Director/City Engineer Martin** suggested funding could come from the Legislative Emergency Fund. A motion was made by **Councilors Bensen/Aslett** to use funds from 2006 Ending Net Cash and pay for an additional Custodian (next agenda item request) and to purchase a used crew cab truck for under \$10,000. All approved. Motion carried.

Council members requested additional reports as the CWP moves along. They will consider extending the program at a later date.

**REQUEST FOR ONE CUSTODIAN POSITION FOR THE NEW BUILDINGS COMING ON LINE THIS SUMMER.**

A motion to approve this request was made as part of the previous agenda item.

**NEW BUSINESS:**

**PROPOSED RESOLUTION TO ESTABLISH THE PLANNING PROCESS TO UPDATE THE NATURAL HAZARD MITIGATION PLAN FOR BURLINGTON.**

**Planning Director Fleek** stated that the Community Rating System program that gives property owners a reduction in flood insurance rates has an elaborate process that must be followed in updating the Burlington chapter of the Skagit County Natural Hazard Mitigation Plan. The program that is proposed takes advantage of the monthly meetings of the Planning Commission, who are all Burlington residents in the floodplain, as a forum to discuss the 100-year levee certification program and the alternatives for the Urban Growth Area and Farmland Preservation. With the exception of the proposed school site, additions to the Urban Growth Area will primarily be zoned as Open Space and Parks. **Councilor Aslett** asked for clarification regarding the area on the east side of Burlington that might be added to the Urban Growth Area at a later date. **Planning Director Fleek** stated that if added the property would be zoned as Open Space, and Parks or Playground. A motion was made by **Councilors Loving/Bensen** to approve the resolution establishing a process to update the Natural Hazard Mitigation Plan for Burlington. All agreed. Motion carried.

**(Resolution #04-2007)**

**AGREEMENT WITH PORT GARDNER FIREWORKS TO PROVIDE FIREWORKS DISPLAY DURING BERRY DAIRY DAYS.**

**Parks & Recreation Director Cavanaugh** stated that this agreement consists of the same scope as previous years and at the same price of \$6,000. The fireworks display will be following the Twilight Tractor Parade at 10 p.m. Friday evening June 22, 2007 at Skagit River Park. The area where the display will be set up is on property owned by Skagit County Dike District #12, thus they are named in the agreement as well. A motion was made by **Councilors Bensen/Aslett** to approve the agreement with Port Gardner Fireworks Company, Inc. and Salish Fireworks Co. and authorize the Mayor to sign. All agreed. Motion carried.

**RECENT CORRESPONDENCE REGARDING THE FLOOD ISSUE.**

**Public Works Director/City Engineer Martin** reviewed recent correspondence between the City and Skagit County regarding flood issues. He noted that the County's current process

May 10, 2007

will preclude a request for additional flood storage from the Baker Dam re-licensing. He believes there should be additional flood storage. He encouraged Council members to talk to County Commissioners about this issue.

**PROFESSIONAL SERVICES AGREEMENT WITH PACIFIC INTERNATIONAL ENGINEERING, PLLC FOR HAMILTON REACH HYDRAULIC MODELING.**

**Public Works Director/City Engineer Martin** stated that this agreement is to provide the “book end” hydraulic modeling information for the Hamilton reach of the Skagit River, in order to put all the pieces together on the Hamilton “Smith” house study. The recent independent technical review by Northwest Hydraulic Consultants hypothesized that the reason the Smith house may not have been flooded in the supposedly much larger floods of 1909, 1917 and 1921 was because the river in the Hamilton vicinity could have had a much greater capacity back then. This more detailed hydraulic modeling of the Hamilton reach will address that hypothesis by including “what if” scenarios of probably (and improbable) channel and overbank capacities, and determining the effect of each on the water surface level at the supposed magnitude of the historic unrecorded flood estimates. He noted that the maximum payable is \$8,000 for this work. Funds have been appropriated and budget remains in the Drainage Utility fund for this contract. A motion was made by **Councilor Bensen/Doyle** to approve a Professional Services Agreement with Pacific International Engineering, PLLC. All approved. Motion carried

**RECOMMENDATION FROM THE LODGING TAX COMMITTEE TO FUND THE AMERICAN LEGION BASEBALL TOURNAMENT REQUEST.**

**Councilor Doyle** stated that the Lodging Tax Advisory Committee received a request to fund the promotions of the Junior Legion “A” State Baseball Tournament that will be held from August 4 to August 9, 2007 at the Skagit Valley Dream Field. This tournament was not awarded until the end of 2006 thus did not allow the American Legion Commissioner the opportunity to submit a request for funding during our application period. At its May 3, 2007 meeting, the Lodging Tax Advisory Committee reviewed the financial status of the Lodging Tax Fund #197 and determined there were unallocated funds due to excess revenue collected in 2006. After review of the request the Committee approved this request and recommends the City Council award \$1,000 to the American Legion Baseball program specifically for advertising and promotions of the 2007 State “A” Jr. Legion Baseball Tournament. A motion was made by **Councilors Doyle/Loving** to approve the award of \$1,000 from the Lodging Tax Fund to the American Legion Baseball for advertising and promotion of the Junior “A” State Baseball Tournament and authorize staff to prepare a contract for the distribution of these funds. All agreed. Motion carried.

**RESOLUTION APPOINTING NEW MEMBERS TO THE LODGING TAX ADVISORY COMMITTEE.**

**Councilor Doyle** stated that the City Council recently amended the Burlington Municipal Code to add two more positions to the Lodging Tax Advisory Committee. The Resolution presented this evening will fill the two new positions on the committee; Danielle Callendar and Mark Simpson. This resolution will also appoint Jim Iversen to replace a member who has left the area. A motion was made by **Councilors Doyle/Valentine** to approve the Resolution appointing members to the Lodging Tax Advisory Committee for 2007 and authorize the Mayor to sign. All agreed. Motion carried.

**(Resolution #05-2007)**

**DISCUSSION REGARDING THE NORTHWEST WASHINGTON INCIDENT MANAGEMENT TEAM MEMBERSHIP.**

**Councilor Bensen** stated that a presentation was made at a previous council meeting regarding membership. He stated that the Burlington Fire Chief may be asked to serve on the Board of Directors. Annual dues will be about \$400 (\$.05 per capita). A motion was made by **Councilors Bensen/Montgomery** to approve the interlocal agreement for membership in the Northwest Washington Incident Management Team and authorize a fee payment of \$.05 per capita. All agreed. Motion Carried.

**COUNCIL CHAMBERS**

**CITY HALL**

**BURLINGTON, WA**

May 10, 2007

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

The City Council meeting was adjourned at 8:18 p.m. by **Mayor Tjeerdsma**.

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Richard A. Patrick  
Finance Director / City Clerk

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Roger "Gus" Tjeerdsma  
Mayor