

April 10, 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, M. Anderson, Buckholz, Fleek, Harmon, Martin, Sheahan, Sherwood, Thomas, Thramer, and Kinney.

APPROVAL OF MINUTES:

A motion was made by **Councilors Loving/Aslett** to approve the minutes of March 25, 2008 Council meeting. All agreed. Motion carried.

AUDIT OF BILLS:

Councilor Montgomery presented the bills. A motion was made by **Councilors Montgomery/Aslett** to approve vouchers 52168 – 52313 in the amount of \$216,489.61. All were in favor. Motion carried.

Current Expense	\$ 71,395.59
Current Expense Cumulative Reserve	68,017.57
Fire Equipment Cumulative Reserve	1,372.14
City Street	24,006.80
Library	5,183.91
Parks & Recreation	18,447.06
Cemetery Fund	761.86
Stadium Fund	8,594.16
Local Capital Improvement Fund	3,604.34
Sewer Fund	15,059.80
Storm Drainage Utility	46.38
Total	\$ 216,489.61

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Planning Director Fleek stated that she was contacted a few weeks ago by the Department of Corrections regarding housing in Burlington for recently released inmates. She noted that because this type of public facility is not listed in the city zoning codes, the Council needs to consider permit regulations. She suggests holding a public hearing and putting into place a moratorium until the City has time to study the issue

Planning Director Fleek stated that an Arbor Day event to plant trees is planned for the Jack Doyle Memorial Park on South Section Street. This event will involve children from Lucille Umbarger Elementary School.

Assistant Public Works Director/Engineer Harmon presented an update on the progress of the N. Burlington Boulevard project. He invited Council members to contact him if they would like to visit the job site.

Library Director Buckholz distributed an invitation to the dedication of the art sculpture that has been recently placed at the Library. The dedication ceremony will begin at 6:30 p.m. Monday April 21, 2008 at the Library.

April 10, 2008

Finance Director Thramer stated that the first quarter sales tax revenue is down about 4.9% from the same period in 2007. He noted that we'll need to keep a close eye on this revenue source throughout the year.

Public Works Director/City Engineer Martin noted that he's been invited to a Mount Vernon City Council meeting to update them on the recent flood studies. He discussed recent studies in the Concrete regarding historical flood events. He noted that our recommendations on flood modeling turned out to be correct (the Army Corps of Engineers data was wrong). Thus release of new FEMA maps has been delayed while they re-run the numbers.

Fire Chief Anderson reported that in March the department had 129 total calls (99 medical, 3 were fire related). The average response time during the day was 5.35 minutes. Night crew average response time was 6.82 minutes from toned to arrival on-scene.

Fire Chief Anderson noted that the Pierce truck was in the Hughes Equipment shop in Oregon for two weeks being gone through for electronic, electrical and engine problems. The invoice showed \$8,105 worth of repair work and shop time that was performed at no cost to the City. He noted that this is good customer service.

Fire Chief Anderson stated that he has applied for a federal grant to replace all the breathing apparatus for the fire department personnel. This equipment is most important to firefighters. The grant is for \$165,000. If approved, the City would be required to match \$8,699. **Mayor Brunz** asked if the grant is approved would we receive the funding in 2008. **Fire Chief Anderson** noted he is confident we would receive funding this year if approved. He plans to use capital equipment funds from his budget if the grant is approved.

Fire Chief Anderson reported that the number of volunteers is down to 29 (from 40). The department is accepting applications and will begin testing when they have ten applications.

Fire Chief Anderson noted that the 1991 County-wide mutual aid agreement is been re-written. After review by the City Attorney, the agreement will be brought to the City Council for approval.

AGREEMENT WITH PUBLIC SAFETY TESING, INC. FOR RECRUITMENT AND TESTING FOR POLICE OFFICER POSITIONS.

City Administrator Aarstad stated that Public Safety Testing, Inc. is used by the City to accept applications and complete testing for police officer positions. He noted that the current agreement expired on January 1, 2008 and needs to be extended so that the Police Department can continue the recruitment and testing process for the current vacant positions. A motion was made by **Councilors Aslett/Valentine** to approve new contract with Public Safety Testing, Inc. All approved. Motion carried.

City Administrator Aarstad stated that **Police Chief VanWieringen** believes he will be able to fill the two remaining officer positions this year. He would like approval from Council to go ahead with hiring with assurance that funds will be moved to the Police Department budget without delay when the positions are filled. Consensus of the Council was favorable.

2008 AGREEMENT WITH CHAMBER OF COMMERCE AND LOCAL HOTELS FOR LODGING TAX FUNDS.

City Administrator Aarstad noted that in January the Council approved lodging tax funding for the local hotels in conjunction with the Burlington Chamber of Commerce to proceed with an advertising campaign in British Columbia to encourage tourism and hotels stays in Burlington during this off-season. He noted that indications are that this promotion has been successful. He asked that Council approve the agreement with the Chamber to allow for transfer of funds. A motion was made by **Councilors Aslett/Bensen** to approve the agreement and authorize mayor to sign. All agreed. Motion carried.

April 10, 2008

2008 AGREEMENT WITH AMERICAN LEGION BASEBALL FOR LODGING TAX FUNDS.

City Administrator Aarstad stated that in January the Council approved lodging tax funds for the American Legion tournament scheduled for summer 2008. A motion was made by **Councilors Aslett/Valentine** to approve American Legion Baseball agreement in the amount of \$3,000. All agreed. Motion carried.

City Administrator Aarstad asked if any Council members would like to attend the AWC conference in June, 2008. Please let him know if any are interested as registration opens April 18th.

SPECIAL PRESENTATIONS:

2008 MAYOR YOUTH ACHIEVEMENT AWARD – NOMINEES AND WINNERS.

Recreation Coordinator Kinney stated that this is the first year for the Mayor's Youth Achievement Award in Burlington. The award is for youth ages 11 – 14 that live inside the City limits. Areas of achievement are for young people who have been outstanding in such areas as (but not limited to) community involvement, citizenship, arts and entertainment, and overcoming obstacles. This year there were three winners; Sierra Dills (Lucille Umbarger student), Lucia Vivanco (Lucille Umbarger student), and Diana Orosco (Westview student). **Recreation Coordinator Kinney** displayed the plaque that will be permanently displayed at City Hall. **Mayor Brunz** presented certificates to the winners. He also presented certificates to those nominated, but not selected as winners this year.

DEPARTMENT OF SOCIAL & HEALTH SERVICES – FOSTER PARENTING.

No one spoke for this item.

UNFINISHED BUSINESS:

ORDINANCE TO ESTABLISH TRAFFIC IMPACT FEE.

Assistant Public Works Director/Engineer Harmon noted that because of renewed interest he would be willing to review the material one more time. **Mayor Brunz** invited interested persons in the audience to speak. Mr. Dan Mitzel stated that he was unaware of the possibility of Traffic Impact Fee until the article in the newspaper the night before. He stated that he sat on a committee in the City of Mount Vernon that reviewed their fee structure, which resulted in a change (increase) to the fees. The new fees were supported by citizens, council and development community. He is concerned that the developers were excluded from the Burlington process. He asked Council to wait and create a group to review the proposed changes. Mr. Brian Gentry, 504 E. Fairhaven, noted he also served on the Mount Vernon committee to review impact fees. He appreciated that the City reached out to the development community. He would like to be involved with consultation with city staff. He hoped that Council would put off a decision on Traffic Impact Fees until further consultation with developers takes place. Mr. Mike Fohn, Accountant, stated that he was not aware of this proposal. He noted that the proposed fees would substantially increase his construction costs. He suggested that a fee of this magnitude would alter the development in the City of Burlington. He stated that this is too big of a step without community involvement; more time needed prior to making decision. Ms. Diane Steen, property owner near State Route 20 and I-5 area, encouraged City Council to take more community input prior to making a decision. Mr. Mark Kramer, 506 S. Cherry, stated that this issue has dragged on too long. The residential areas of the City have not seen street improvement because the funding has been funneled to the commercial areas. He encouraged the City Council to approve the proposed Traffic Impact Fee. Mr. Bruce VanderWall, S. Burlington Blvd., recently developed an area of South Burlington Boulevard at Hopper Road (Starbucks, Kinko's, etc.) Under new proposal he believes that his costs would have been \$300,000 rather than the \$40,000 that he did pay. If improvements need to be made to streets (such as Hopper), he suggested the City impose an LID in specific areas. Dr. Gene Dight, South Burlington Boulevard property owner stated that this fee seems like a very large change to his development opportunity. He was unaware of this issue until the article in last night's newspaper. Mr. Dan Saline, 1835 S. Burlington Blvd. supports the idea of an LID for the

April 10, 2008

area or a fee that is more reasonable. He suggests involving the development community in this process. **Public Works Director/City Engineer Martin** noted that an LID would have to be researched prior to implementation. He noted that LID's are usually limited to small specific areas. The proposed Traffic Impact Fee would be city-wide. **Councilor Aslett** noted the fee applies to only development that increases traffic resulting from a project. His opinion is that LID is not good way to fund a large transportation project, although for smaller projects can be very effective. He noted that the City has received some grant funding for the N. Burlington Boulevard project, but has had to borrow six million dollars to complete the improvements to this street. He noted that the City had some pretty in-depth discussions regarding the impact of the proposed fee for re-development. The result was that there would not be a significant impact (if any) to re-development. The Capital Improvement Project list which the fee is based is "bare-bones". For development along the I-5 corridor, Burlington has good access which can attract good development from many developers. He noted that once we've gone through this process and a fee determined; the fee could be adjusted each year or more often if necessary. **City Attorney Thomas** stated that LID's are a method of self-taxing. He explained how an LID is set up noting that a problem with and LID can be that 60% of the property owners can stop the process. He explained how the fee is structured based on projects. There is considerable risk of funding from an LID. It is his opinion is that LID is not good way to fund a large transportation project, although for smaller projects and LID can be very effective. **Mayor Brunz** noted that since January this issue has been discussed at several City Council meetings, a public hearing, two workshops and an open house for the public. He is quite surprised that interested parties show up at the meeting when the tax is scheduled for a vote but at no time prior to this. **Councilor Loving** stated that after review of the proposal he is in favor of the proposed fee. **Councilor Aslett** stated that he has listened to the presentations and proposals and doesn't want to burden the homeowners to pay for street improvements in the commercial areas. **Councilor Bensen** asked Mr. Mitzel how much the City of Mount Vernon fee increased. Mr. Mitzel stated that the fee increased 4% for commercial and 40% for residential construction. The reasoning was that commercial development generates sales tax, thus the biggest burden was put on the residential fee. A motion was made by **Councilors Loving/Edmundson** to approve the Ordinance to establish a Traffic Impact Fee. All agreed. Motion carried.

(Ordinance #1650)

Mr. Mitzel requested that the Council direct city staff to form a committee to review the Traffic Impact Fee. **Councilor Aslett** suggested others be on committee (such as residential citizens) to have well balanced committee. **Mayor Brunz** and Council members discussed the possibility of such a committee. **Councilor Edmundson** asked why the Council would want to re-study the impact fee that has just been approved. **Public Works Director/City Engineer Martin** stated he would be happy to report back to council in several months following implementation of the fee.

RESOLUTION OF FACTS OF THE INITIAL BID PROCESS USED BY CITY TO OBTAIN A BUCKET TRUCK.

City Attorney Thomas stated that this resolution follows the Council's approval at the last Council meeting to suspend the normal bidding process in order to purchase a bucket truck. A motion was made by **Councilors Aslett/Loving** to approve the resolution of facts of the initial bid process used by the city to obtain a bucket truck. All approved. Motion Carried
(Resolution # 04-2008)

ADOPTION OF REVISED SKAGIT COUNTY SOLID WASTE MANAGEMENT INTERLOCAL AGREEMENT

City Attorney Thomas stated that the County has revised the interlocal agreement that was recently approved by the Burlington City Council. They have asked the Council to review the revisions and adopt this revised agreement. The agreement creates a governance board to review the solid waste agreement. Sedro-Woolley approved this agreement at last evening's council meeting. City of Mount Vernon will be considering this next week. City of Anacortes will consider this agreement at their next council meeting. It seems that other cities and towns will also pass the agreement. A motion was made by **Councilors Bensen/Aslett** to approve the revised Solid Waste Management Interlocal Agreement. All approved. Motion Carried

April 10, 2008

NEW BUSINESS:**ORDINANCE TO ADOPT THE INTERNATIONAL BUILDING CODE APPENDIX J GRADING, THE INTERNATIONAL EXISTING BUILDINGS CODE, AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

Building Official Sherwood stated that this is a “housekeeping” measure to bring our building codes into compliance with the international building codes. Adoption of these codes will provide more “tools” to the building department. A motion was made by **Councilors Bensen/Doyle** to approve the Ordinance to adopt the International Building Code Appendix J Grading, the International Existing Buildings Code, and the International Property Maintenance Code. All agreed. Motion carried.

(Ordinance #1651)

CONDITIONAL USE PERMIT #1-08 FOR PROPOSED DEVELOPMENT OF FOUR DRIVE-THROUGH USES ON A 4 ACRE SITE. APPLICANT IS S.E. GRAINGER DEVELOPMENT GROUP LLC. SITE IS ADACENT TO COUCUSA MOTEL, ACCESSED BY HAGGEN’S DRIVE SIGNAL.

Planning Director Fleek noted that the Planning Commission has reviewed this request and recommends approval of the conditional use permit subject to several conditions. **Mayor Brunz** invited interested persons to come forward with any comments on this issue. Ms. Sandy Coons, Cocusa Motel owner, distributed material relating to access to her motel. Her issues related to an easement and access to her property from State Route 20. Mr. John Ravnic, noted Ms. Coons has no opposition to the Grainger development proposal. He requested that Council re-word the proposed condition #2 to the Conditional Use Permit to guarantee access from the motel though the Grainger property on a temporary basis during development and thereafter be permanent with each contained in a recorded easement. Mr. Harkestad, Kirkland, WA, representing S.E. Grainger noted they have no problem with the issues raised by the Cocusa as long as the issues don’t change what he is allowed to build. He’s willing to accommodate and asked Council not to lock them in too much. **Councilor Aslett** noted that at this time S.E. Grainger does not own the property and that the request before Council relates to a Conditional Use Permit if Grainger purchases the property. He suggested that the issue raised by Ms. Coons is between current and future property owners, not with the City of Burlington. **Public Works Director/City Engineer Martin** noted that his staff has not reviewed this proposal and would ask that Council either put off this decision to a later date or approve the general conditions put forth by the Planning Commission rather than approval of additional technical details of the project. Mr. Ravnic noted that if improvements to SR20 move forward and S.E. Granger does not develop the property for some time, the Cocusa Motel will not have access by westbound traffic. Washington State Department of Transportation will allow only “right-in” and “right-out” access for the Cocusa Motel at SR20. A motion was made by **Councilors Loving/Valentine** to approve the Conditional Use Permit #1-0-8 subject to conditions set forth by the Planning Commission. All approved. Motion carried.

AGREEMENT WITH SKAGIT COUNTY CHILDREN’S MUSEUM FOR 2008 LODGING TAX FUNDS.

City Administrator Aarstad stated that the Council approved funding from the Lodging Tax for the Children’s Museum in the amount of \$2,500 in 2008. Funds will be used for brochures and publications to encourage tourist visits to the museum’s new location at the Cascade Mall in Burlington. This agreement is required prior to transfer of funds to the Children’s Museum. A motion was made by **Councilors Aslett/Montgomery** to approve the agreement with the Skagit County Children’s Museum. All agreed. Motion carried.

REVIEW OF WASTE MANAGEMENT ANNUAL RATE INCREASE BASED ON CONSUMER PRICE INDEX.

City Administrator Aarstad stated that the City agreement with Waste Management allows for an annual rate increase based on 80% of the annual change from (February 2007 to February 2008) in the Consumer Price Index U.S. Cities. The percentage of change was 4.39, thus the rates will be increased by 3.51%. This information is being presented for Council review and does not require approval. The new rate began April 1, 2008.

April 10, 2008

RESOLUTION TO AMEND PERSONNEL POLICY MANUAL, CHAPTER 9 BENEFITS.

City Administrator Aarstad stated that recent changes to State and Federal laws require that we amend our policy manual to comply with these new laws. Chapter 9.7.4 Shared Leave Program is also being amended to allow non-union employees to donate vacation and/or sick leave to an employee in the same manner as allowed by City union agreements. The changes to the Family and Medical Leave Act authorize up to 26 weeks of leave for an eligible employee to care for a spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty. The State of Washington has increased the annual military leave for active duty training from 15 to 21 working days and added legislation authorizing up to 15 days of unpaid leave before an employee’s spouse is deployed or while their spouse is on leave from deployment. A motion was made by **Councilors Bensen/Loving** to approve the Resolution and authorize the Mayor to sign. All agreed. Motion carried.
(Resolution #05-2008)

INTERLOCAL AGREEMENT FOR TELECOMMUNICATION SERVICES BETWEEN THE CITY OF BURLINGTON, THE CITY OF MOUNT VERNON AND THE PORT OF SKAGIT COUNTY.

City Attorney Thomas stated that the Cities of Burlington and Mount Vernon and the Port of Skagit County have negotiated an Interlocal Agreement that would provide for the installation of fiber for telecommunications purposes through portions of Burlington, and out Peterson Road to the Port. Telecommunications services would be provided by Mount Vernon. The advantage of this agreement is that it allows Burlington to hook up its facilities including pump stations and fiber facilities, at minimal cost. The fiber is also expected to serve public schools, and County facilities. A motion was made by **Councilors Aslett/Valentine** to approve the interlocal agreement with the City of Mount Vernon and the Port of Skagit County. All agreed. Motion carried.

EXECUTIVE SESSION:

There was not an Executive Session.

Mayor Brunz announced that he will not be at the next City Council meeting. **Councilor Montgomery** will serve as Mayor Pro Tem for that meeting.

ADJOURNMENT:

The meeting was adjourned at 9:11 p.m. by **Mayor Brunz**

Greg Thramer
Finance Director / City Clerk

Ted Montgomery
Mayor Pro Tem