

August 14, 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, Cavanaugh, Fleek, Martin, Stafford, Thomas and Thramer.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Valentine/Doyle** to approve the minutes of July 24, 2008 Council workshop. All agreed. Motion carried. A motion was made by **Councilors Valentine/Doyle** to approve the minutes of July 24, 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 53119 – 53364 in the amount of \$825,167.92. All were in favor. Motion carried.

Current Expense	\$ 84,331.28
Current Expense Cumulative Reserve	19,287.33
Fire Equipment Cumulative Reserve	591.43
City Street	657,095.00
Library	4,015.08
Parks & Recreation	11,057.14
Cemetery Fund	791.43
Stadium Fund	7,433.14
Local Capital Improvement Fund	6,225.33
Park & Recreation Reserve	-167.00
Sewer Fund	22,651.26
Storm Drainage Utility	11,856.50
<b>Total</b>	<b>\$ 825,167.92</b>

**PUBLIC COMMENTS:**

Mr. Duane Stowe spoke in favor of the possible purchase of property known as Railroad Park. He noted it is a once in a lifetime opportunity, we shouldn't let it go by.

**Mayor Brunz** asked that anyone wishing to speak regarding the Old Fire Hall demolition plans to come forward at this time as this item is not on tonight's agenda.

Mr. Jeff Ovenell, 810 Kodiak Drive, a Burlington Volunteer Firefighter for the past 22 years noted that he and other current volunteers as well as several retired volunteer firefighters were asked their opinion about keeping the old fire hall. He stated that the consensus was that the fire hall should be torn town; that it has no sentimental value that would suggest salvaging the building.

Mr. Ken Davies, 217 E. Rio Vista (a member of the Skagit Valley Eagles) spoke in favor of converting the old fire hall site to a parking lot. Currently there is not enough parking in that area of town to accommodate the businesses.

Mr. Jessie Everly, 810 Waugh Road Mount Vernon (owner of Skagit Valley Signs on Fairhaven), noted that his business is just down the street from the old fire hall. He agrees that additional parking is needed for employees and customers in the area. He is in favor of taking down the old fire hall.

August 14, 2008

Mr. Jamie Dowling, 724 Wade Place, a resident of Burlington for 15 years. Spoke in favor of tearing down the old fire hall and converting the area to a parking lot.

Mr. Mark Kramer, 506 South Cherry, noted that his concern is regarding a new parking lot should the old fire hall be torn down. He would like the city to do a complete and thorough process prior to construction of a parking lot. He does not want a dusty gravel parking lot that is put up in a hurry because it's expedient and cost effective.

**City Administrator Aarstad** asked **Planning Director Fleek** if the next step would be to hold a public hearing regarding demolition of the fire hall. **Planning Director Fleek** stated that she has a list of volunteers interested in serving on a task force. They will probably have two meetings to review the structural reports that were done on the building as well as tour the facility. They will then make a recommendation regarding demolition what the site might look like after. She noted that she's received several messages suggesting a memorial to volunteer firefighters be located on the site. This may provide an opportunity for public art. She expects a public hearing will be scheduled in early October. **Councilor Loving** suggested using the volunteer patch as a model for a bronze memorial. Another suggestion is to list all the names of the volunteers who worked out of that old fire hall. **Mayor Brunz** stated that the cost for insurance on the vacant building is currently \$1,200 per year. Mr. Ken Davies (Burlington Eagles) stated that the Eagles organization raises funds for memorials. He suggested the City contact the Eagles if interested.

#### **OFFICER REPORTS:**

**Councilor Edmundson** reported that the Library Foundation and Library Board of Directors have recently commissioned a painting by artist Al Currier. His media uses brush and pallet knife which results in a thick paint that takes up to one year to dry. They have designated a place for it to hang in the Library (out of reach) for this drying period. The cost (\$5,800 plus tax) will be paid entirely by the Library Foundation so no City funds will be involved. The price reflects a 40% discount from the price if it were sold in a gallery. When finished, the Library will have first right of refusal should they not be satisfied with the finished painting.

#### **BID AWARD FOR RE-ROOFING OF COMMUNITY CENTER:**

**Public Works Director/Engineer Martin** noted that bids were recently received for replacement of the Community Center building roof. The low bid looks solid, but is \$13,000 more than was budgeted. He proposed awarding the contract and at the same time put off plans to pave the parking lot at the old City Hall building (900 E. Fairhaven). **Public Works Director/Engineer Martin** asked for a motion to award the bid. A motion was made by **Councilors Loving/Aslett** to award the bid for re-roofing of the Community Center (Greenleaf Avenue) in the amount of \$87,480.00. All agreed. Motion carried.

**Public Works Director/Engineer Martin** explained how a ring-dike around Burlington would benefit the City during a large flood event. He also discussed how it might benefit the City and Dike District #12 attempt to certify the levee from Sterling area to Interstate-5. This might prevent the FEMA base flood elevations from being raised for Burlington.

**Finance Director Thrumer** noted that for the first seven months of 2008, the sales tax revenue is \$271,000 less than the same period in 2007. This equates to about 6.2% less than the same period in 2007. His analysis shows that the cause can be attributed to automobile sales; which is down about 13% during the same period.

**City Administrator Aarstad** stated that the Outlets of Burlington will hold their grand re-opening on August 20, 2008. United Way of Skagit County will hold their kick-off breakfast on September 5, 2008 at the Cotton Tree Inn.

**City Administrator Aarstad** shared a letter with Council that the City received from Chief Shand (of the Skagit County Jail) stating that additional members are needed for the Law & Justice Council. They are in need of a city prosecuting attorney and an elected official from a City.

August 14, 2008

**City Administrator Aarstad** stated that he will be meeting with Mr. Chuck Goll, the facilitator for the upcoming Council Retreat. They will work on the agenda and finalizing the date.

**City Administrator Aarstad** stated that the Association of Washington Cities will hold a regional dinner meeting at Burlington City Hall, Council Chambers on October 7, 2008. A dinner will be catered.

**City Administrator Aarstad** stated that work will begin soon on the 2009 budget. He asked Council to consider if they would like council meetings televised to the public. Our current franchise agreement with Comcast provides for some funding to purchase equipment for this purpose. If so, this needs to be planned for in the budget. He asked that they also consider installation of surveillance cameras in city parks and buildings. Council members were interested but asked **City Administrator Aarstad** for an estimated cost for this service.

#### **UNFINISHED BUSINESS:**

##### **SECOND AMENDMENT, INTERLOCAL AGREEMENT WITH A CONSORTIUM OF CITIES REGARDING LEGAL SERVICES TO APPEAL CERTAIN PROVISIONS OF THE NPDES PHASE II STORM WATER REGULATIONS.**

**Public Works Director/City Engineer Martin** stated that the amendment to the agreement will result in \$2,000 as the City's share of participation in the consortium. He sees it as a good investment in order to ultimately force a negotiated settlement that will provide relief from the too-stringent and inflexible requirements of the new regulations, especially regarding storm water treatment and detention for redevelopment. This cost will come from the Drainage Utility Fund. A motion was made by **Councilors Bensen/Aslett** to approve the amendment to the interlocal agreement and authorize the Mayor to sign. All agreed. Motion carried.

#### **NEW BUSINESS:**

##### **PROPOSED EXTENSION OF INTERIM CONTROLS FOR THE LEVEE SETBACK AREA THROUGH THE THREE-BRIDGE CORRIDOR (PUBLIC HEARING).**

**Planning Director Fleek** stated that the Interim controls restricting development in the area proposed for the levee setback through the three-bridge corridor need to be extended for an additional year. There is progress on land acquisition and the City is working in coordination with Skagit County, Mount Vernon, the Dike Districts, and the Washington State Department of Transportation on additional land acquisition through the corridor as part of the long term program to protect Interstate 5. **Mayor Brunz** opened the public hearing. No one from the public spoke. A motion was made by **Councilors Aslett/Bensen** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Loving/Bensen** to adopt the ordinance extending Interim Controls. All agreed. Motion carried. All agreed. Motion carried.

**(Ordinance #1654)**

##### **REQUEST TO ADVERTISE REQUEST FOR PROPOSALS FOR PORTABLE RESTROOM SERVICES FOR 2009-2010, WITH AN OPTION FOR 2011.**

**Parks & Recreation Director Cavanaugh** stated that the current contract with Wizard Enterprises for services expires December 31, 2008. It is necessary to obtain proposals for the next two and possibly three years. Councilor Doyle asked what the current costs are running. **Parks & Recreation Director Cavanaugh** stated that we currently spend about \$20,000 per year. A motion was made by **Councilors Bensen/Montgomery** to allow a Request for Proposals for portable restroom services for 2009-2011. All agreed. Motion carried.

##### **DISCUSSION REGARDING FIRE DISTRICT #6 COST PER CALL FEE FOR REMAINDER OF 2008; REIMBURSEMENT TO FIRE DISTRICT #6 FOR RESPONDING CALLS WITHIN CITY LIMITS FOR REMAINDER OF 2008 AND DISCUSSION REGARDING TIME PERIOD FOR THE 2009 AGREEMENT.**

August 14, 2008

**City Administrator Aarstad** stated that the Fire District #6 has requested time on the council agenda. Mr. Jonnason (Fire District #6 Commissioner) introduced Mr. Brian Snure, attorney for Fire District #6. He noted that Fire District #6 values their long-term relationship with the City and his purpose for speaking tonight is that the Fire District wants to be sure that Fire District tax payers want to be sure that they are not placed in a position to subsidize City fire service and likewise the City isn't subsidizing the Fire District services. The contract needs to be reviewed from time to time. The Fire District is asking to move away from the formula outlined in the current contract. Since the current contract was drafted, changes have occurred with the addition of night-time housed firefighters and the new Bay Ridge Fire Station location. Fire District #6 is now responding to within the City from the new station. He reviewed a report showing call responses. The calls responses are broken down by location of call (inside City or Fire District #6) and from what location (Burlington station or Bay Ridge Station). The current formula outlined in the agreement with the City, there is no credit noted for responses from Bay Ridge to within the City limits. He suggested that the formula should be revised to be more equitable. Fire District #6 is requesting revisions to the current formula and asked that City staff be authorized to meet with the District to discuss their proposal. The current agreement runs from April 1 – March 31. The District would like future contracts to be based on a calendar year. **City Administrator Aarstad** noted that the April 1 date was established based on when the initial agreement was approved. Mr. Snure reminded Council that a new agreement should be in place by October 1.

**INDEMNIFICATION AGREEMENT WITH BURLINGTON HILL, LLC.**

**Public Works Director/City Engineer Martin** stated that the project for a three-story condominium project on Burlington Hill is moving forward. Recognizing the special concerns of performing the site work in this vicinity of steep slopes and cliffs, the City requested indemnification from the Developer. This agreement has been reviewed by the City Attorney. A motion was made by **Councilors Montgomery/Loving** to approve the indemnification agreement between the City of Burlington and Burlington Hill, LLC. All agreed. Motion carried.

**STANDARD CONSULTANT AGREEMENT WITH DN TRAFFIC CONSULTANTS TO ASSIST WITH ENHANCING THE SIGNAL OPERATIONS IN THE CITY.**

**Public Works Director/City Engineer Martin** stated that an agreement with Gary Struthers Associates was approved by Council on June 20, 2007 to provide a 2.5 year contract for traffic engineering support as needed to help improve the funding and traffic operations in the City. The first approved task for \$40,586.00 provided technical consultant services to assist the City in the development of a traffic impact fee. This service task is now complete. The remaining \$109,414.00 was set aside in the manager Reserve Fund to be used for additional tasks as authorized. It was expected that the majority of this reserve would be used towards improving the signal operations in the City. The engineer of record for this work, Gary Norris, has recently made a change to DN Traffic Consultants. This contract will shift this work to DN Traffic consultants in order to complete the remaining signal operation improvements tasks specifically related to the Boulevard. Task-1 (\$35,000) will be completed in 2008 and will provide the operations management plan and proposed enhancements. The remaining \$65,000 will be available for the implementation of the various improvements over the next three years. A motion was made by **Councilors Aslett/Valentine** to approve the standard consultant agreement with DN Traffic Consultants and authorize the Mayor to sign the necessary documents. All agreed. Motion carried.

**AGREEMENT BETWEEN CITY OF BURLINGTON AND SKAGIT DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES.**

**Finance Director Thramer** stated that it has been our past practice to provide two separate and distinct funding sources to Skagit Domestic Violence & Sexual Assault Services. We've provided funding for general support to provide counseling and aid in the sheltering of victims of domestic violence and sexual abuse that are Burlington residents. The City has also provided criminal justice funding to be used for advocacy services such as 24-hour crisis intervention, legal, medical and social services advocacy, counseling, confidential emergency shelter and information and referrals to victims of domestic violence. In the past, this has

August 14, 2008

been paid at 50% of criminal justice revenues received. For the current budget year (2008) the City budgeted \$1,600 for general support but nothing for criminal justice funding as we did not receive a written request from the provider. However, the City has budgeted and expects to receive \$3,900 in criminal justice funds in 2008. The attached contract would authorize the City to pay \$3,550 to Skagit Domestic Violence & Sexual Assault Services [\$1,600 + 1,950 (which is 1/2 of budgeted criminal justice revenues)]. A motion was made by **Councilors Loving/Valentine** to approve the agreement with Skagit Domestic Violence & Sexual Assault Services to provide funding in the amount of \$3,550 for 2008. All agreed. Motion carried.

**RESOLUTION APPOINTING A NEW MEMBER TO THE LODGING TAX ADVISORY COMMITTEE.**

**City Administrator Aarstad** stated that a new member needs to be appointed to the Lodging Tax Committee to replace David Weston (of the Hampton Inn & Suites). The recommendation is to appoint Lennart Bentsen of the Hampton Inn & Suites. A motion was made by **Councilors Valentine/Doyle** to approve resolution appointing Lennart Bentsen to the Lodging Tax Advisory Committee. All agreed. Motion carried.  
**(Resolution # 09-2008)**

**EXECUTIVE SESSION:**

Mayor and Council members adjourned to Executive Session to discuss land acquisition at 8:14 p.m. The Mayor and Council members returned from Executive Session at 8:54 p.m.

**Mayor Brunz** announced that there would be a special City Council meeting at 5:30 p.m. Monday August 18, 2008 to hold a public hearing to discuss the possible purchase of property known as Railroad Park in "Historic Downtown Burlington".

**ADJOURNMENT:**

The meeting was adjourned at 8:56 p.m. by **Mayor Brunz**

---

Greg Thramer  
Finance Director / City Clerk

---

Edward J. Brunz  
Mayor