

January 8, 2009

CALL TO ORDER:

Mayor Brunz called the meeting to order at 7:01 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Edmundson, Loving, Montgomery and Valentine. Staff present: Aarstad, M. Anderson, Erickson, Fleek, Martin, Sheahan, Thomas, Thramer, VanWieringen, Ackerman, Johnson and Spevacek.

APPROVAL OF MINUTES:

A motion was made by **Councilors Doyle/Aslett** to approve the minutes of the December 11, 2008 Council workshop and Council meeting. All agreed. Motion carried.

AUDIT OF BILLS:

Councilor Aslett presented the bills. A motion was made by **Councilors Aslett/Valentine** to approve vouchers 54296 – 54472 in the amount of \$637,796.15. All were in favor. Motion carried.

Current Expense	\$ 145,482.58
Current Expense Cumulative Reserve	1,230.52
Fire Equipment Cumulative Reserve	269.23
City Street	390,211.83
Hopper Construction	1,366.46
Library	8,232.03
Parks & Recreation	12,069.76
Cemetery Fund	2,331.93
Cemetery Cumulative Reserve	10,659.70
Stadium Fund	17,645.86
Local Capital Improvement Fund	451.25
Park & Recreation Reserve	19,156.28
Sewer Fund	20,414.82
Sewer Cumulative Reserve	3,661.09
Storm Drainage Utility	4,612.81
Total	\$ 637,796.15

PUBLIC COMMENTS:

Mr. Brad Whaley, 331 E. Fairhaven, stated that he had read City Council minutes on the City website and was pleased to see that several council members are in favor of railroad park and is pleased that the council is continuing to move this process forward. Many downtown business owners are happy about this issue.

Mr. Clifton Pollatz, 1211 E. Gilkey Road, thanked the City employees for taking care of the streets during the recent snow storm. He noted there seemed to be some hesitation in keeping the main roads open; it seemed that the first few days could have been better.

OFFICER REPORTS:

Police Chief VanWieringen introduced **Police Officer Ian Johnson**. He noted that **Officer Johnson** has five more weeks working with his Field Training Officer and will then be out on his own. Another officer, Jonathan Wiess, graduated from the law enforcement academy yesterday and will begin FTO training this weekend.

Fire Chief Anderson reported the 2008 year-end statistics. He noted there were no major incidents during the year including no fires. There were 1689 total calls in 2008 (388 in Fire District #6, 49 were mutual aid, all others were in the City limits). He reported that the 24

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hour staffing program began three days ago and seems to be going well. All but one shift has been filled for January and half of February's schedule is already filled. **Councilor Bensen** asked about the status of the truck. **Chief Anderson** asked if he could meet with **Councilor Bensen** on Monday to go over the mechanical reports.

Finance Director Thramer reviewed the most recent sales tax revenue figures. He noted that December revenue (based on October sales) was down about 15.8% over the same period 2007. With the SST mitigation funds included that changes the difference to -8.8%.

City Administrator Aarstad distributed information regarding the upcoming Waste Management Agreement that will be included on the January 22 council agenda. He noted that the current agreement ends March 31, 2009.

City Administrator Aarstad stated that a formal review of energy costs (an energy audit) will get started next week at a meeting with **Finance Director Thramer**, **Accounting Specialist Schroeder** and Mr. Ric Boge from Skagit Council of Governments.

City Administrator Aarstad stated that in past years, HDR (a local engineering firm) has given a gift basket to City staff during the holidays. This year HDR made a \$250 donation to Skagit Community Action Agency in Burlington's name.

City Administrator Aarstad announced that the Skagit Economic Development Association of Skagit County's annual Economic Forecast Dinner will be held Thursday February 12, 2009. He asked Council members to let him know if they plan to attend so that tickets can be reserved.

City Administrator Aarstad stated that a policy for use and display of the U.S. flag at City facilities will be presented to Council for consideration at the January 22, 2009 meeting. He distributed a copy of the draft policy for council to review. He asked that they direct any questions regarding the policy to **City Attorney Thomas**.

SPECIAL PRESENTATION:

City Attorney Thomas stated that Ms. Linda Aufrecht, Executive Director Burlington Chamber of Commerce, was not able to attend tonight's meeting due to weather issues. He noted that the Chamber is participating with other chambers in the county to promote tourism and over-night stays and spending within the county. Monthly Chamber luncheons have been well attended. The guest speaker at the next luncheon will be the Ms. Laurel Browning, Burlington-Edison School District Superintendent of Schools. She will discuss the upcoming bond issue.

CONSENT AGENDA:

- 1) Agreement with S.P.O.T. (Saving Pets One at a Time) for services in 2009.
- 2) Agreement for use of 2009 Lodging Tax Funds for the *Visit Skagit Valley Campaign*.
- 3) Agreement with the Celtic Arts Foundation for use of 2009 Lodging Tax Funds.
- 4) Agreement with the Lincoln Theatre Foundation for 2009 Lodging Tax Funds.
- 5) Agreement with Shakespeare Northwest for 2009 Lodging Tax Funds.

A motion was made by **Councilors Bensen/Doyle** to approve consent agenda items 1 – 5 and authorize the Mayor to sign the necessary documents. All agreed. Motion carried.

UNFINISHED BUSINESS:

REQUEST FOR RECONSIDERATION OF DENIAL OF CONDITIONAL USE PERMIT #4-08 TO ESTABLISH A HOME OCCUPATION AS A COFFEE ROASTER. SITE IS 993 PETERSON ROAD; APPLICANT IS GORDON MANNING.

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Planning Director Fleek stated that on October 9, 2008, the City Council denied the conditional use permit based on the record which included a public hearing held by the Planning Commission. The applicant has submitted a letter asking for further consideration, providing additional information not previously in the record, and suggesting ways to take the concerns of the neighbors into account. If the Council decides to allow reconsideration, the Planning Department will notify the Parties of Record of the date of the closed record appeal hearing, in case they wish to speak. She noted that this is unusual and appears to be the result of confusion as to the procedure on the part of the applicant. **Councilor Aslett** noted that the request for conditional use permit went through the proper steps with the Planning Commission. Neighbors as well as the Clean Air Agency provided comments regarding the request. He didn't see the need to re-open the issue. A motion was made by **Councilors Aslett/Edmundson** to not allow reconsideration of the denial of Conditional Use Permit #04-08. All agreed. Motion carried.

RESOLUTION TO ADOPT THE 5-YEAR UPDATE OF THE SKAGIT COUNTY NATURAL HAZARDS MITIGATION PLAN AS THE OFFICAL NATURAL HAZARDS MITIGATION PLAN FOR BURLINGTON.

Planning Director Fleek stated that City Council established the process for updating the natural Hazard Mitigation Plan by Resolution 03-2008. The process was followed including an extensive public process and committee review, and the final plan was approved for adoption by FEMA. This plan is a major component of Burlington's participation in the Community Rating System program and our chapter of the plan is very detailed. Copies of the Burlington chapter are available on CD format or from the Planning Department on request. A weblink will be posted for the entire document on the Burlington website as soon as it is available. She noted that the entire document is very large; the Burlington section is about 300 pages. A motion was made by **Councilors Valentine/Doyle** to adopt the resolution approving the update to the Natural Hazard Mitigation Plan. All were in favor. Motion carried.

(Resolution # 1-2009)

APPROVAL OF AMENDMENT TO THE COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN.

City Attorney Thomas stated that the interlocal agreement that Burlington entered with the County and other cities and towns in Skagit County established the Solid Waste System Governance Board, which is empowered to consider and adopt amendments to the Comprehensive Solid Waste management Plan. Once amendments have been approved by the Solid Waste System Governance Board and the state Department of Ecology, adoption by all parties to the interlocal agreement is mandatory. The proposed amendments to the Comprehensive Plan contain a number of minor amendments, and one significant amendment: designation of the County-owned transfer station as the only currently-approved solid waste handling facility in the County. He noted that the memo included in the agenda packet describes the changes in more detail. These amendments have already been formally adopted by Anacortes, Mount Vernon, Sedro-Woolley, and the County. A motion was made by **Councilors Bensen/Aslett** to approve the June, 2008 Amendments to the Skagit County Comprehensive Solid Waste Management Plan. All agreed. Motion carried.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION: CAFÉ BURLINGTON GREASE TRAP.

Public Works Director Martin stated that in October 2005, the City adopted a Sanitary Sewer Pretreatment Policy. The policy requires all new owners of commercial kitchen facilities to install grease interceptors. Existing facilities were allowed to meet a lesser standard if owners provided a Fats, Oils, and Greases control plan that specifies disposal practices and proof that these practices are being followed. To date Café Burlington has not complied with this policy or attempted to install any kind of grease trap device. Recently, Café Burlington's owner approached the City and requested approval to install a non-complying grease interceptor. City staff believes that this cheaper alternative

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might work, if a Fats, Oils, and Greases plan is developed and if the owner complies with that plan. The plan will include no-notice inspections from our Sewer Department staff. Mr. Brad Whaley, Café Burlington owner, stated that the manual grease interceptor he is proposing will cost him about \$600 whereas the automated grease interceptor would cost more than \$4,000. If the City will accept installation of a manual grease interceptor as compliance with City policy, he is willing to provide a grease control plan and be available for random inspections by the City. **Councilor Bensen** asked if the City would be setting a precedent and creating problems with other commercial kitchens that might want to alter the City policy. **Pretreatment Coordinator Erickson** stated that in this case the problem stems from the timing of the City policy. When implemented, Café Burlington did not have a grease trap. Although if he would have had a grease trap (similar to the one proposed here) the City would have allowed it to remain and he would have been in compliance with the policy. A motion was made by **Councilors Loving/Montgomery** to approve the proposed plan to install a non-complying manual grease interceptor, with the provision this be completed pursuant to a written agreement with the City which will require a Fats, Oils, and Greases plan and no-notice inspections. All agreed. Motion carried.

DISCUSSION: PROJECTS FOR THE FEDERAL ECONOMIC STIMULUS PACKAGE.

Public Works Director/City Engineer Martin stated that the Skagit Council of Governments has been compiling a list of transportation projects and other projects for the region. He noted that the purpose of this discussion is to bring the Council up to speed on the latest, and determine a strategy for the City going forward with regard to possible “stimulus” projects. At issue is our ability to get these projects ready to advertise, within our existing budgeted resources for 2009. He stated that he would place the projects relating to sewer and storm drainage at the top of the list. Projects that are ready for the bidding process would also rank higher. Council discussed several of the projects regarding street improvements in various neighborhoods.

CONTRACT FOR PUBLIC DEFENDERS 2009-2010.

City Administrator Aarstad stated that the agreement presented to Council at the last meeting had a few changes. The agreement period is January 1, 2009 – December 31, 2010. The City of Burlington and the City of Mount Vernon will utilize the same Public Defenders, thus the agreement includes both cities. Following Council approval the document will be forwarded to the City of Mount Vernon for approval and signatures. A motion was made by **Councilors Loving/Aslett** to approve the agreement and authorize the Mayor to sign. All agreed. Motion carried.

FUEL BIDS FOR 2009.

City Administrator Aarstad stated that only two bids were received; Associated Petroleum Products and Skagit Farmers Supply. Only Skagit Farmers Supply is located within the City limits. Skagit Farmers had the lower bid for unleaded fuel. They were slightly higher for diesel and premium unleaded. A motion was made by **Councilors Aslett/Montgomery** to award the bid to Skagit Farmers Supply for 2009 fuel. All agreed. Motion carried.

INFORMATION SYSTEMS SERVICE AGREEMENT WITH THE CITY OF MOUNT VERNON.

City Administrator Aarstad stated that this agreement will continue our relationship with the City of Mount Vernon for administrative and technical support for our data and voice network systems. A motion was made by **Councilors Bensen/Aslett** to approve the Information Systems Service Agreement with the City of Mount Vernon and authorize the Mayor to sign on behalf of the City of Burlington. All agreed. Motion carried.

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RESOLUTION TO DESIGNATE A LEGAL PUBLISHER FOR CITY NOTICES IN 2009.

City Administrator Aarstad stated that Skagit Valley Publishing owns and publishes the Skagit Valley Herald, Argus, Courier Times and the Anacortes American. As of this month, they will no longer be publishing legal notices in the Argus and the Courier Times. The rate for 2009 is \$7.50 per column inch for legal notices. He noted that when discussions began with Skagit Valley Publishing, the rate proposed was \$14.25. Skagit Valley Publishing has agreed to \$7.50 per column inch for all governments within Skagit County. A motion was made by **Councilors Aslett/Valentine** to approve the Resolution designating the Skagit Valley Herald as legal publisher for City notices in 2009. All agreed. Motion carried.

(Resolution 2-2009)

CHANGE OF DATE FOR FIRST COUNCIL MEETING DATE IN FEBRUARY 2009.

City Administrator Aarstad noted that the date of the first regular council meeting in February 2009 falls on Thursday the 12th. This is the same day as the Economic Development Association of Skagit County Annual Economic Forecast Dinner. Staff recommends moving the first regular meeting in February to Tuesday February 10, 2009. A motion was made by **Councilors Bensen/Valentine** to change the first regular council meeting in February to Tuesday February 10, 2009. All agreed. Motion carried.

EXECUTIVE SESSION:

The Mayor and Council Members adjourned to Executive Session at 8:05 p.m. for the purpose of discussing personnel. The Mayor and Council Members returned from Executive Session at 8:20 p.m.

ADJOURNMENT:

The meeting was adjourned at 8:22 p.m. by **Mayor Brunz**.

Greg Thramer
Finance Director / City Clerk

Edward J. Brunz
Mayor