

November 13, 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, Sheahan, Stafford, Thomas, Thramer, Tingley, VanWieringen, J. Bradshaw, A Bradshaw, Schols, Moore, Hughes, Blanford, Rabenstein, Brown, Ackerman, Guirl, Hooker, Cuellar, and Kallio.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Doyle/Aslett** to approve the minutes of the October 23, 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 53923 – 54061 in the amount of \$657,635.96. All were in favor. Motion carried.

Current Expense	\$ 51,760.92
Current Expense Cumulative Reserve	2,507.60
Fire Equipment Cumulative Reserve	4,251.41
City Street	429,081.16
Library	5,168.53
Parks & Recreation	3,715.97
Cemetery Fund	55.44
Stadium Fund	7,707.80
Local Capital Improvement Fund	81,423.13
Park & Recreation Reserve	529.20
Sewer Fund	15,225.66
Sewer Fund Cumulative Reserve	34,372.89
Storm Drainage Utility	21,836.25
<b>Total</b>	<b>\$ 657,635.96</b>

**PUBLIC COMMENTS:**

Ms. Ann Doering, 202 Pioneer Drive, suggested that the council should have adopted a 1% increase, not a 2% increase in tax levy in these hard economic times.

**OFFICER REPORTS:**

**Public Works Director/Engineer Martin** discussed the Northwest Hydraulics report and noted that it is parallel to the work of Pacific International Engineering. He described how the reports from one another and how the reports would affect the increased flood elevation levels within the City of Burlington. He stated that he would provide a copy of the report to each council member.

**Planning Director Fleek** discussed the possibility of establishing standards for development agreements as provided in RCW 36.70B.170 . The first part of the proposal would be to refer to the development agreement in the impact fee ordinance of the Burlington Municipal Code (BMC); the second part would be to put the Development Agreement reference in the BMC Zoning Code Permit Process Chapter. The need arises as to the delayed collection of impact fees and handling wetland mitigation projects in Gages Slough. If council is interested, she would take the proposal forward to the Planning Commission and hold a public hearing and then bring it to the city council. **Councilor Aslett** asked how difficult it would be to track this information if a change was made. **Planning Director Fleek** indicated that it would not

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be difficult as most of the information is already tracked by the Planning Department. **Public Works Director Martin** voiced his approval of her suggestion. A motion was made by **Councilors Edmundson/Valentine** to schedule a Planning Commission public hearing in January regarding this topic. All were in favor. Motion carried.

**Police Chief VanWieringen** requested permission from City Council to offer a position to a candidate to fill the 25<sup>th</sup> officer position. He noted that there is a possibility that the most recent candidate might be accepted to enter the academy December 16<sup>th</sup>. **Councilor Loving** suggested he move ahead with an offer to this candidate. A motion was made by **Councilors Loving/Bensen** to approve the 25<sup>th</sup> Police Officer position. All agreed. Motion carried.

**Police Chief VanWieringen** noted that **Police Officer Youngquist** has had his orders extended for military leave through October 2009. He had been slated to return to work in July 2009.

**Building & Grounds Supervisor Tingley** presented an amendment to the agreement with Doyle Painting for additional funds for painting of the Fire Station and Police/Court Building. He explained that the original contract included the cost of painting the fire station only. The addendum will include the Police/Court building. **Councilor Doyle** indicated she would not participate in this discussion or vote. **Councilor Edmundson** asked if the painting was done on the outside or inside of the building. **Building & Grounds Supervisor Tingley** indicated the painting was on the exterior of the buildings. A motion was made by **Councilors Bensen/Valentine** to approve the addendum to the contract. Voting in favor were **Councilors Aslett, Bensen, Edmundson, Loving, Montgomery** and **Valentine**. **Councilor Doyle** did not vote. Motion passed.

**City Administrator Aarstad** stated that he would like to know what committees council members would like to serve on in 2009. Please let him know their choices by November 20<sup>th</sup>. The hope is to present the committee assignments at the December 11, 2008 council meeting.

#### UNFINISHED BUSINESS:

#### ORDINANCE FIXING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED IN 2008 FOR COLLECTION IN 2009.

**Finance Director Thramer** stated that at the last City Council meeting, council members approved a 2% increase in the property tax levy for collection in 2009. He asked for council approval of the Ordinance setting the 2% increase. He noted that this would set the total 2008 levy to be collected in 2009 at \$2,355,680. He explained that with a 2% increase, the rate of tax per \$1,000 in value would change from \$1.675 per \$1,000 value in 2008 to \$1.575 in 2009. A home valued at \$200,000 would probably see a decrease from \$335.00 to \$332.00 per year. A motion was made by **Councilors Valentine/Edmundson** to approve the ordinance to increase the 2008 levy rate by 2% for collection in 2009. All agreed. Motion carried.

(Ordinance # 1658)

#### ACQUISITION OF REAL PROPERTY.

**City Attorney Thomas** presented an ordinance that would authorize the City Attorney to file a suit in eminent domain to acquire property from Burlington Northern Santa Fe Railway for use as a city park and related uses. He noted that the property is located south of Fairhaven Avenue near the 5-way interchange. He does not anticipate that we would have to exercise the acquisition through eminent domain, but this ordinance would leave that open. **Councilor Aslett** suggested the city reconsider moving forward with this purchase during these difficult times. He noted that the projected outlook for revenue is not good for 2009. He doubts the rail road would be interested in selling the property to anyone other than the City. The purchase could be reconsidered in another couple of years. He suggests the City keep the cash on hand. **Councilor Loving** stated he would be in favor of purchasing this property and perhaps not purchase the parking lot parcel. **Councilor Bensen** asked if the action before council tonight would commit the city to purchase the property. **City Attorney**

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**Thomas** stated it would not commit the City to purchase. **Councilor Valentine** noted we've been trying to discuss purchase of this parcel from the railroad for many years and it was only recently they agreed to discuss and move forward with purchase. **Councilor Edmundson** noted it is a difficult decision based on the future financial situation that is unknown. She agrees with **Councilor Valentine** that the City should move forward with the purchase since the railroad has agreed. **Mayor Brunz** stated that he agrees with the recommendation made by **Councilor Aslett**. A motion was made by **Councilors Valentine/Loving** to approve the ordinance authorizing a suit in eminent domain. Voting in favor were **Councilors Bensen, Loving, Valentine, Doyle** and **Edmundson**. Voting against were **Councilors Montgomery** and **Aslett**. Motion carried.  
**(Ordinance #1659)**

**NEW BUSINESS:****NOISE ORDINANCE UPDATE.**

**Planning Director Fleek** stated that the Planning Commission conducted a public hearing on October 15, 2008 on a proposal to update and relocate the Noise Ordinance, moving the standards from the Zoning Code to the Nuisance Code, and creating a new section regulating amplified music, limiting the hours from 10:00 a.m. to 10:00 p.m. except for the Community Center at Maiben park, where the music will be allowed until 11:00 p.m. on Friday and Saturday nights. The Police Department has not had any problems with these hours over the years. **Councilor Montgomery** asked if this ordinance will address some of the past complaints of noise regarding the community building. **Planning Director Fleek** noted that the hours on weekends will be to 11 pm; weekdays will be earlier. **Parks & Director Cavanaugh** noted that there is information relating to noise in the agreements for use of the Community Center. At one particular event in the past that did receive complaints was because the doors and windows were opened while music was playing because it was a very warm evening. **Planning Director Fleek** noted that the volume level is regulated by State regulations. A motion was made by **Councilors Edmundson/Doyle** to approve the ordinance updating and relocating the Noise Ordinance. All approved. Motion carried.  
**(Ordinance #1660)**

**OUR LADY OF GUADALUPE PARADE SUNDAY DECEMBER 7, 2008 AT 11:00 A.M.**

**Planning Director Fleek** stated that this annual parade is scheduled for Sunday December 7, 2008. The parade will be staged at Maiben Park, head west along Fairhaven and end at the Catholic Church on Peterson Road. This request will not require any street closures; only a police escort for the parade. **Police Chief VanWieringen** noted that this is similar to the last year's parade. They anticipate about 500 participants in the parade down Fairhaven, Norris and Peterson Road. A motion was made by **Councilors Loving/Bensen** to approve the parade route as requested. All agreed. Motion carried.

**PROPOSED STREET CLOSURE ON FAIRHAVEN AVENUE DECEMBER 24, 2008 FROM 3:00 – 8:00 P.M. FOR A LIVE NATIVITY SCENE, FROM CHERRY TO PINE OR AT LOS ARCOS.**

**Planning Director Fleek** stated that the Technical Committee reviewed the proposal and the Fire Department is requiring that the burning barrels be replaced with an approved container for outdoor fires that also protects the street from heat. A Special Event Permit is required for the use of Alpha Park, since this is a private religious institution event. The property owners have been notified of this event by the Planning Department; there have been no comments. **Councilor Edmundson** asked about the fire pits. **Councilor Loving** asked why we need to close the street for so many hours on Christmas Eve. **Police Chief VanWieringen** noted that Christmas Eve is usually a very quiet evening and this year it falls on a weeknight. Mr. Dave Browning noted the plan is to bring snow from Mount Baker for kids to play on at Alpha Park. His worry would be that kids might run from park into the street; so if the street is closed it would be safer for children.

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**Councilor Loving** asked if the hours start time could be changed to 5:00 p.m. **City Administrator Aarstad** asked about snow around the big tree that has electrical wires around the tree. Parks & Recreation Director Cavanaugh stated that he and **Parks Supervisor Bloodgood** have reviewed the permit request and don't believe the snow will create problems for the wires for the tree lights. A motion was made by **Councilors Loving/Montgomery** to approve the request to close the street from 5:00 pm to 8:00 pm for this event. All agreed. Motion carried.

**2009 SENIOR SERVICE CONTRACT.**

**Parks & Recreation Director Cavanaugh** stated that the proposed Senior Services contract was submitted for approval. This year, Skagit County Senior Services has requested a 5% increase. All of the previous years, the request has been a consistent 3% increase, which is what is reflected in the proposed 2009 budget for City of Burlington. He recommended maintaining a 3% increase for 2009. **Councilor Edmundson** agreed that 3% is fair in these difficult economic times. A motion was made by **Councilors Edmundson/Loving** to approve the 2009 Skagit County Senior Services Contract with a 3% increase from 2008. All agreed. Motion carried.

**ORDINANCE FOR TRANSFER OF FUNDS FROM THE LOCAL IMPROVEMENT DISTRICT GUARANTEE FUND TO THE GENERAL FUND.**

**City Attorney Thomas** stated that Local Improvement Districts (LID's) are financing mechanisms that are used to pay for public improvements that specifically benefit private properties. Bonds or warrants are issued by the City to provide funds for construction, with the bonds and warrants guaranteed by assessments on benefitted properties. To further guarantee the bonds and warrants, a guarantee fund was created as required by RCW 35.54.010. Surplus remaining after the payment of bonds and warrants for a particular LID are paid into the guarantee fund. State law allows a city to transfer excess funds from the guarantee fund that exceed outstanding obligations of the fund. As described in the Finance Director's certification, the City currently has no outstanding LID bonds or warrants, and therefore all funds in the guarantee fund are surplus. In addition, the formation of any additional LID's is not anticipated at this time.

**Councilor Aslett** noted this is like using savings to finance the 2009 budget. He asked council to keep in mind that this is a one-time situation and that this money did not come from tax revenue. A motion was made by **Councilors Bensen/Aslett** to approve the ordinance authorizing transfer of funds from the LID Guarantee Fund to the General Fund. All agreed. Motion carried.

**(Ordinance #1661)**

**PUBLIC HEARING 2009 BUDGET & SALARY ORDINANCE.**

**Mayor Brunz** opened the public hearing. **Finance Director Thrumer** reviewed the recommendations of the Mayor and the 2009 Budget Committee. He noted the requests that were not funded in the 2009 budget as presented tonight. He noted that to keep the budget in balance requires that staff continue to look for ways to cut costs and reduce spending throughout the year. The budget includes an estimate of revenue; it could be less than projected. **Finance Director Thrumer** stated that **Councilor Aslett** had asked when Burlington would have physical inspection assessments by the County Assessor's Office. He noted that the last year of physical assessments for Burlington was in 2006 for the 2007 collection year; the next time for physical inspection assessments will be in 2010 for tax collection in 2011. **Finance Director Thrumer** reviewed the Mayor's 2009 budget summary. He noted that there was more than one million dollars cut from the 2009 requests. He thanked staff for their work to reduce 2009 requests. He noted that the 2009 sales tax revenue is expected to be less than budgeted in 2008, thus sales tax revenues have been budgeted conservatively at \$7.2 million. He noted that all requests for additional personnel were denied with one exception. A Utility 1 position in the sewer department was added. The position was needed, and will be funded with additional sewer revenues generated by the rate increase. Requests for equipment purchases were either reduced substantially or deferred until another year. Capital Improvements were reduced by suspending the proposed old fire hall parking lot project

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and deferring city entrance signs. Proposed street overlay projects were cut in half and a proposed construction of a vehicle storage shed was also put on hold. He noted that the City will pay about \$3.7 million in debt service payments in 2009. Mr. Steve Sexton, 109 S. Section Street, noted that in January 2008 the City agreed to sell bonds of \$500,000 to purchase the RR property. He suggested the City consider “needs” rather than “wants” (such as RR park purchase) as he believes the City has lots of needs. Ms. Ann Doering, 202 Pioneer Drive, suggested looking at little things as well as big things in the budget as ways to reduce spending. She asked why a light has been installed at the boat ramp near the port-a-potty as the access to the boat ramp is closed at dark. **Councilor Aslett** stated that the light was installed to reduce vandalism – and it has helped. Ms. Doering asked council to be careful with the citizen’s money. PR Cavanaugh clarified that the light was installed to reduce vandalism. A motion was made by **Councilors Bensen/Valentine** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Loving/Bensen** to consider adoption of the 2009 Budget & Salary Ordinance at the November 25, 2008 council meeting. All agreed. Motion carried.

#### **REQUEST TO BID FOR NEW 3-DECK ROTARY MOWER.**

**Parks & Recreation Director Cavanaugh** stated that the City currently has two pull-behind mowers. This new mower would replace a 10-year old Land Pride mower which is starting to wear and is continuously being fixed. This causes down time and in turn makes it hard to catch up. **Councilor Aslett** asked why he has waited until the end of the year to purchase a new mower. **Parks & Recreation Director Cavanaugh** stated that he waited to see if the 2009 model mower is substantially different from the 2008. Seeing that the 2008 and 2009 mowers are nearly the same, he will ask for bids on a 2008 model which will be less costly than a 2009 model. A motion was made by **Councilors Montgomery/Loving** to approve the bid announcement. All agreed. Motion carried.

#### **ORDINANCE FOR INCREASE IN USE TAXES TO BE USED FOR THE STREET FUND.**

**City Attorney Thomas** stated that this is an ordinance amending Sections 3.14.010 and 3.14.020 of the Burlington Municipal Code to allow an increase in use tax for the Street Fund. The ordinance would alter where the sales and use tax is deposited. Currently 50% is deposited in the street fund and 50% in the current expense fund. This ordinance would provide for 15-25% of sales or use tax be distributed to the Street Fund with the remainder deposited to the current expense fund. **Councilor Loving** stated that this was a request from the 2009 budget committee. The committee recommended the option of going as low as 15% up to 25% to assist in balancing the budget if needed. A motion was made by **Councilors Loving/Bensen** to approve the ordinance. **Councilor Aslett** noted that this was originally put in place at 25% to the current expense fund and 75% to the street fund to be sure that the City kept up with infrastructure needs and not at the expense of other budget items. Voting in favor were **Councilors Bensen, Loving, Valentine, Doyle, Edmundson,** and **Montgomery**. Voting against was **Councilor Aslett**. Motion carried.

**(Ordinance #1662)**

#### **ORDINANCE TO UPDATE LANGUAGE FOR INSURANCE REQUIREMENTS.**

**City Attorney Thomas** stated that this ordinance would amend Burlington Municipal Code Section 12.12.380 (Streets, Sidewalks and Public Places) to add language regarding insurance requirements prior to commencement of excavation work under this chapter. A motion was made by **Councilors Aslett/Montgomery** to approve the ordinance amending Chapter 12.12.380 of the Burlington Municipal Code. All agreed. Motion carried.

**(Ordinance #1663)**

#### **RESOLUTION TO AUTHOIZE PETTY CASH, CHANGE AND INVESTIGATIVE FUNDS AND ESTABLISH CASH DEPOSIT TIMELINES FOR CITY DEPARTMENT.**

**Finance Director Thrumer** stated that during our recent audit, the State Auditors recommended changes to our cash handling policies and procedures to improve internal

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controls and safeguard assets. This resolution would establish cash fund amounts throughout the City, and allow for weekly deposits for the Library and Police Department.

A motion was made by **Councilors Aslett/Valentine** to approve the resolution regarding petty cash, change and investigative funds. All agreed. Motion carried.  
**(Resolution # 17-2008)**

**EXECUTIVE SESSION:**

The Mayor and Council Members adjourned to Executive Session at 8:17 p.m. for the purpose of discussing personnel, litigation, and land acquisition. The Mayor and Council Members returned from Executive Session at 9:44 p.m.

**City Administrator Aarstad** reviewed the process for hiring a new City Administrator. He noted that if Council had no objections or additional suggestions for the job announcement brochure, he would begin the process to take applications. He noted that filling the position could take a few months. Council members encouraged him to move forward with the process. **City Administrator Aarstad** noted that two or three council members would be invited to sit on the interview committee.

**ADJOURNMENT:**

The meeting was adjourned at 9:50 p.m. by **Mayor Brunz**

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Greg Thrumer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor