

April 9, 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: Cavanaugh, Fleek, Martin, Sheahan, Stafford, Thomas, Thramer, and VanSickle.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Loving/Aslett** to approve the minutes of the March 26, 2009 Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** presented the bills. A motion was made by **Councilors Aslett/Edmundson** to approve vouchers 55110- 55243 in the amount of \$448,453.97. All were in favor. Motion carried.

Current Expense	\$ 58,917.17
Current Expense Cumulative Reserve	2,086.98
Fire Equipment Cumulative Reserve	6,123.73
City Street	270,831.46
Hopper Construction Fund	17,480.00
Library	3,733.89
Parks & Recreation	4,568.61
Cemetery Fund	106.55
Stadium Fund	6,011.36
Parks & Recreation Reserve	202.50
Sewer Fund	18,732.59
Sewer Cumulative Reserve	41,873.32
Storm Drainage Utility	17,785.81
<b>Total</b>	<b>\$ 448,453.97</b>

**PUBLIC COMMENTS:**

Mr. Mark Kramer, 506 South Cherry, spoke against the Mayor’s suggestion that we don’t need to hire a City Administrator at this time to save funds.

Mr. Mark Knutzen, 14332 Road Runner Lane, voiced his concern about the failed relationship between City of Burlington and Skagit County Fire District #6. He attended the recent Fire District #6 commission meeting to find out what happened to cause the Fire District to separate from the City. He is at tonight’s meeting to hear the City’s side of the story. He is in favor of keeping the partnership going and requested the City try again to make the relationship work.

Mr. David Smoots, 12802 Markwood Road, also attended the Fire District #6 commission meeting last night. He stated that he supports the statements made by Mr. Knutzen. He doesn’t believe the level of service will improve with the District and City working independently.

**Councilor Valentine** stated that for years she attended Fire District #6 commission meetings and was the only citizen in attendance. She noted that concerned citizens will have to continue to be involved to make their wishes known to Fire District #6.

Mr. Bert Williamson, 19903 Lei Garden Road, stated that he has been very involved in fire service for many years. He never felt he had to attend either a Fire District #6 meeting or Burlington City Council meeting until now. His home is 4.5 miles from the Bay Ridge

April 9, 2009

station on the east side of Burlington. He stated that he's not looking for fault, but rather for resolution to this problem. **Councilor Aslett** noted that the council and Mayor are interested in talking to Fire District #6 to resolve this problem as well. The City staff has worked hard to continue the relationship with the fire district. He encouraged citizens to continue being interested and involved. Mr. Williamson asked that the City make another attempt; to state publicly that the City is willing to talk again with Fire District #6 to renew their relationship. Mr. Gene Overway, 11007 BayView Edison Road, a former Asst. Chief in Burlington Fire Department, asked that the City attempt to renew the relationship between Fire District #6 and the City for fire service. Mr. Smoots indicated there are several people interested in getting the facts to help get the issue resolved. Councilor Bensen asked if the Fire District commissioners made any statements regarding fire rating insurance. Mr. Smoots indicated the Fire District commissioners didn't believe there would be a change in fire insurance rates for residents of the fire district with the City and the fire district operating independently. **Councilor Edmundson** stated that as a former insurance agent, she would recommend the citizens call the Washington State Insurance Rating Bureau to find out if fire insurance rates would change as a result of the separation of the fire district from the City. She explained some of the information that goes into the rating system calculations for fire insurance. She noted that the fire district commissioners are elected; citizens need to know who their elected officials are.

**OFFICER REPORTS:****AGREEMENT FOR PROFESSIONAL SERVICES WITH LISSER AND ASSOCIATES FOR THE ROTARY PARK PARKING LOT PROJECT.**

**Parks & Recreation Director Cavanaugh** presented an agreement for professional services with Lisser & Associates for topographic survey, map and construction staking for the Rotary Parking Lot project. He noted that by signing the agreement directly with Lisser and Associates rather than as a part of the Ravnik agreement, the City would save 10%. A motion was made by **Councilor Aslett/Loving** to approve the agreement with Lisser & Associates. All agreed. Motion carried.

**Parks & Recreation Director Cavanaugh** stated that he would like the City to not cut staff or programs during these difficult economic times, but rather push out payments and projects to a later date. He noted that the number of acres of park land has increased over the years, without an increase in numbers of employees to care for the parks.

**Finance Director Thramer** reported on the possible refinance of the City Hall/Library Loan. He distributed a spreadsheet showing the current loan and possible savings if the loan were refinanced to add 2.5 years and at a lower interest rate. He estimated that over the life of the refinanced loan, the additional cost to the City would be an additional \$167,080. The annual payments would be reduced by \$700,000, (\$350,000 in 2009) which would ease the financial downturn projections for 2009. He hopes to have additional detailed information at the next council meeting.

**City Attorney Thomas** reminded Council of the invitation to judge a poster contest next week. Please let Judy know if you are interested and she will set up the date/time for the judging (which will take place at City Hall). The Skagit Conservation District will present the winner of the contest with a bicycle at a council meeting later this spring.

**SPECIAL PRESENTATIONS:****MAYOR'S 2009 YOUTH AWARD:**

**Recreation Coordinator Kinney** reviewed the criteria for the award. On April 2, 2009, Mayor Brunz announced the winners at Youth Appreciation Day. This year there were two co-winners and five (5) runners up. **Mayor Brunz** congratulated the winners: Flor Hernandez Morales a student at Allen School and McKenzie Tuttle a student at Lucille Umbarger Elementary School. Names of the winners will be added to the perpetual plaque that is posted at City Hall. The runners up were Miriam Creelman, Gustavo Morales, Isaac Ramon, Sarahi Castorena and Cody Moore.

April 9, 2009

**BURLINGTON CHAMBER OF COMMERCE REPORT:**

Ms. Linda Aufrecht, Chamber Executive Director, reviewed recent activities of the Chamber. Visit Skagit Valley Tourism campaign. She noted that the Visitor Information Center manager recently attended a seminar to learn more about tourism and promoting Burlington. Membership has increased by 26 in the first quarter of 2009. Chamber events are well attended. She thanked City for supporting major events such as Berry Dairy Days, Fiesta Unidos, Harvest Festival, etc.

**Assistant Police Chief Stafford** spoke in support of the City moving non-represented employees to new medical insurance plan July 1, 2009.

**Mayor Brunz** asked **Assistant Police Chief Stafford** to share information regarding the Edward Byrne Memorial Justice Assistance grant.

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT.**

**Assistant Police Chief Stafford** stated that the Bureau of Justice Assistance Office of Justice Programs has informed the City that Burlington is eligible for the Edward Byrne Memorial Justice Assistance Grant. He explained that this is a one time grant with no local match requirements and is capped at \$22,645. The Police Department is proposing to apply for the funding to facilitate the rotation of one police cruiser which was cut from the 2009 Capital Improvement budget due to economic constraints. This vehicle will be a 2009 Chevrolet Impala police package which will be assigned to the Community Resource Officer position. The Police Department requests Council approval to apply for the grant funding for this purpose. He asked for any public comments regarding this grant. Mr. Mark Kramer, 506 South Cherry, asked if the vehicle would be a hybrid. **Assistant Police Chief Stafford** indicated that the car would not be a hybrid. Mr. Kramer encouraged the police department to purchase vehicles that are more fuel efficient. Council members encouraged **Assistant Police Chief Stafford** to move forward with the grant application.

**UNFINISHED BUSINESS:**

**CONTINUATION OF CLOSED RECORD APPEAL REGARDING PROPOSED CONTRACT REZONE FOR GAS STATION ISLAND IN THE FRED MEYER PARKING LOT.**

**Planning Director Fleek** stated that the City Council conducted a closed record appeal hearing on March 12, 2009 on the proposal for a contract rezone to establish a gas station in the Fred Meyer parking lot. The attorney for the property owner of the site that includes Big 5 Sports and the Liquor Store asked that the matter be continued to that they have an opportunity to present their position, since they were not available on March 12, 2009. Testimony was presented by Fred Meyer's representatives and the City Council voted to continue the matter until April 9, 2009. **City Attorney Thomas** reviewed the rules for tonight's closed record appeal. He asked council members if they'd had any outside contact from interested parties since last meeting – all indicated they had not.

Mr. Steve Reisler, representing the owners of the building that houses Big 5 and the Washington State Liquor Store, suggested the City look at the zoning code, Chapter 17 regarding fuel stations. He noted that his client has been notified that if the gas station is permitted in the location requested on the Fred Meyer site, the Big 5 store will most likely move. That is not a good thing. In these times it is difficult to find tenants. He displayed a map showing that there are at least seven gas stations within one mile of the site on the east side of Interstate 5. He stated he did not believe the gas station is necessary as there is very little differential in gas prices. He suggested if the City changes the zoning code to allow each business to compete better, then the City might just as well get rid of the zoning codes.

Mr. Dave Wilson, Washington State Liquor Control Board district manager, voiced his concern about the traffic generated and the impact it will have on the liquor store. He is in midst of renewing the current lease and access to the liquor store is very important. He noted that sales are down and there is a concern that gas station traffic will reduce sales even further. **Councilor Aslett** suggested that new gas station traffic might increase the liquor store business.

April 9, 2009

Mr. Bob McNeill, representing Fred Meyer, stated they are not asking for the City to break rules or bend rules. He noted they have complied with every change and request made by the City. They've listened to staff and are willing to comply with additional requested suggestions. Most customers of the FM gas station will already be on site as Fred Meyer customers. **Councilor Aslett** asked if there might be a win-win solution to the parking/access issues for Big 5 and the Liquor store through some simple redesign of the parking and circulation areas. He suggested that the two sides work together over the next two weeks to come to an agreement and come back before City council. If at that time, they have not come to an agreement, the Council would make a decision. **City Attorney Thomas** suggested continuing this business to the April 23, 2009 Council agenda.

**FINDINGS OF FACT AND STATEMENT OF LAW REGARDING DECISION TO DENY CHRIST THE KING CHURCH A CONDITIONAL USE PERMIT.**

**City Attorney Thomas** stated that on March 12, 2009 the City Council voted to deny a special use permit to Christ the King Church. At this time the Council must vote to accept or amend this printed document as to the reason and basis for their decision.

Pastor Dave Browning, Christ the King Church, voiced his disappointment over the process he's been put through. He explained his specific disappointments regarding the information and documents used during this process. He disagreed with several portions of the Findings and Conclusions of City Council regarding the Council decision to deny the Conditional Use Permit #1-09. He asked Council to not sign the document as it contains erroneous information. Rather he'd like the Council to look through the file to determine if there is a Conditional Use Permit application; is there any correspondence; to request a transcript of Planning Commission meeting of February 2009 and compare it to the document before Council tonight. **Councilor Aslett** asked if we have any justification for response to Mr. Browning's allegations. **City Attorney Thomas** indicated he could review the documents of record to determine if there are errors in the Findings of Fact and Statement of Law document. **Councilor Aslett** asked Mr. Browning to go back to his business neighbors and to see if there can be some solutions to the issues. Council will continue this item of business to the April 23, 2009 council meeting.

**NEW BUSINESS:**

**NIGHTHAWK SECURITY CONTRACT.**

**Parks & Recreation Director Cavanaugh** stated that the security contract with Whatcom Security Agency expired on 12/31/08. It is necessary to contract with another agency for security services at our special events, and rental facilities. Nighthawk is both local and the lowest cost. This contract is for one year with an option for a second year if things go fine (since this is a new company). Contract \$18.50/hour, next lowest was \$25/hour. He explained when and why security officers are needed. He stated that securing a certificate of insurance from this company has been difficult. They company will either provide the certificate or perhaps a \$2 million bond.

A motion was made by **Councilors Aslett/Montgomery** to approve the agreement with Nighthawk Security conditional upon an insurance certificate or bond being provided to the City. All agreed. Motion carried.

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT.**

This item was discussed during Officer Reports.

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

**COUNCIL CHAMBERS**

**CITY HALL**

**BURLINGTON, WA**

April 9, 2009

A motion was made by **Councilors Valentine/Doyle** to adjourn the meeting at 8:05 p.m. All agreed. Motion carried

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Greg Thrumer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor