

January 22, 2009

**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, and Montgomery. Staff present: Aarstad, Buckholz, Martin, Sheahan, Stafford, Thomas, Thrumer, Tingley, VanWieringen, Windsor, Ackerman, Acero, A. Bradshaw, J. Bradshaw and Royer.

A motion was made by **Councilors Bensen/Aslett** to excuse **Councilor Valentine** from tonight’s meeting. All approved. Motion carried.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Edmundson/Doyle** to approve the minutes of the January 8, 2009 Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** presented the bills. A motion was made by **Councilors Edmundson/Aslett** to approve vouchers 54473 – 54599 in the amount of \$968,810.20. All were in favor. Motion carried.

Current Expense	\$ 264,096.38
Fire Equipment Cumulative Reserve	1,626.35
City Street	47,213.29
Hopper Construction Fund	141.25
Library	2,314.16
Parks & Recreation	27,735.20
Cemetery Fund	2,237.46
Stadium Fund	18,141.28
Local Capital Improvement Fund	531,525.73
Sewer Fund	73,324.10
Storm Drainage Utility	455.00
<b>Total</b>	<b>\$ 968,810.20</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Library Director Buckholz** reported that the reciprocal borrowing agreement with the City of Mount Vernon Library has gone very well. The current agreement is scheduled to expire this spring. She noted that the Burlington and Mount Vernon Library Trustees have taken steps to make this a permanent agreement. She will bring the agreement to the City council at a later date this spring for final approval. It has been a successful program and other libraries in the county have inquired about doing a pilot project also.

**Library Director Buckholz** reported that a \$40,000 grant written in cooperation with the Burlington-Edison High School to assist social study students has been awarded. She indicated the library has purchased special data base programs to assist with research and social study projects. She anticipates this would increase interest and visitors to the library.

**Police Chief VanWieringen** distributed a 2008 year end Police Department Report. He thanked **Assistant Police Chief Stafford** for his work putting together the report.

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**RESOLUTION IN SUPPORT OF INTERNATIONAL FERRY SERVICE.**

**City Attorney Thomas** requested approval of a Resolution in support of the international ferry service from Anacortes, WA to Sidney, British Columbia Canada. He noted that the Anacortes, Burlington and Mount Vernon Chamber of Commerce Directors are also in favor of continuing the international ferry service. Estimates are that eliminating this service will affect jobs and tourism spending in Skagit County as well as in the San Juan Islands. A motion was made by **Councilors Bensen/Doyle** to adopt the Resolution in support of the international ferry service from Anacortes to Sidney, B.C. All agreed. Motion carried.  
**(Resolution # 03 -2009)**

**Finance Director Thramer** discussed the 2008 Fourth Quarter Treasurer's Report. He noted that expenditures as well as sales tax revenues were lower than anticipated. He thanked all City departments for curtailing spending during 2008 in anticipation of lower sales tax revenue.

**Councilor Loving** stated that the old fire hall is scheduled to be torn down on February 6, 2009. **Mayor Brunz** indicated that date is not for sure, but that the project is in the process.

**SPECIAL PRESENTATIONS:**

Mr. Jay Drye and Mr. Mark Foster of the Washington State Department of Transportation presented an overview of the planned repairs to the Chuckanut Drive (State Route 11) overpass at Interstate 5 (I-5). Mr. Drye noted that construction will begin Monday January 26, 2009. At 7:00 a.m. that day, the overpass will be closed to all traffic until construction is complete at the end of March 2009. There will also be a closure of Interstate 5 northbound lanes between exit 230 and exit 231 from 11 p.m. to 5 a.m. Tuesday January 27 and Wednesday January 28. This will allow demolition of part of the SR 11 overpass. He noted that this construction will require traffic to take alternative routes in and out of Burlington.

**CONSENT AGENDA:**

- 1) Agreement with Skagit River Bald Eagle Awareness Team for use of 2009 Lodging Tax Funds.
- 2) Agreement with Northwest Agriculture Business Center for use of 2009 Lodging Tax Funds.
- 3) Agreement with Skagit Valley Tulip Festival for use of 2009 Lodging Tax Funds.
- 4) Agreement with Skagit County Community Action Agency for community services in 2009.
- 5) Agreement with the Economic Development Association of Skagit County for services in 2009

A motion was made by **Councilors Bensen/Aslett** to approve Consent Agenda Items 1-5 and authorize the Mayor to sign the necessary documents. All agreed. Motion carried.

**UNFINISHED BUSINESS:**

There was no unfinished business.

**NEW BUSINESS:**

**DISCUSSION: SNOW AND ICE CONTROL EMERGENCY PLAN.**

**Public Works Director/City Engineer Martin** stated that at the December snow/ice event was a challenge for every city and business in northwest Washington. In the Burlington after-action meeting held January 9<sup>th</sup>, staff discussed a number of actions that the city could take to be better prepared next time. He presented a draft plan that included input from that meeting and, when finalized and approved by Council, will formalize the City's process to efficiently respond to future events. He noted that the usual standard was to begin plowing

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snow when it reaches seven inches. During this event, the snow stopped short of seven inches and then froze, creating a big problem for removal. He noted that our in-house capability to move snow is not good. He suggested that to be effective, the City purchase more equipment and train employees on the equipment. **Councilor Loving** asked if employees were paid overtime for their work during this weather event. **Public Works Director/City Engineer Martin** stated the employees received overtime pay in accordance with their union contracts. The staff came together well to implement a schedule to clear the streets of snow and ice. **Councilor Loving** stated he doesn't want to see the City purchase snow removal equipment if it depletes the reserve funds. **Councilor Bensen** asked about the possibility of reimbursement for our emergency expenses. **City Administrator Aarstad** stated that it is possible the City might be reimbursed for some expenses if there is a Presidential disaster declaration. It is in the works; we don't know the results at this time. **Public Works Director/City Engineer Martin** stated that the City should move forward to purchase equipment for snow removal. He noted that **Street Supervisor Windsor** has developed a program to purchase such equipment. He noted that during a weather emergency there are times when City staff cannot get out to a particular site because they don't have a 4-wheel drive vehicle available. **Councilor Edmundson** asked if he would put together a proposal for Council review. **Councilor Loving** stated he would like to see what our final costs were for snow removal to help determine if purchase of equipment for the City would be viable.

**INTERLOCAL AGREEMENT WITH CITIES, DIKE DISTRICTS AND THE HOSPITAL DISTRICT TO PURSUE ADDITIONAL FLOOD STORAGE FROM THE PUGET HOLDINGS LLC AND SEATTLE CITY LIGHT DAMS.**

**Public Works Director/City Engineer Martin** stated that the newly issued Baker Hydroelectric Project license contains provisions which may enable additional flood storage to be put in place incrementally over time. There will be bureaucratic and special interest opposition. To address this and move forward to obtain additional flood storage, the intent of this interlocal agreement is to form a political partnership on behalf of participating Cities, Towns, Dike Districts, and other municipal entities to pursue the additional flood storage, consistent with the language of the new license. We are not sure how many entities will ultimately sign on to this interlocal agreement, but several have expressed interest and we thought we needed to get the ball rolling. He noted that the language isn't yet finalized for this interlocal agreement. **City Attorney Thomas** suggested two options; approve the agreement allowing for minor changes or the Council could indicate their support and when language is finalized, approve the interlocal agreement. He noted that earlier today he received a phone call from Puget Sound Energy and from Skagit County. He told them that the intent of this interlocal agreement is for all communities that are affected by flooding in the county to speak with one voice. The parties would work through the process that is already in place – not through litigation to force the matter. **Councilor Aslett** stated he was in favor of the second option. **Councilor Bensen** asked if this issue is time sensitive. **Public Works Director/City Engineer Martin** stated he would like to see Council make their feelings known so that they can move forward with the interlocal and get other communities on-board. A motion was made by **Councilors Aslett/Montgomery** to move forward with finalizing the interlocal agreement and encourage various municipal entities to participate. All approved. Motion carried.

**CONTRACT WITH HYDROLOGIC SERVICES COMPANY FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II PROGRAM SERVICES.**

**Public Works Director/City Engineer Martin** stated that this contract will provide supplemental help to meet the City's obligations under its NPDES Phase II stormwater quality permit. The Council may recall that last year we also put in place a contract with Otak to provide specific water quality services, such as ongoing certification of the goldenrod wetland mitigation site, oversight and annual reporting on the City's water quality monitoring program, and other tasks that might be assigned. Otak subsequently had some staff turnover, and in addition they charge more. We are familiar with the quality of service provided by Hydrologic Services and believe this small company will

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provide the help we need to meet our NPDES milestones. Funding for this contact, estimated at \$40,000 in 2009, will come from the Drainage Utility Fund. A motion was made by **Councilors Edmundson/Loving** to approve the contract with Hydrologic Services Company for NPDES Phase II program support. All agreed. Motion carried.

**CONTRACT WITH ECOTONE SOLUTIONS, LLC FOR RESTORATION AND MAINTENANCE OF THE WALLACE POND SITE AND REGIONAL STORMWATER QUALITY FACILITY.**

**Public Works Director/City Engineer Martin** stated that this contract will restore the pond site located at the SE corner of K-Mart, adjacent to the Fohn and Wallace developments on Walnut Street. Additionally, the contract will add plantings and provide for maintenance of the new regional stormwater facility. Funding for this work will come from the Drainage Utility Fund, NPDES Engineering line item. Additionally, **Planning Director Fleek** is working with the adjacent property owners and interested citizens for monetary contributions as well as garbage cleanup volunteers. **Councilor Aslett** doesn't like contracts this big without going out to bid. City Administrator Aarstad asked if **Public Works Director/City Engineer Martin** had past projects to compare the work required and the cost estimates. **Public Works Director/City Engineer Martin** stated that this contract is a good value. **Councilor Aslett** asked if there was more than one proposal on this project. **Public Works Director/City Engineer Martin** confirmed that he had not obtained any other proposals. He stated that the criterion for going out to bid is \$45,000 for a project. To do so, would require many hours of work in preparation of the documents for the bidding process. A motion was made by **Councilors Loving/Doyle** to approve the contract with Ecotone Solutions, LLC for restoration of the Wallace pond site and planting/maintenance of the Regional Stormwater Quality facility. Voting in favor were **Councilors Bensen, Loving, Doyle, Edmundson** and **Montgomery**. Voting against was **Councilor Aslett**. Motion carried.

**CONTRACT WITH GRAY & OSBORNE FOR ENGINEERING SERVICES – SEWER INFRASTRUCTURE PROJECTS FOR POTENTIAL FEDERAL STIMULUS FUNDING.**

**Public Works Director/City Engineer Martin** stated that this professional services contract will provide individual bid packages to upgrade three sewer lift stations, and a city-wide project to replace 5,000 feet of old sewer mains in several areas. Cost of these design services for all four projects is estimated at \$357,697. Funding for this effort will come from the "Pump Station #3 Upgrade" line item in the 2009 Sewer budget (\$325,000), supplemented with the "Sewer Engineering" line item (\$55,000). If the construction funding for some or all of these projects does not materialize, that is OK. We will simply delay construction. He noted that the City should be very well positioned to obtain additional funding in the future because we will have several projects designed and "on the shelf," ready to advertise. A motion was made by **Councilors Aslett/Loving** to approve the contract with Gray & Osborne for professional engineering services to prepare bid packages for sewer infrastructure upgrades. All agreed. Motion carried.

**RESOLUTION TO ADOPT USE AND DISPLAY OF UNITED STATES FLAG AND THE WASHINGTON STATE FLAG.**

**City Attorney Thomas** stated that this policy is for usage and display of the United States Flag and the Washington State Flag. Included in the policy is a provision that in addition to the President of the United States and the Governor of the State of Washington, the Mayor may prescribe that the flag be flown at Half-Staff. A motion was made by **Councilors Aslett/Doyle** to approve the Resolution adopting a policy for the display of the United States flag and the flag of the State of Washington. All agreed. Motion carried.

**(Resolution # 04 -2009)**

**DISCUSSION REGARDING THE CITY ADMINISTRATOR POSITION.**

**Mayor Brunz** apologized for the way he presented his decision to council at the special meeting. He noted that his memo regarding the choice for the City Administrator

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position didn't reach council members in a timely manner prior to the special Council meeting. He thanked council members for meeting with him this week. He stated that after reviewing the candidates again, he would like to stay with his choice of Mr. Peter Mayer for the position of City Administrator. He noted that if the council does not confirm Mr. Mayer, he would re-advertise for the position. **Councilor Loving** spoke about the number of people involved in the process and the number of hours taken to work through the process. It is his understanding that the Mayor has selected the number two candidate. **Councilor Aslett** noted that the top two candidates were recommended to the Mayor and it is very important for the right person be selected that can work well with the Mayor. It is a choice that needs to be made by the Mayor. He stated that his understanding is that if a candidate selected by the Mayor is unfit for the position, then the Council should decline the Mayor's recommendation. **Councilor Loving** indicated the City could save money if the person hired could do both the City Attorney and City Administrator position. **Councilor Aslett** disagreed, noting that situation would probably cost more. **Councilor Edmundson** stated that funding should not come into the decision; the City should be hiring the most qualified candidate. She noted that the job announcement did not indicate the person hired would do two jobs. A motion was made by **Councilors Aslett/Montgomery** to confirm Peter Mayer's appointment to the position of City Administrator. Voting in favor were **Councilors Aslett, Edmundson** and **Montgomery**. Voting against were **Councilors Bensen, Loving** and **Doyle**. **Mayor Brunz** stated that he had a letter from **Councilor Valentine** indicating she would vote in favor of Mr. Mayer if she were at the meeting. **Mayor Brunz** cast his vote in favor of Mr. Peter Mayer. Motion carried.

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

The meeting was adjourned at 8:09 p.m. by **Mayor Brunz**

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Greg Thramer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor