

July 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: Bensen, Doyle, Edmundson, Loving, Montgomery and Valentine. Staff present: Aarstad, Harmon, Martin, Sheahan, Thomas, Thramer, and VanWieringen.

A motion was made by **Councilors Loving/Doyle** to excuse **Councilor Aslett** from tonight’s meeting. All agreed. Motion carried.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Loving/Valentine** to approve the minutes of June 26, 2008 Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Montgomery** presented the bills. A motion was made by **Councilors Montgomery/Bensen** to approve vouchers 52945 – 53070 in the amount of \$239,184.41. All were in favor. Motion carried.

Current Expense	\$ 102,500.32
Current Expense Cumulative Reserve	535.43
Fire Equipment Cumulative Reserve	1,130.88
City Street	63,260.90
Library	6,861.83
Parks & Recreation	15,097.67
Cemetery Fund	172.14
Stadium Fund	19,027.14
Local Capital Improvement Fund	7,997.50
Park and Recreation Reserve	2.68
Sewer Fund	16,844.90
Storm Drainage Utility	5,753.02
<b>Total</b>	<b>\$ 239,184.41</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Assistant Public Works Director/City Engineer Harmon** gave an update on the progress of construction on North Burlington Boulevard. The first lift of asphalt will be applied in mid-August. In two weeks curbs will be installed and the finish (or second) lift will be applied in September. Final completion is expected by mid November. **Councilor Montgomery** asked if most the construction crews would be gone in August. **Assistant Public Works Director/City Engineer Harmon** noted that the road construction crew will be gone, but that sub contractors will be on-site until mid September and then scaling back until project completion. **Councilor Loving** asked if the road under construction could be watered or graded to make a smoother ride and keep the dust down. **Assistant Public Works Director/City Engineer Harmon** noted that the road is being watered four times per day on weekends and every two hours during week day construction hours. They haven’t seen any decrease in traffic during construction so it has been difficult to keep up with dust and ruts that develop on the gravel surface. **Mayor Brunz** asked if the new roundabout will tie into County Road Lane. **Assistant Public Works Director/City Engineer Harmon** stated it will probably not; but there is a remote possibility it could happen.

July 10, 2008

**Assistant Public Works Director/City Engineer Harmon** noted that Engineer I position has been filled. Brian Dempsey came on board a couple of weeks ago and is already working on several projects.

**Public Works Director/City Engineer Martin** reported on the latest research information from Pacific International Engineering regarding historical flood events on the Skagit River in the Concrete area. This information will be useful if City and County officials find it necessary to appeal the new FEMA flood elevations maps following their release.

**Assistant Public Works Director/City Engineer Harmon** reported that late this afternoon a large piece of equipment being transported north on Interstate 5 struck the Chuckanut Drive overpass at milepost 231. The Washington State Department of Transportation is sending a crew to the site to assess the damage. Until the assessment is complete, the overpass is closed to traffic and the northbound lanes of Interstate 5 are restricted to one lane under the overpass.

**City Administrator Aarstad** stated that computer use policy is in development to be presented to the City Council at a later date. He noted that one section of the policy addresses the use of personal computers for City work. If a City employee uses their personal computer for city work, all information stored on that personal computer could be subject to discovery as a public record. To protect employees from that possibility, the City is establishing remote access to be available so that an employee could use their personal computer to enter access to their City computer file. In this way, any work performed would be saved on the City computer hard drive, not the employee's personal computer. This would eliminate the possibility of access to the employee's personal computer regarding public records.

**City Administrator Aarstad** announced that the Skagit Community Action Agency will host an open house and ribbon cutting at the newly remodeled Family Development Center located on Riverside Drive in Mount Vernon. The open house will be 10:00 a.m. – 2:00 p.m. Monday July 14, 2008. The ribbon cutting program will be at 12:30 p.m.

**City Administrator Aarstad** announced that **Councilor Joanne Valentine** received enough training credits to be designated a Certified Municipal Leader through the Association of Washington City's Certified Municipal Leadership Program.

**Councilor Loving** noted that he's noticed the newly installed wayfinding signs around town. He likes how they look and believes they will make it easier for visitors to find their way around our city.

**Councilor Loving** stated that the Fire District #6 Commissioners attended a recent Public Safety Committee meeting. They had some good discussions regarding issues with the current agreement with the City for fire service. He will continue to keep the Council informed.

**Finance Director Thramer** stated that the tax revenue for the first six months of 2008 is down about 6.1% which means about \$234,000 less than the same period in 2007. If the trend continues, there is a real possibility we will be down \$500,000 for the entire year. Department Heads and Supervisors will be working hard to restrain their 2008 budget spending.

#### **UNFINISHED BUSINESS:**

#### **RESOLUTION TO ADOPT 6-YEAR TRANSPORTATION IMPROVEMENT PROGRAM/FEDERAL PROJECTS 2009-2014.**

**Public Works Director/City Engineer Martin** stated that the 2009-2014 Six-year Transportation Improvement Program list was approved by the City Council at the June 26, 2008 Council meeting. He asked that they approve the Resolution to officially adopt the

July 10, 2008

plan. A motion was made by **Councilors Bensen/Valentine** to approve the Resolution adopting the 2009-2014 Transportation Improvement Program. All agreed. Motion carried. **(Resolution #07-2008)**

**ORDINANCE TO AMEND BURLINGTON MUNICIPAL CODE 1.12.040 TERM OF OFFICE FOR THE AT-LARGE COUNCIL MEMBER POSITION.**

**City Attorney Thomas** stated that Section 1.12.040 of the Burlington Municipal Code provides that the council member elected at large shall serve a term of two years. This term was consistent with the state law governing the operations of second class cities, but it is inconsistent with state law governing the operations of code cities. In code cities, all council members serve for a term of four years. The proposed ordinance, which will take effect after the next election, will establish terms of four years for all council members. He noted that the proposed ordinance also incorporates state law which addresses the oath of office that is subscribed by council members, also in accordance with state law. He noted that the effective date will be January 1, 2010 which is the next term following current term of incumbent. A motion was made by **Councilors Bensen/Montgomery** to adopt the proposed ordinance, which establishes a four year term of office for all council members. All agreed. Motion carried.

**(Ordinance # 1653)**

**RESOLUTION TO AMEND THE CITY COUNCIL RULES OF PROCEDURE REGARDING PUBLIC COMMENT PERIOD.**

**City Attorney Thomas** stated that the City council discussed this change of rules at a recent council meeting and asked that he provide language to amend the rules to more fully delineate the rules and procedures applicable to public comment to be made to the Council. He asked that they approve the resolution to amend the rules as indicated. **City Administrator Aarstad** clarified that the focus of this change is on the Public Comment Period, not Public Hearing comments. A motion was made by **Councilors Loving/Bensen** to adopt the proposed resolution to amend the City Council Rules of Procedure regarding public comment. All agreed. Motion carried.

**(Resolution #08-2008)**

**REVISION OF AGREEMENT WITH HALCO TRUCKING FOR LEASE OF CITY PROPERTY.**

**City Administrator Aarstad** stated that the lease agreement approved by City Council at the last meeting did not accurately reflect the negotiated monthly lease amount. The negotiated rent is \$3,000 per month, including leasehold excise tax of \$342.37 (\$2,658.63 lease plus \$341.37 leasehold tax). All other terms and conditions remain the same. He asked that council approve the revised agreement. A motion was made by **Councilors Montgomery/Bensen** to approve the revised lease agreement with HALCO Trucking. All agreed. Motion carried.

**NEW BUSINESS:**

**ENTRY SIGN CONCEPT FOR "BURLINGTON" LETTERFORMS IN ROUNDABOUT ON NORTH BURLINGTON BOULEVARD.**

**Assistant Public Works Director/City Engineer Harmon** stated that Hough, Beck & Baird, Inc. and FORMA were contracted to design and provide installation oversight of the silo logo and the "Burlington" letterforms within the roundabout on the North Burlington Boulevard project. The conceptual design for the letterforms is taking shape and he is looking for feedback prior to moving forward with final design and fabrication. He displayed a scale model of the "Burlington" as well as an actual size sample of the letter "B". He explained that the actual letters will stand 5.5 feet high and be visible from the north side of the roundabout as traffic enters the City. The face of the letters will be brushed aluminum. A motion was made by **Councilors Bensen/Valentine** to authorize staff to proceed with final design and fabrication of the letterforms. All agreed. Motion carried.

**AMENDMENT #2, PROFESSIONAL SERVICE AGREEMENT WITH PACIFIC INTERNATIONAL ENGINEERING, PLLC FOR FEMA REVISED FLOOD MAPPING APPEAL FINAL WORK PRODUCTS AND TECHNICAL SUPPORT.**

July 10, 2008

**Public Works Director/City Engineer Martin** stated the proposed amendment #2 adds \$128,300 to incorporate the results of the Crofoot's Addition investigation into the appropriate technical reports, re-run the new competing base flood elevation maps, and provide technical support if necessary during the expected appeal process. This supplement will bring the total contract to \$268,300. He does not believe that additional field work will be required. This amendment is expected to provide the necessary technical support to carry forward an appeal of the upcoming revised FEMA flood maps, and will be in effect until the end of 2009. **Councilor Bensen** noted we've spent \$140,000 on this project. **Public Works Director/City Engineer Martin** agreed, noting that other partners in this project have paid a share of the expense. He believes they will also share in this additional \$128,300 expense. In addition all the other dike districts and town of LaConner may also partner with these expenses. **Councilor Bensen** stated that it makes good sense to continue this progress. A motion was made by **Councilors Bensen/Loving** to approve Amendment #2 in the amount of \$128,300 to the Professional Services Agreement with Pacific International Engineering, PLLC. All agreed. Motion carried.

**REQUEST TO CLOSE ONE BLOCK OF EAST FAIRHAVEN AVENUE FROM PINE STREET TO CHERRY STREET ON AUGUST 16, 2008.**

**City Administrator Aarstad** stated that Mr. Navor Tercero and Ryan Sakuma have been working with the Burlington Chamber of Commerce in planning this event to involve the Burlington Hispanic business community. The request is to close one block of East Fairhaven Avenue from Pine to Cherry from 9:00 a.m. to 10:00 p.m. The event will include a beer garden adjacent to Los Arcos restaurant in Alpha Park from noon to 9:00 p.m. The Los Arcos Restaurant will operate the beer garden with a licensed bartender attending. The liability insurance will be supplied by the Los Arcos Restaurant. The Police Department has reviewed the request and approves the street closure request with a requirement that two security officers be present at the Beer Garden for the entire duration of the event. The beer garden must also be clearly marked and fenced. Mr. Tercero and Sakuma made their presentation regarding this event. **Councilor Edmundson** asked what time the vendors will be at the event. Mr. Tercero noted that the vendors will be leaving at 7:00 p.m. A stage will host a musical group until 9:00 p.m. **Councilor Bensen** asked why they need a beer garden outside where children will be nearby when there are two restaurants on the block that serve alcohol. Mr. Tercero noted that a children's area will be set up closer to Pine Street (away from the beer garden). **Mayor Brunz** asked if all businesses have been contacted about the street closure. Mr. Tercero indicated they have been contacted. **City Administrator Aarstad** noted that the Chamber involvement in this event does not include the Beer Garden. **Councilor Doyle** asked if the beer garden will be fenced. Mr. Tercero replied it would be fenced and there would also be two security officers in attendance. **Police Chief VanWieningen** stated that he had recommended two security officers. **Councilor Bensen** asked for estimate of attendance. Mr. Tercero noted that since this is the first time for this event he estimated up to 2,000. Mr. Sakuma noted that the crowd would be spread over the entire day. **Mayor Brunz** suggested closing beer garden at 5 p.m. or 6 p.m. rather than 9 p.m. **Councilor Loving** suggested closing the beer garden at 7 p.m. when the vendors are leaving. **City Administrator Aarstad** noted that the beer garden would be located in a City park, thus the Council must approve this location. He stated that the Parks Department has a current policy to not allow beer in City parks. A motion was made by **Councilors Bensen/Valentine** to approve the street closure. All agreed. Motion carried. **Councilor Edmundson** stated she is hopeful this will be a successful event without incident. City Attorney Thomas stated that the fencing around the beer garden is regulated by the Washington State Liquor Control Board. A motion was made by **Councilors Loving/Valentine** to authorize the beer garden in the City's Alpha Park from noon to 7 p.m. Voting in favor were **Councilors Doyle, Edmundson, Loving, Montgomery and Valentine**. Voting against was **Councilor Bensen**. Motion carried.

**REQUEST FOR MAYOR TO GRANT APPROVAL FOR VENUES THAT REQUEST AN ALCOHOL PERMIT.**

**City Administrator Aarstad** stated that at times the Parks and Recreation Department is requested to approve a Special Event application that includes the use of alcohol during an event. When this occurs the approval for the use of alcohol comes to the City Council for their review and approval. The Parks and Recreation and City Attorney staff have developed a Special Event Application form that includes a permit requirement and protocol for the

July 10, 2008

approval of this request. He noted that they have suggested that the Mayor be authorized to approve and sign these requests to speed up the process and to place the operational duties in the Mayor's hands. He noted that the Mayor could take the request to the council for approval should he so wish. **Councilor Edmundson** asked if the Mayor could make adjustments to the request and then approve or chose to get advice and approval from the council. **City Administrator Aarstad** stated that it would be the Mayor's option to deny, approve or take the request to Council. **Councilor Montgomery** asked if this policy would only apply to outdoor functions. **Councilor Bensen** stated that if you rent the community hall with alcohol; current policy requires the renter obtain a Washington State Liquor Control Board permit and hire security for the event. A motion was made by **Councilors Montgomery/Loving** to approve the recommendation and authorize the Mayor or his designee (City Administrator) to sign alcohol requests for Special Events. All agreed. Motion carried.

**EXECUTIVE SESSION:**

Mayor and Council members adjourned to Executive Session to discuss litigation at 8:14 p.m. The Mayor and Council members returned from Executive Session at 8:21 p.m.

**ADJOURNMENT:**

The meeting was adjourned at 8:23 p.m. by **Mayor Brunz**

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Greg Thramer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor