

February 10, 2009

CALL TO ORDER:

Mayor Brunz called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Edmundson, Loving, Montgomery and Valentine. Staff present: Aarstad, M. Anderson, Dempsey, Fleek, Martin, Sheahan, Stafford, Thomas, Thramer, VanWieringen, Windsor and Butterfield.

APPROVAL OF MINUTES:

A motion was made by **Councilors Doyle/Loving** to approve the minutes of the January 14, 2009 Council meeting, the January 22, 2009 Council workshop and the January 22, 2009 Council meeting. All agreed. Motion carried.

AUDIT OF BILLS:

Councilor Aslett presented the bills. He asked that **Public Works Director/City Engineer Martin** provide additional information for a bill from Ecotone Solutions. A motion was made by **Councilors Aslett/Edmundson** to approve vouchers 54600 – 54739 in the amount of \$470,163.29. All were in favor. Motion carried.

Current Expense	\$ 65,845.64
Current Expense Cumulative Reserve	6,003.94
Fire Equipment Cumulative Reserve	5,783.61
City Street	205,962.19
Library	4,901.59
Parks & Recreation	4,988.31
Cemetery Fund	301.56
Stadium Fund	10,178.70
Local Capital Improvement Fund	8,135.11
Parks & Recreation Reserve	25,029.00
Sewer Fund	47,531.03
Sewer Cumulative Reserve	14,182.69
Storm Drainage Utility	71,319.92
Total	\$ 470,163.29

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Planning Director Fleek reported that the Growth Management Steering Committee will meet later this month.

Planning Director Fleek reported that she has been participating in the Skagit River Comprehensive Flood Hazard Management Plan Update on the Land Use Committee.

Planning Director Fleek reported that she is a board member of the new Home Trust of Skagit, an affordable housing program where the land is in ownership by the trust, the home is purchased and there is a limit on how much the value can increase at the time of sale. This may be in partnership with Habitat for Humanities to achieve very low monthly payments.

Planning Director Fleek asked for comments regarding a conceptual plan for a walking history of Burlington. She suggested the use of volunteers for a low cost project. **Councilor Aslett** was in favor of a project with community involvement – including high school students.

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Planning Director Fleek reported that notification has been made to Dwayne Lane and Champion Sales that they won't be allowed to organize car sales in Burlington store/mall parking lots in the future. This is due to their failure to follow City rules during past events they have hosted.

Police Chief VanWieringen announced that two new police officers have been hired. He also announced the promotions of **Sergeant Tom Moser** to the position of Lieutenant and **Police Officer Ed Rogge** to position of Sergeant. A swearing in ceremony will be held at the Police Station at 4:00 p.m. March 3, 2009.

Fire Chief Anderson reported that the 24-hour staffing of the fire station has gone very well. He indicated that the payroll for that period came in below budget. In addition, the average response time for the 6 p.m. to 10 p.m. period has been reduced from seven to eight minutes down to 5.76 minutes.

Fire Chief Anderson reported that the Pierce engine is back in service and seems to be doing fine. He believes that the brake problem has been resolved.

Fire Chief Anderson reported that the department will provide testing next Tuesday for seven volunteer firefighter applicants.

Fire Chief Anderson distributed copies of a survey that will be provided to each firefighter to obtain input regarding the fire department.

INTERLOCAL AGREEMENT WITH SNOHOMISH COUNTY FIRE DISTRICT 17 FOR PURCHASE OF GOODS AND MATERIALS.

Fire Chief Anderson presented an interlocal agreement between the City of Burlington and Snohomish County Fire District 17. He stated that this agreement would allow each party to "piggyback" on the other party's contracts for services. In this case, the City of Burlington would use this opportunity to purchase the self-contained air packs with the grant funding recently received. He asked for Council approval of this agreement. A motion was made by **Councilors Bensen/Doyle** to approve the Interlocal Agreement with Snohomish County Fire District 17. All agreed. Motion carried.

Finance Director Thrumer referred to a recent article in the Skagit Valley Herald regarding area city's refinancing loans to save money. He noted that Burlington has no need at this time to refinance as the original loans were obtained at very low rates or they have very little term left on the loan. He noted that the longest term loan is 20 years at 4% for the Burlington Boulevard construction project.

Councilor Loving announced a public meeting of the Law & Justice Committee will be held February 11, 2009 from 5:30 pm to 7:30 p.m. at the Pipefitters Hall. The topic will be the proposed new jail facility.

SPECIAL PRESENTATION:

Ms. Sally Straathof, participant in the Leadership Skagit Program, presented an overview of her team's community service project to assist Camp Kirby. Her team is asking for assistance in the form of volunteers to adopt a cabin to make repairs, help with other maintenance tasks, or donations of cash or supplies and building materials for the project. She announced a work day at Camp Kirby will be Saturday April 4, 2009. Volunteers are welcome to participate.

CONSENT AGENDA:

- 1) Agreement with McIntyre Hall for 2009 Lodging Tax Funds.
- 2) Agreement with Skagit Championship Sports for 2009 Lodging Tax Funds.
- 3) Agreement with Puget Sound Soccer Academy for 2009 Lodging Tax Funds.
- 4) Agreement with Chamber of Commerce (Harvest Festival) for 2009 Lodging Tax Funds.

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- 5) Agreement with Chamber of Commerce (Visitor Information Center) for 2009 Lodging Tax Funds.
- 6) Agreement with Chamber of Commerce (Float and Band) for 2009 Lodging Tax Funds.
- 7) Agreement with Chamber of Commerce (Tourism) for 2009 Lodging Tax Funds.
- 8) Agreement with Chamber of Commerce (Fiesta Unidos) for 2009 Lodging Tax Funds.
- 9) Agreement with Skagit Artists together for 2009 Lodging Tax Funds.
- 10) Agreement with Skagit Symphony for 2009 Lodging Tax Funds.

A motion was made by **Councilors Bensen/Aslett** to approve Consent Agenda Items 1-10 and authorize the Mayor to sign the necessary documents. All agreed. Motion carried.

UNFINISHED BUSINESS:

WASTE MANAGEMENT CONTRACT EXTENSION; SOLID WASTE COLLECTION AND RECYCLING COLLECTION.

Public Works Director/City Engineer Martin presented a contract amendment for a two-year extension to the Waste Management solid waste collection contract, to March 21, 2011. Additionally, the amendment adds a fuel surcharge provision. He explained that the fuel surcharge sets a base diesel price of \$2.40 per gallon. If diesel prices either climb or drop more than 10% from that base price, the surcharge provision will kick in and add (or subtract) a small amount to each month's billing. A motion was made by **Councilors Aslett/Montgomery** to approve the amendment to extend the agreement with Waste Management of Washington, Inc. for solid waste collection services and for the amendment to extend the agreement for collection, processing and marketing of curbside recyclables and curbside yard waste to March 31, 2011. All agreed. Motion carried.

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

Public Works Director/City Engineer Martin stated that this interlocal agreement will enable cooperation among and between the cities, towns, dike districts and hospital districts to pursue enhanced flood control storage behind the Baker and Skagit dams. The language has been revised based on input from several of the partners, and clarifies that no costs will be incurred without consent of each partner. He noted that this interlocal agreement will not be a vehicle for litigation. A motion was made by **Councilors Valentine/Edmundson** to approve the interlocal agreement between Burlington and various municipal entities to pursue additional flood storage in the Baker and Skagit river systems. All agreed. Motion carried.

DISCUSSION AND POSSIBLE COUNCIL ACTION: PURCHASE OF ADDITIONAL SNOW/ICE AND GENERAL PURPOSE EMERGENCY EQUIPMENT.

Public Works Director/City Engineer Martin presented a suggested list of equipment and vehicles for purchase to assist City staff during future snow and ice storms in the City. After some discussion, council asked for additional information including a detailed report of costs for the January 2009 storm, a more comprehensive list of proposed equipment purchases, the cost to rent equipment and the cost to retain private operators/equipment to clear City streets during a storm.

RESOLUTION TO ADOPT A SNOW AND ICE EMERGENCY PLAN.

Public Works Director/City Engineer Martin stated that following the last city council meeting, he drafted a final plan for a snow and ice emergency. He also presented a resolution to formally adopt the proposed plan. A motion was made by **Councilors Aslett/Valentine** to approve the resolution adopting a Snow/Ice Emergency Plan. All agreed. Motion carried.

(Resolution # 5-2009)

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NEW BUSINESS:**REQUEST FOR APPROVAL OF CONTRACT WITH H & W EMERGENCY VEHICLES TO PURCHASE FIRE SE SERIES TRIPLE COMBINATION PUMPER-TENDER APPARATUS.**

Fire Chief Anderson stated that following council approval, a letter of intent was submitted to H & W Emergency Vehicles to purchase a fire engine at a discounted rate. H & W would like to begin the construction of this vehicle once the contract is signed and submitted to them. He noted that funds are included in the 2009 Fire Reserve fund budget to cover the cost of this vehicle. A motion was made by **Councilors Bensen/Montgomery** to approve the purchase of a Fire SE Series Triple Combination Pumper-Tender apparatus and equipment and authorize the mayor to sign the contract on behalf of the City of Burlington. All agreed. Motion carried.

REQUEST BY THE EAGLES TO CLOSE ONE BLOCK OF EAST VICTORIA FEBRUARY 27 – FEBRUARY 28, 2009 AND ALLOW OVERNIGHT RECREATIONAL VEHICLE PARKING IN LIONS PARK DURING WEEKENDS IN MARCH 2009.

Planning Director Fleek stated that the Eagle's club is requesting the closure of a portion of East Victoria Avenue, from Cherry Street to Pine Street in front of the old Fire Hall to allow RV parking for out-of-town members for the State Eagle's Ball to be held February 28, 2009. She noted that the three adjacent neighbors have been sent a notice. One residence has access from N. Cherry Street and will not be blocked, one residence accesses their property from the alley to the north, and the entrance to Pike's Automotive will not be blocked. **Planning Director Fleek** stated that the Eagles has also submitted a request to allow overnight Recreational Vehicle parking at Lions Park on weekends during March 2009 to accommodate members participation in a bowling tournament. A motion was made by **Councilors Bensen/Loving** to approve the East Victoria Avenue closure February 27 – February 28, 2009. All agreed. Motion carried. A motion was made by **Councilors Bensen/Loving** to approve the request to allow recreational vehicle parking at Lions Park on weekends during March 2009. All agreed. Motion carried.

PROPOSED APPROVAL OF PRELIMINARY SUBDIVISION OF QUIN'S COURTS.

Planning Director Fleek stated that the Planning Commission conducted a public hearing on January 21, 2009 on the proposal to approve the preliminary subdivision creating 11 lots for the Townhouse and Office development of Quin's court located at 130 and 143 Sharon Avenue. Approval was recommended subject to the list of conditions in the staff report and an additional note on the face of the plat clarifying that the residential portion of the subdivision is limited to townhouses. A motion was made by **Councilors Montgomery/Loving** to approve the preliminary subdivision subject to the 14 conditions recommended by the Planning Commission. All agreed. Motion carried.

PROPOSED AMENDMENT TO THE ZONING CODE AND TO THE IMPACT FEE CODE.

Planning Director Fleek stated that the Planning Commission conducted a public hearing on January 21, 2009 on the proposal to adopt the state law providing for development agreements, to provide additional tools for code administration. The companion amendment to the impact fee code would allow, as an example, payment of a portion of impact fees at the time of Tenant Improvements. There is frequently a substantial difference between the initial concept for construction of the building shell and the final tenant. Development Agreements are a useful tool for other complex projects, such as wetland mitigation and five years of monitoring and maintenance. She noted that they are recorded and run with the land. A motion was made by **Councilors Loving/Aslett** to adopt the ordinance to amend Burlington Municipal Code Section 15.13.040 and 17.68.110. All approved. Motion carried.

(Ordinance #1666)

ORDINANCE TO REPEAL AND REPLACE DOG CODE AND ADD NEW SECTIONS FOR DANGEROUS AND POTENTIALLY DANGEROUS DOGS/GROOMING PARLORS/EXOTIC ANIMALS.

Police Chief VanWieringen stated that this dog code has been in the works for a couple of years. This ordinance would repeal in its entirety and establish a new section of the

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Burlington Municipal Code Title 6, Animal Code and provide penalties for the violation of that Chapter. A motion was made by **Councilors Aslett/Bensen** to approve the ordinance repealing and establishing a new section of the Burlington Municipal Code Title 6 Animals. All agreed. Motion carried
(Ordinance # 1667)

PROPOSED AMENDMENT TO ZONING CODE REGARDING THE DEFINITION OF KENNEL AND THE STANDARDS FOR KEEPING HOUSEHOLD PETS TO BE COMPATIBLE WITH THE NEW ANIMAL CODE.

Planning Director Fleek stated that the Planning Commission conducted a public hearing on January 21, 2009 on the proposal to amend the definition of Kennel to be more than four dogs, and to allow six household pets, four of which can be dogs. The code today states four pets, which can be four dogs, so this is not an increase in the number of dogs, but if they had four dogs they might also have two cats, as an example. The change reflects current trends towards small dogs and other pets. A motion was made by **Councilors Valentine/Doyle** to approve the ordinance amending the Zoning Code definition of Kennel and the standards for keeping household pets to be compatible with the new animal code. All agreed. Motion carried.
(Ordinance # 1668)

PROPOSED AMENDMENT TO THE BUILDING CODE SECTIONS OF THE MUNICIPAL CODE TO ESTABLISH POLICIES FOR THE COLLECTION OF FEES FOR BUILDING PERMITS AND REMOVING REFERENCES TO THE UNIFORM BUILDING CODE.

Planning Director Fleek stated that the switch to the International codes a few years ago left a gap in the administration of permit fees that did not come to light until recently. This is the same practice that has been in place since 1989, but it is necessary to relocate the requirements in the municipal code. This ordinance also includes some minor cleanup amendments to the codes. A motion was made by **Councilors Valentine/Montgomery** to approve the ordinance amending the Building Code sections of the municipal code. All agreed. Motion carried.
(Ordinance # 1669)

INTERLOCAL AGREEMENT WITH SKAGIT COUNTY TO PARTNER WITH USGS, COUNTY, CITIES, AND DIKE DISTRICTS TO MAINTAIN RIVER GAGES.

Public Works Director/City Engineer Martin stated that this interlocal agreement with Skagit County was approved by the Council in 2008 and enables the County to be partially reimbursed for its expenses to maintain the upstream river gages in the Skagit system. These gages are very important to Cities and Dike Districts downstream during a flood. The County will pay about half of the total annual cost of \$31,000, with the remaining \$15,000-\$16,000 paid by the City and Dike District partners. The USGS share is about \$11,000 and the USGS also does the maintenance. This agreement provides for Burlington to pay \$2,000 annually. A motion was made by **Councilors Loving/Bensen** to approve the interlocal agreement with Skagit County, USGS, Cities, and Dike Districts to maintain river gages. All agreed. Motion carried.

PUBLIC HEARING TO CONSIDER REVISION TO THE TRANSPORTATION IMPACT FEES.

Mayor Brunz opened the public hearing. **Public Works Director/City Engineer Martin** stated that this is a public hearing to consider adoption of a revised Transportation Impact Fee ordinance. He noted that in August, 2008, the council adopted a new Traffic Impact Fee of \$3,633 per peak hour trip. In the few months since the new fees were adopted, economic conditions have deteriorated beyond the worst forecasts at that time. Given the current economic conditions, it seems timely for the City to consider steps which may encourage economic activity which will provide jobs for the region. This proposed revision to the Traffic Impact Fee ordinance would reduce the fees by 50% through June, 2010. Councilor Aslett stated he did not think this was a good idea after all the hard work was done to develop the fee. He asked how many developers have submitted projects that required payment of the new Traffic Impact Fee. **Public Works Director/City Engineer Martin** indicated that there had not been fees paid or projects submitted. Mr. Ken Gentry, Fairhaven Avenue, spoke in favor of reducing the impact fee. He noted that these are very difficult economic times and a

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reduction in the fee would help move along his planned projects within the City. Mr. Mark Kramer, 506 S. Cherry, stated he was not in favor a reducing the impact fee. He noted that for 20 years, the City had a fee that was too low and after much work over several months the City came though a process to determine the correct fee. At that time, the Council indicated the fee would be reviewed after 18 months; it has only been six months since implementation of the fee. He also noted that by reducing the fee, the cost of traffic impact from new development would be shifted from the developer to the citizens. He encouraged the Council to maintain the current traffic impact fee. A motion was made by **Councilors Doyle/Loving** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Loving/Valentine** to approve the ordinance to temporarily reduce the traffic impact fees by 50% through June, 2010. Voting in favor were **Councilors Montgomery, Valentine** and **Loving**. Voting against were **Councilors Bensen, Aslett, Edmundson** and **Doyle**. Motion failed.

CONTRACT WITH SEMRAU ENGINEERING & SURVEYING FOR SERVICIES – NORRIS STREET STORMWATER PUMP STATION. (STIMULUS PROJECTS)

Assistant City Engineer Dempsey stated the this professional services contract will provide a bid package to install one stormwater pump station and associated force main piping for stormwater runoff conveyed to Drainage District 14 in the Norris Street vicinity. Existing intercoal agreement with the Drainage District states that the City will work toward receiving most runoff it currently sends to the district. This project is also identified within the City's current Surface Water Management Plan. Cost of design services with Semrau Engineering is estimated at \$47,000. Funding will come from the Storm Drain Utility Budget. A motion was made by **Councilors Loving/Valentine** to approve the contract with Semrau Engineering & Surveying services regarding the Norris Street Stormwater Pump Station. All agreed. Motion carried.

CONTRACT WITH PACIFIC SURVEYING & ENGINEERING FOR SERVICES – RIO VISTA STREET IMPROVEMENTS, ANACORTES STORM UPGRADE AND BURLINGTON BOULEVARD SURVEY. (STIMULUS PROJECTS)

Assistant City Engineer Dempsey stated that this professional services contract will provide bid packages for improvements to Rio Vista Avenue from Section to Gardner Road (this project will improve the pedestrian corridor, resurface roadway, and upgrade existing storm & sewer infrastructure); Anacortes Street (stormwater piping upgrades to alleviate downtown flooding by increasing pipe capacity); and, surveying on Burlington Boulevard (to provide necessary base maps for the boulevard intersection improvements project identified in the traffic comprehensive plan). Cost of these design services is estimated at \$156,934. Funding for these projects will come from the Street budget. A motion was made by **Councilors Aslett/Loving** to approve the contract with Pacific Surveying & Engineering, Inc. All agreed. Motion carried.

CONTRACT WITH SEMRAU ENGINEERING & SURVEYING FOR SERVICES – WALNUT STREET STORMWATER PUMP STATION #8 – WALNUT STREET. (STIMULUS PROJECTS)

Assistant City Engineer Dempsey stated that the professional services contract will provide a bid package to install one stormwater pump station and associated force main piping for stormwater runoff in the Walnut Street and Washington Avenue vicinity. Localized flooding occurs in this area due to undersized piping and hydraulic issues. Cost of design services is estimated at \$50,000. Funding would come from the Storm Drain Utility Budget. A motion was made by **Councilors Loving/Montgomery** to approve the contract with Semrau Engineering & Surveying services. All agreed. Motion carried.

EXECUTIVE SESSION:

The Mayor and Council Members adjourned to Executive Session at 8:47 p.m. for the purpose of discussing personnel and litigation. The Mayor and Council Members returned from Executive Session at 9:21p.m.

A motion was made by **Councilors Aslett/Doyle** to approve the agreement discussed in Executive Session and authorize the Mayor to sign. All agreed. Motion carried.

COUNCIL CHAMBERS

CITY HALL

BURLINGTON, WA

February 10, 2009

ADJOURNMENT:

The meeting was adjourned at 9:26 p.m. by **Mayor Brunz**

Greg Thramer
Finance Director / City Clerk

Edward J. Brunz
Mayor