

February 28, 2008

**CALL TO ORDER:**

Mayor Brunz called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Loving, and Montgomery. Staff present: Aarstad, M. Anderson, Fleek, Harmon, Lambert, Sheahan, and Thomas.

**Councilor Valentine** arrived at the council meeting.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Bensen/Loving** to approve the minutes of the February 14, 2008 Council workshop. All agreed. Motion carried.

A motion was made by **Councilors Loving/Aslett** to approve the minutes of February 14, 2008 Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Montgomery** presented the bills. A motion was made by **Councilors Montgomery/Doyle** to approve vouchers 51856 - 51944 in the amount of \$484,313.15. All were in favor. Motion carried.

Current Expense	\$ 44,439.08
Current Expense Cumulative Reserve	984.96
City Street	75,666.55
Hopper Construction Fund	1,450.00
Library	432.17
Parks & Recreation	4,652.97
Cemetery Fund	288.88
Stadium Fund	3,500.00
Local Capital Improvement Fund	278,079.80
Park & Recreation Reserve	226.80
Sewer Fund	40,294.98
Sewer Cumulative Reserve	11,637.27
Storm Drainage Utility	22,659.69
<b>Total</b>	<b>\$ 484,313.15</b>

**PUBLIC COMMENTS:**

Ms. Pat Nicholson 1240 Montero Lane, Burlington, stated that as a volunteer at the Burlington senior center she made a request for a cardboard recycling bin be placed at the center. They dispose of quite a bit of cardboard and she hates to see it go in the garbage when it could be recycled. **Councilor Bensen** and **Mayor Brunz** thanked her for bringing this to the City’s attention. City staff will contact Waste Management about her concern.

**Councilor Aslett** commented that when he called the 1-800 phone number for Waste Management, he reached an office in Kirkland. He then called the local number and found he reached the same Kirkland office. It was his understanding that Waste Management was to provide a phone number for the local office of Waste Management. **City Administrator Aarstad** stated that he will check why he didn’t reach the Burlington office of Waste Management when calling the local number.

Mr. Terry Esskew, 1083 Homestead Drive, spoke as a member of his homeowners association. He presented a petition requesting that speed limits on dead end streets and cul de sac’s be lowered from 25 to 15 miles per hour in the city limits. He believes that 25 miles per hour is too fast and that if a child ran into the street, a car moving at 25 mph would not be

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able to stop in time. **City Administrator Aarstad** stated that the Public Works Director will convene the Traffic Safety Committee to discuss the petition and Mr. Esskew's concerns.

Mr. Mark Kramer, 506 S. Cherry Street, noted that at the last council meeting the council discussed the possibility of imposing a Traffic Impact Fee. He noted that at the Planning Commission meeting several proposals for new developments were brought before the Commission. He voiced his concern that new developments might be approved prior to the Traffic Impact Fee being imposed, thus causing city tax payers to fund traffic improvements rather than the developers. He encouraged the council to move quickly to approve a Traffic Impact Fee.

A motion was made by **Councilors Bensen/Valentine** to excuse **Councilor Edmundson** from tonight's meeting. All agreed. Motion carried.

#### **OFFICER REPORTS:**

**Planning Director Fleek** presented a matrix that showed a list of what the City needs to do for future projects and required compliance with the many county, state and federal Laws, Policies and Acts when such projects are undertaken.

**Assistant Public Works Director/City Engineer Harmon** stated that 4:30 – 7:30 p.m. Tuesday March 4<sup>th</sup> will be an open house to present all transportation projects currently underway in Burlington and nearby with Washington State Department of Transportation.

**Assistant Public Works Director/City Engineer Harmon** stated that he is moving forward with developing the Traffic Impact Fee (TIF) schedule. He asked that Council members please review his list of projects to be impacted by the TIF to be sure they are in agreement with projects listed. He noted that the list can be adjusted prior to implementation. He asked that Council also consider areas of the city that might be omitted from the TIF – to encourage growth. He has scheduled a Council Workshop prior to the March 13<sup>th</sup> Council meeting to further discuss the TIF plan.

**Assistant Public Works Director/City Engineer Harmon** stated that the bid opening was held this morning for the North Burlington Boulevard Project. Seven companies submitted bids ranging from \$4,503,293.09 to \$5,901,419.40. The apparent low bidder was G G Construction Company out of Anacortes. He noted that five of the bids were below the Engineer's Estimate of \$5,169,072.00. The bids will be included on the March 13, 2008 Council Agenda for Award of Bid. Construction is expected to begin early April, 2008.

**Fire Chief Anderson** reported that 2008 has started off slower than 2007. For 2007 the total number of calls was 1,778. He reported that the 2003 Pierce apparatus has continued to be problematic with computer failures. He has since contacted the sales representative and discussed the problems we've had with this equipment. The company has agreed to take the fire truck to their Oregon plant and will go through the truck bumper to bumper to determine if there are additional issues.

**Councilor Aslett** announced that there are a couple of HVAC units not working at the old city hall (900 E. Fairhaven Avenue). An estimate has been obtained for repairs which will be about \$10,000. In the mean time, the system is working ok since the Parks Department has moved into the building.

#### **CHANGE OF DATE OF MARCH 27, 2008 CITY COUNCIL MEETING.**

**City Administrator Aarstad** asked Council to consider changing the March 27<sup>th</sup> council meeting to Tuesday March 25<sup>th</sup> so that council members are available to attend the Elected Official Workshop being held by Washington State DOT regarding I-5 corridor; Conway to Cook Road. A motion was made by **Councilors Bensen/Aslett** to change the meeting to March 25, 2008. All were in favor. Motion carried.

#### **CONFIRMATION OF FINANCE DIRECTOR APPOINTMENT.**

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**City Administrator Aarstad** announced that new Finance Director has been selected by **Mayor Brunz**. He noted that the Burlington Municipal Code requires confirmation of the Mayor's appointment of the Finance Director. **Mayor Brunz** stated that he has offered the position to Mr. Thramer to begin at pay step three with the provision that at the end of a successful six-month trial period his pay will increase to pay step 4. A year following step 4 he would then move to step 5. A motion was made by **Councilors Aslett/Valentine** to confirm the appointment of Mr. Greg Thramer as Finance Director. **Councilor Bensen** noted his disapproval of the agreement to advance Mr. Thramer to the next pay step after six months employment rather than the usual twelve months. Voting in favor were **Councilors Valentine, Aslett, and Montgomery**. Voting against were **Councilors Bensen, Loving and Doyle**. **Mayor Brunz** voted in favor to break the tie. Motion carried.

**SPECIAL PRESENTATION:**

Ms. Judy Hemenway, President of the Skagit River Bald Eagle Awareness Team, presented the City of Burlington with a framed print of the 2008 Upper Skagit Bald Eagle Festival poster. She thanked the Council for their financial support of the annual festival through Lodging Tax grant funding. She noted that the 2008 festival was a success even though the weekend weather wasn't the best this year. She also reviewed some of the advertising in local media this past year.

**UNFINISHED BUSINESS:**

There was no Unfinished Business on the agenda.

**NEW BUSINESS:**

**CONSULTANT CONTRACT WITH ATSI AQUA-TERR SYSTEMS INC. (JIM WIGGINS) TO PROVIDE PROFESSIONAL ASSISTANCE IN THE ENDANGERED SPECIES ACT COMPLIANCE.**

**Planning Director Fleek** stated that the issue of complying with the Endangered Species Act (ESA) for the proposed levee certification and related land use projects is heating up in light of FEMA losing a big lawsuit. They are now requiring ESA reports for any work that requires FEMA approval, including individual Letters of Map Revision for property owners who have property above the floodplain. The Planning Department is doing the legwork, the background consultation with agencies, formats for the reports and trying to get a handle on what is required in terms of mitigation. There is a need for the expert Biologist Seal of Approval on the biological evaluation. We are trying to get set up for the long haul with our program. There is only one local firm that shares our perspective on floating the reports through the Federal Bureaucracy. It is important to hire someone with local knowledge and expertise to make sure Burlington is correctly represented. A contract with ATSI Aqua-Terr Systems, Inc., (Jim Wiggins) is proposed to ensure the best result. Services will be at the rate of \$100 per hour, not to exceed \$4,000. She stated she will attempt to get funding assistance from others involved, such as Dike District #12. A motion was made by **Councilors Montgomery/Loving** to approve the agreement with ATSI Aqua-Terr Systems Inc. All agreed. Motion carried.

**RESOLUTION TO PARTICIPATE IN THE FIVE-YEAR UPDATE OF THE SKAGIT COUNTY NATURAL HAZARD MITIGATION PLAN.**

**Planning Director Fleek** stated that the City adopted a planning resolution last year to get started early on the update of the Burlington chapter of the Natural Hazard Mitigation Plan. Another resolution is needed for City participation in the countywide update process. By taking early action in 2007, our work is nearing completion, and the City will focus its efforts on making sure that there is regional consistency on major plan components, such as flood hazard mitigation. A motion was made by **Councilors Valentine/Aslett** to approve the resolution to participate in the five-year update of the Skagit County Natural Hazard Mitigation Plan. All agreed. Motion carried.

**(Resolution # 03-2008)**

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**GAGES SLOUGH RESTORATION PROJECT UPDATE AND REQUEST FOR CONSIDERATION OF ADDITIONAL FUNDING.**

**Planning Director Fleek** stated that Gages Slough Corridor is in need of clean-up. Outside funding is hard to come by as the slough is not a habitat for salmon and has water quality problems resulting from trash and invasive plants. The Parks Foundation has committed \$1400 along with the Public Works Department. The Parks Department has donated \$600 for cleanup work. Additional funding is needed for maintenance and replanting of the upland area. She requested that Council appropriate \$7,800 for the replant and maintenance for 2008. **Councilor Aslett** asked if the work crew could be part of the on-going maintenance. **Planning Director Fleek** suggested that Ecotone Solutions provide maintenance for this season and then next year move to having the work crew provide maintenance. She described the work that is being considered at another location on Gages Slough – the old city dump site near Whitmarsh Road. **Councilor Aslett** cautioned that this is early in the year and we've already had several requests for funds. A motion was made by **Councilor Loving/Doyle** to take \$2,000 from the Legislative Emergency Fund for maintenance. **Planning Director Fleek** stated that she will attempt to raise an additional \$800. Any amount raised over that amount will be returned to the legislative fund. Voting in favor was **Councilors Bensen, Valentine, Loving, Doyle, and Montgomery**. Voting against, **Councilor Aslett**. Motion carried.

**CONTRACT AMENDMENT WITH WISS, JANNEY, ELSTNER ASSOCIATES, INC. FOR FORENSIC ENGINEERING SERVICES IN CONCRETE IN CONJUNCTION WITH THE FLOOD HYDROLOGY STUDY.**

**Assistant Public Works Director/City Engineer Harmon** stated that this agreement will provide the forensic services necessary for the City's continued investigative work in the vicinity of Concrete, WA. This contract adds \$12,000 and extends the completion date to December 31, 2009. A motion was made by **Councilors Loving/Valentine** to approve the contract amendment. All agreed. Motion carried.

**VOTER REGISTRATION FEES REQUIRED BY RCW 29A.08.150 AS REQUESTED BY COUNTY AUDITOR.**

**City Administrator Aarstad** stated that per RCW 29A.08.150 the County Auditor has announced the County's intention to require all incorporated cities and towns in Skagit County to pay their share of the active and inactive "Voter Registration Expenses" incurred by the County Auditor's office. We have received a bill from the Auditor in the amount of \$6,395.46. This expense was not included in the 2008 budget. Consequently Council approval of payment of this bill from the Legislative Emergency Fund is needed prior to the approval and submittal of the bill for processing. **Councilor Bensen** asked why the City pays for voters who do not vote. **Councilor Valentine** noted that is because ballots are sent to all registered voters. A motion was made by **Councilors Bensen/Valentine** to approve expenditure of \$6,395.46 from the Legislative Emergency Fund for the payment of "Voter Registration Expenses" incurred by the County Auditor's office and authorize staff to process this expense for payment to the Skagit County Auditor. All agreed. Motion carried. **Councilor Bensen** asked if the City would have to pay more if there are additional elections. **City Administrator Aarstad** stated that the city pays based on number of registered voters, not based on number of elections.

**City Administrator Aarstad** introduced Ms. Ellie Wilson of the Skagit Valley Herald; a new reporter assigned to the City of Burlington.

**COMMUNITY ACTION AGENCY REQUEST FOR ADDITIONAL FUNDS FOR EMERGENCY SHELTER.**

**City Administrator Aarstad** stated that the Skagit county Community Action Agency is requesting an additional \$10,000 to assist with completion of their Emergency Family Shelter. They've had unanticipated construction costs during the remodel of the building and are about \$90,000 short of their goal. **Councilor Montgomery** suggested council delay any funding consideration until planning for the 2009 budget. Request died for lack of a motion.

**COUNCIL CHAMBERS**

**CITY HALL**

**BURLINGTON, WA**

February 28, 2008

**EXECUTIVE SESSION:**

Mayor and Council members adjourned to Executive Session at 8:08 p.m. for the purpose of discussing personnel. The Mayor and Council members returned from Executive Session at 8:23 p.m.

**ADJOURNMENT:**

The meeting was adjourned at 8:24 p.m. by **Mayor Brunz**

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Greg Thrasher  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor