

March 25, 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, Edmundson, Loving, Montgomery and Valentine. Staff present: Aarstad, Bowers, Cavanaugh, Harmon, Martin, Sheahan, Thomas, Thramer, Tingley, Donnelly, Wilson, Small, Floyd, Blasdell and VanWieringen.

APPROVAL OF MINUTES:

A motion was made by **Councilors Loving/Valentine** to approve the minutes of March 13, 2008 Council workshop. All agreed. Motion carried. A motion was made by **Councilors Loving/Aslett** to approve the minutes of March 13, 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 52082 – 52167 in the amount of \$360,588.99. All were in favor. Motion carried.

Current Expense	\$ 38,568.26
Current Expense Cumulative Reserve	28,142.51
Fire Equipment Cumulative Reserve	822.20
City Street	78,471.30
Hopper Construction Fund	383.75
Parks & Recreation	7,503.79
Cemetery Fund	80.11
Local Capital Improvement Fund	579.82
Park & Recreation Reserve	(34.29)
Sewer Fund	13,348.01
Sewer Cumulative Reserve	15,375.31
Storm Drainage Utility	177,348.22
Total	\$ 360,588.99

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Assistant Public Works Director/City Engineer Harmon distributed information that had been presented at the public open house regarding the proposed Traffic Impact Fee which was held on March 18, 2008.

Parks & Recreation Director Cavanaugh stated that several soccer fields were damaged this past weekend when soccer was played at Skagit River Park during a long rainstorm. He and his staff will meet with the league president and discuss how to handle/cancel play should such a weather situation happen in the future. He's hopeful that good weather this week will help repair the fields so that weekend play can resume.

Parks & Recreation Director Cavanaugh is requesting that an item in the Capital Improvement Plan (construction of recreational vehicle pads at Skagit River Park) be postponed to next year. With those funds he proposes to cover a parking area along the south east side of the soccer fields with pit-run and gravel to create a better parking area for cars (free of water and mud). He will obtain estimates to determine if he needs to call for bids. He discussed options of having City street crew, City parks crew or private contractor

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completing the job. **City Attorney Thomas** clarified that funding for this project would come from the same fund as the proposed RV pads. **City Administrator Aarstad** clarified that no vote by council is needed for this project, that **Parks & Recreation Director Cavanaugh** is simply notifying Council of his intent to do a different project that originally planned for this year.

Park & Recreation Director Cavanaugh read a proposal from Northwest Oval/Off-Road Radio Control Corporation (NORA) to add lights for the “off-road” track, similar to the lighting for the “oval track” located at their Whitmarsh Road site. NORA would obtain permits and hire certified/licensed electricians. NORA will pay for all permits and work to be done. **City Attorney Thomas** stated that an amendment to the current agreement needs to be brought to the Council to include this lighting project.

Park & Recreation Director Cavanaugh stated that a proposal has been made by the Horseshoe Club to have a restroom added to their site on Whitmarsh Road. The Horseshoe Club would fund a septic system for this site. The toilets will need to be compatible to the PUD meter located at the site and meet ADA standards. A contract will follow for this proposal for approval by the City Council.

City Administrator Aarstad stated that Mr. Kinnebrew has set his artwork at the Library. A dedication will be held in mid April.

City Attorney Thomas noted a copy of the latest draft of the Skagit County Solid Waste Agreement was distributed to council members this week. If there are any questions, please contact him. He’s hopeful that the County Commissioners will adopt the agreement soon.

UNFINISHED BUSINESS:

POLICE DEPARTMENT REORGANIZATION: A) APPROVAL OF ASSISTANT POLICE CHIEF POSITION; B) AUTHORIZATION OF POSITION THROUGH A BUDGET AMENDMENT TO THE 2008 BUDGET & SALARY ORDINANCE #1642 TO INCLUDE THE POSITION IN THE SALARY SCHEDULE. (PUBLIC HEARING)

Mayor Brunz opened the public hearing. **Police Chief Bowers** stated that this proposal has been discussed for the last nine months at Public Safety Committee meetings. He noted that by adding an appointed position of **Assistant Police Chief** it will allow the new Chief to appoint someone to the position right away. If the position is not added the vacant position of Lieutenant will need to be filled through the Civil Service process, which will take several months. He noted that the company used to administer the test is not available until August. **Councilor Loving** stated that he received a letter from a couple of the officers that noted their concerns. Councilor Loving encouraged them to speak to the Council at tonight’s meeting. **Officer Blasdell** stated that he has spoken to several of the Police Officers regarding the proposal to add an Assistant Police Chief position. He noted that many cities in the County have gone away from Chief and Assistant Chief position to having a Chief and Lieutenant(s). He suggested it would create better communication within the department if the department retained Chief and Lieutenant and perhaps added a second Lieutenant position rather than adding an Assistant Chief. The Lieutenant position is civil service and allows opportunity for upward mobility for department Police Officers. **Councilor Edmundson** asked how long Officer Blasdell had been with the department. He noted 21 years. Councilors discussed the number of current approved positions (27 commissioned officers) and the number of current filled position as of April 1 (18 commissioned officers plus three in training). **Police Chief Bowers** noted that duties would be spread the same with two Lieutenants and one Police Chief as with a Police Chief, Assistant Police Chief, and one Lieutenant. With a Chief, Assistant Police Chief and Lieutenant, there will be a clear understanding of hierarchy. **Mayor Brunz** asked for why other cities have changed to Chief/Lieutenant. **Police Chief Bowers** stated that he did not know for sure; each city might have had a different reason. Mayor Brunz asked if there would be better communication by adding an Assistant Chief. **Lieutenant Van Wieringen** stated his opinion that there would be better communication within the department with three administrators. **Officer Blasdell** stated he would like to see two Lieutenant positions so that there are additional opportunities

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for internal promotion. **Councilor Doyle** asked if Police Officers or only Sergeants could be appointed to the Lieutenant position. **Police Chief Bowers** indicated that only Sergeants would be able to apply for the Lieutenant position. Mr. Mark Kramer, 506 South Cherry, reviewed problems he's had with the Police Department since he moved to Burlington eight years ago. He would like to see community involvement in the Police Department. **Councilor Edmundson** stated that she went on an eight-hour "ride along" with **Officer VanDyken**. Throughout the shift she was very impressed with the work done by the officer. **Councilor Aslett** stated that he's met many officers through Kiwanis Club and through painting over graffiti and he's very impressed with those he's met. Mr. Steve Sexton, S. Section Street, noted that he also did a ride-along several years ago. Mr. Sexton asked about community involvement in the Burlington Police Department. **Police Chief Bowers** indicated there was community involvement programs in past years; none recently. **Parks & Recreation Director Cavanaugh** noted that he's been communicating with Mount Vernon Police Officers and Mount Vernon Parks Director regarding how to have a citizen's patrol in Burlington. A motion was made by **Councilors Doyle/Valentine** to close public hearing. All approved. Motion carried. A motion was made by **Councilors Bensen/Edmundson** to add the position of Assistant Chief to the Police Department. All were in favor. Motion carried. A motion was made by **Councilors Bensen/Doyle** to approve the budget amendment to amend the 2008 Budget & Salary Ordinance #1642 to include the position of Assistant Police Chief. All Agreed. Motion carried.
(Ordinance #1648)

Mayor Brunz stated that **Police Chief Bowers** will retire from service March 31, 2008. **Mayor Brunz** made a presentation to **Police Chief Bowers** in recognition of his 13 years of service to the citizens of the City of Burlington.

APPROVAL TO WAIVE BID RULES AND PURCHASE BUCKET TRUCK.

Building & Grounds Supervisor Tingley stated that in February the City went to bid to purchase a used bucket Truck. No bids were received at the close of the bid period (February 14, 2008). However, one bid did appear the following day as the bidder thought the bid deadline was February 15, 2008. Since this Call for Bid was formally announced and no bids received, the Council through RCW 39.04 can waive the bidding requirements and approve the purchase of a bucket truck through the passage of a Resolution that will explain the facts of this particular bid process. As it happens the bid that was received late provides for the purchase of a bucket truck that has been inspected and meets our needs for City maintenance activities in our Public Works and Parks Departments. A motion was made by **Councilors Bensen/Aslett** to authorize the waiver of further bidding requirements. All approved. Motion Carried

PUBLIC HEARING TO CONSIDER TRAFFIC IMPACT FEES.

Mayor Brunz opened the public hearing. **Assistant Public Works Director/City Engineer Harmon** reported that the initial draft Traffic Impact Fee report was provided to the City staff on January 18, 2008. A draft summary was forwarded to the Council on February 12, 2008. A presentation and discussion followed in a Council workshop on February 14, 2008. The issue was also discussed at the Public Works Committee meeting on February 19th. Based on this input, staff and the Consultant revised the fee basis and presented the revisions to the Council in a workshop held March 13. Additionally, staff notified the public and held a public meeting on March 18th to describe the fee basis and receive feedback. **Assistant Public Works Director/City Engineer Harmon** presented a summary of the how he arrived at the proposed Traffic Impact Fee. **Councilor Aslett** complemented **Assistant Public Works Director/City Engineer Harmon** on his development of the proposed fee. Mr. Terry Eskew, 1083 Homestead Drive, asked if the fees collected might fund any motorcycle officers (as is done in Skagit County and Mount Vernon). **Councilor Aslett** explained how impact fees can be collected and what they can be used for. He stated that the fees collected could not be used to fund motorcycle officers. Mr. Mark Kramer, 506 S. Cherry, stated his approval for the proposed traffic impact fees. A motion was made by **Councilors Bensen/Doyle** to close the public hearing. All were in favor. Motion carried. Public Works Director/City Engineer Martin reviewed the proposed project list, noting that the list is not all inclusive, but rather what projects are possible within the proposed income from the fees. The list can be revised at any time. **Assistant Public Works Director/City Engineer**

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Harmon asked for direction on the proposal that some areas of the City might be exempt from the fee. He recommended the base-line fee be put in place for all areas and review it at a later date. He also asked if Council thought the Traffic Impact Fee should be transferable to other properties. **Councilor Aslett** stated that he is not in favor of an exemption area or allowing the fees to be transferable to other properties. Council members stated they would like to move forward with implementation of the Traffic Impact Fee. **Public Works Director/City Engineer Martin** stated that he will provide documents at the next Council meeting for consideration and vote.

NEW BUSINESS:**DONATION FOR MAINTENANCE OF JACK DOYLE MEMORIAL PARK WETLAND RESTORATION PROJECT BY WASTE MANAGEMENT.**

Parks & Recreation Director Cavanaugh stated that Waste Management has agreed to donate funds for at least five years to maintain the wetland restoration project at Jack Doyle Memorial Park located on South Section Street. Mr. Larry Willis stated that he is aware of the problems with Waste Management Phone numbers not reaching the Burlington office. He noted that he's fixed the contact phone number for Waste Management on their website and a correction will be noted in the next City new newsletter so that Burlington callers will reach the Burlington office (rather than Kirkland). He stated that the correct phone number is also located on the monthly billing invoice. He then presented a check to the City in the amount of \$2,000.00 for maintenance of Jack Doyle Memorial Park. He noted that this is the first of many donations to follow. They are pleased to be doing business in Burlington and are happy to have an opportunity to give back to the community. A motion was made by **Councilors Aslett/Doyle** to approve the Ordinance and Agreement to accept the donation. All agreed. Motion carried.
(Ordinance #1649)

SUPPLEMENT TO THE CONSULTANT AGREEMENT WITH PERTEET, INC. FOR ON-CALL CONSTRUCTION SUPPORT FOR THE NORTH BURLINGTON BOULEVARD PROJECT.

Assistant Public Works Director/City Engineer Harmon stated that this supplement to the Consultant Agreement for \$79,980 with Perteet will provide on-call construction support for survey and design related questions. Additionally, this contract will provide inspection time for the landscape architect, structural engineer for the Silo, and completion of record drawings. He noted that this element of support was planned during the budget process. **Councilor Doyle** asked if this agreement includes two signs on the north and south side of silo. **Assistant Public Works Director/City Engineer Harmon** stated that this agreement is not related to the sign work, but on-call construction support. The signage will be covered by another agreement at a later date. A motion was made by **Councilors Valentine/Montgomery** to authorize the Mayor to supplement the Standard Consultant Agreement with Perteet, Inc. for the amount of \$79,980. All agreed. Motion carried.

SUPPLEMENT TO THE CONSULTANT AGREEMENT WITH CASCADE PROJECT MANAGEMENT FOR CONSTRUCTION ADMINISTRATION SUPPORT FOR THE NORTH BURLINGTON BOULEVARD PROJECT.

Assistant Public Works Director/City Engineer Harmon stated that this supplement to the Consultant Agreement for \$78,896 with Cascade Project Management, PLLC will primarily provide material testing services previously planned to be part of the construction bid. This element became extremely cumbersome and confusing to contractors during the bid process so the material testing was pulled out of the bid. He decided it would be better to contract directly for these services. The contract time for construction has increased and utility coordination has been completely shifted to Cascade Project Management. Additional work hours were added to account for these changes. The new maximum amount of the agreement is \$448,076. A motion was made by **Councilors Aslett/Valentine** to approve the supplement to the Standard Consultant Agreement with Cascade Project Management, for the amount of \$78,896. All agreed. Motion carried.

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RATIFICATION, JOB ORDER AUTHORIZATIONS SKAGIT COUNTY PUBLIC UTILITY DISTRICT #1 -- HYDRANTS AND STUB-OUTS FOR NORTH BURLINGTON BOULEVARD.

Public Works Director/City Engineer Martin stated that because time was of the essence, he has signed the work orders for the North Burlington Boulevard project to allow the P.U.D. to order the materials necessary to provide the hydrants and stub-outs. It was his position that as the service provider, P.U.D. should pay for the water infrastructure necessary to serve the lots adjacent to North Burlington Boulevard. The P.U.D. agreed, but noted that its standard approach would be to provide service at the time of development; therefore, it would have had to cut into our new street to do this. We worked out this \$23,700 compromise which will provide hydrants and extend the water lines to easily accessible points. He asked for Council ratification of this action. A motion was made by **Councilors Bensen/Valentine** to ratify the Public Works Director's approval of two job orders with Skagit County P.U.D. #1, for a total cost of \$23,700 in conjunction with the North Burlington Boulevard Project. All agreed. Motion carried.

CONTRACT WITH WILLIAM POPP ASSOCIATES TO COMPLETE THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

Public Works Director/City Engineer Martin stated that this \$25,000 contract will enable us to finish the transportation element of the City's comprehensive plan, as well as provide a small reserve so that we can access William Popp Associates as needed over the next 2.5 years. A motion was made by **Councilors Montgomery/Valentine** to approve the contract with William Popp Associates. All agreed. Motion carried.

CONTRACT WITH OTAK, INC. TO MONITOR THE GAGES SLOUGH SITE DOWNSTREAM OF THE GOLDENROD BRIDGE.

Public Works Director/City Engineer Martin stated that this \$50,000 contract provides for continued monitoring and oversight of the Gages Slough mitigation planting site for years 3, 4, and 5 pursuant to the permit requirements for the new bridge. The permit required a 10-year monitoring program and a very high plant survivability ratio. Had the City not agreed to these permit requirements (Corps of Engineers, Clean Water Act, Section 401), the project would not have been permitted. A motion was made by **Councilors Bensen/Valentine** to approve the contract with Otak Incorporated for monitoring and oversight of the Goldenrod Bridge mitigation site. Voting in favor were **Councilors Bensen, Aslett, Valentine, Doyle, Edmundson** and **Montgomery**. Voting against was **Councilor Loving**. Motion carried.

SKAGIT COUNTY DISTRICT COURT PROBATION CONTRACT FOR 2008 - 2010.

City Attorney Thomas stated that this contract for Probation Services between the City of Burlington and Skagit County District Court Probation has two changes from previous contracts. One includes a longer contract period (three years) and a maximum charge of \$150.00 per case/defendant for the probation department if they determine that restitution is owed. The County will bill the City quarterly. A motion was made by **Councilors Bensen/Montgomery** to approve the agreement with Skagit County District Court Probation for the period January 1, 2008 – December 31, 2010. All agreed. Motion carried.

COMMUNITY VIDEO SHOWCASE PROGRAM.

City Administrator Aarstad stated that the City has been contacted by GCI Communications who have partnered with the Association of Washington Cities to provide short promotional programs for three communities in the State of Washington for 2008. He and **Mayor Brunz** have reviewed the proposal through a conference call and an on-line demonstration and feel this has a positive benefit that could be added to the City of Burlington. The promotional material (video) would be located on the City website to further enhance the promotions or our community for tourism and commerce. **City Administrator Aarstad** presented the on-line demonstration for Council. He noted that this service is provided free to the City. To pay for the production, the company will solicit sponsors from our area. The package is set in three-year cycles and we can choose to continue this relationship at that time or discontinue the offer if the City so chooses. **Councilor Aslett** discussed the possible downfalls to doing this. He noted that the filming would be in July at one time, during one week when we aren't having Berry Dairy Days or Harvest Festival

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activities. He suggested it might not be a good thing to use the City website for local business advertising. **Mayor Brunz** noted he is in favor of this opportunity. **City Administrator Aarstad** stated that he sees an opportunity to showcase the City and local activities and businesses for potential visitors and tourists coming to our area. He reminded Council that the Winter Olympics will be held in British Columbia in 2010 and there will be many visitors to our area for that event. A motion was made by **Councilors Bensen/Loving** to approve the proposal by CGI Communications for promotional videos of the City of Burlington and authorize **Mayor Brunz** to sign the Community Movie Tour Book Agreement on behalf of the City of Burlington. Voting in favor were **Councilor Bensen, Loving, Valentine, Doyle, Edmundson** and **Montgomery**. Voting against was **Councilor Aslett**. Motion carried.

REQUEST FOR APPROVAL TO LEASE THE HAMILTON PROPERTY AND BUILDING ON PEASE ROAD.

City Administrator Aarstad stated that Hamilton Construction has vacated their construction site at Pease Road that they were renting from the City. This is property the City purchased to extend Spruce Street southward from Gilkey across Gages Slough to Pease Road. This request is to authorize City staff to lease the building until such time as it is scheduled for demolition. **Councilor Loving** asked what fund the rent would go to. **City Administrator Aarstad** stated that Council could specify what fund the rent would go to. He noted that there are a couple of parties interested in renting for at least \$3,000 per month. Mayor Brunz asked if the City has any use for the building. **City Administrator Aarstad** stated that he spoke with **Street Supervisor Windsor** about using the building, but that he did not have a need at this time. **Mayor Brunz** asked for a show of hands of those in favor of renting the building and authorize the city staff to formalize the necessary documents. A majority of Council members were in favor.

EXECUTIVE SESSION:

There was not an executive session.

ADJOURNMENT:

The meeting was adjourned at 9:14 p.m. by **Mayor Brunz**

Greg Thramer
Finance Director / City Clerk

Edward J. Brunz
Mayor