

April 23, 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 and Montgomery. Staff present: Buckholz, Fleek, Martin, Sheahan, Thomas, Thramer, VanWieringen, Burwash, Hawes and Windsor.

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

APPROVAL OF MINUTES:

A motion was made by **Councilors Aslett/Doyle** to approve the minutes of the April 9, 2009 Council workshop and 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 55244- 55340 in the amount of \$394,106.56. All were in favor. Motion carried.

Current Expense	\$ 111,634.25
Current Expense Cumulative Reserve	431.42
Fire Equipment Cumulative Reserve	29,777.67
City Street	72,169.39
Parks & Recreation	30,835.14
Cemetery Fund	573.10
Local Capital Improvement Fund	55,833.85
Sewer Fund	39,123.35
Sewer Cumulative Reserve	23,008.96
Storm Drainage Utility	30,719.43
Total	\$ 394,106.56

PUBLIC COMMENTS:

Mr. Steven Barron, Heart to Home Foundation, Sedro-Woolley, WA, stated that he plans to upgrade a local farm-worker housing site (Dellinger Farms on Whitmarsh Road) that is west of Burlington, outside of the city limits. His plan is to bring in double-wide mobile homes to replace the old structures. He asked the City Council for permission to add a sewer pump station and hook up the dwellings to the City sewer system. **Mayor Brunz** asked **Planning Director Fleek** to comment on this request. **Planning Director Fleek** stated that because the site is outside of the city limits, and not in the Urban Growth Area, the City cannot grant permission to hook up to the sewer system. She also noted that the location is within the levee set-back area of Dike District #12. The City has a moratorium on construction/development in the set-back areas inside the City limits, but Skagit County has never placed a moratorium in the set-back area that is in the County. She plans to attend a meeting at Skagit County tomorrow and this can be a topic of discussion to determine if the City has any jurisdiction. Mr. X indicated that his proposal is administered by the State Health System and state law. It is his understanding that if the City will not grant permission for sewer hook-up, the State will require him to design/build an on-site septic system for this housing site. **City Attorney Thomas** stated that because the City does not have jurisdiction over the development site, the City Council cannot grant or deny permission to connect to the City sewer system.

Mr. Tom Gunsuals, Avon Avenue, asked about the numerous BBQ upstarts he’s seen around the City. He asked if they are legal and have permits as they seem to produce a lot of smoke.

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Planning Director Fleek noted that these BBQ's are part of the mobile taco van operations. She stated that they all have temporary use permits (good for one year) and unless her department receives complaints, they are unaware of problems. If there are problems, the Planning Department can revoke the permits at any time. Council discussed the problems and issues expressed by Mr. Gunsuals. The Council consensus was to authorize the Planning Department to not allow BBQ's along with mobile taco vans.

OFFICER REPORTS:

Planning Director Fleek discussed the possibility of a City art committee. She noted that there are persons interested in participating on such a committee. They would set out guidelines, etc. for public art in the City. She noted that a Guatemalan artist (who lived in Burlington at one time) has some art he would like to display at City Hall. **Councilor Aslett** suggested that the art committee include/invite art from the local schools for display in City buildings as well. **Planning Director Fleek** indicated that suggestion would be heard by the committee. She noted that a health community includes public art.

REFINANCE OF THE CITY HALL/LIBRARY CONSTRUCTION BOND.

Finance Director Thramer reported on the possible refinance of City Hall/Library bond to extend the loan three additional years. He stated that the interest rate is estimated at 2.45% and by extending the loan; the annual payments would be reduced from \$700,000 per year to about \$350,000. He noted that another option would be to extend the loan an additional eight (8) years. A motion was made by **Councilors Bensen/Aslett** to extend the loan three years. All agreed. Motion carried.

Councilor Edmundson complimented **Library Director Buckholz** on the Library 2008 Annual Report document.

UNFINISHED BUSINESS:**FINDINGS OF FACT AND STATEMENT OF LAW WITH RESPECT TO DENIAL OF CONDITIONAL USE PERMIT #1-09 TO ESTABLISH USE AS RELIGIOUS INSTITUTION AT 612 EAST FAIRHAVEN AVENUE.**

City Attorney Thomas stated that on March 12, 2009 the City Council voted to deny a special use permit to Christ the King Church. After some discussion and a statement by Pastor Dave Browning at the last council meeting, the City Council requested that some information contained in the Findings of Fact and Statement of Law be reviewed and brought back to this council meeting for consideration. **City Attorney Thomas** noted that he has reviewed the document and recommended a few changes and/or clarifications as noted in the document presented tonight. He stated that he sent a copy of the revised document to Pastor Browning. He received a response indicating that Pastor Browning was not in agreement with the document and had expected him to attend tonight's meeting, but noted that he is not in attendance. A motion was made by **Councilors Loving/Montgomery** to approve the Findings of Facts and Conclusion of Law regarding Conditional Use Permit #1-09. All agreed. Motion carried.

NEW BUSINESS:**RESOLUTION AUTHORIZING THE MAYOR TO ESTABLISH THE PLANNING DIRECTOR AS THE OFFICER TO RECEIVE APPEALS OF FLOOD ELEVATION DETERMINATIONS FOR PROPERTIES SITUATED WITHIN THE CITY.**

Planning Director Fleek stated that if residents of the City would like to appeal their Federal Emergency Management Agency (FEMA) flood elevation determination, she is the logical person at the City to receive an appeal. She noted that it is advantageous to formally establish an official for this purpose in advance of FEMA's issuance of revised flood insurance rate maps. A motion was made by **Councilors Bensen/Doyle** to approve the

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resolution establishing the Planning Director as the officer to receive appeals of flood elevation determinations for properties situated within the City. All agreed. Motion carried. **(Resolution # 08-2009)**

ORDINANCE TO REVISE PORTIONS OF BMC CHAPTER 2.44 REGARDING CITY OFFICE HOURS AND EMPLOYEE BENEFITS.

City Attorney Thomas stated that this is a housekeeping ordinance to BMC Chapter 2.44 City Employees. It will clarify that city office hours are generally Monday – Friday, 8 a.m. to 5 p.m. (except for holidays) but may be altered by the Mayor if necessary for efficient operation of the City. This ordinance also states that the City will endeavor to furnish non-union employees with benefits comparable to those received by union or guild employees. Similar benefits may not always be possible due to effective dates of union agreements and ongoing union negotiations and economic situations within the City. A motion was made by **Councilors Montgomery/Loving** to approve the ordinance amending portions of Burlington Municipal Code Chapter 2.44. All agreed. Motion carried. **(Ordinance # 1674)**

EASEMENT FOR ACCESS FOR CONSTRUCTION AND ADDITIONAL EQUIPMENT AT SEWER PUMP STATION LOCATED AT 16059 OVENELL ROAD.

City Attorney Thomas stated that an easement for additional area around Sewer Pump Station #10 is required to construct and install additional equipment for a sewer pump station located on Ovenell Road. This agreement has already been signed by the property owners. A motion was made by **Councilors Bensen/Aslett** to approve an agreement for easement for access with Henry and Robert VanPelt. All agreed. Motion carried.

EXECUTIVE SESSION:

The Mayor and Council members adjourned to Executive Session at 7:33 p.m. for the purpose of discussing personnel. The Mayor and Council members returned from Executive Session at 8:53 p.m.

ADJOURNMENT:

The meeting was adjourned at 8:54 p.m. by **Mayor Brunz**.

Greg Thramer
Finance Director / City Clerk

Edward J. Brunz
Mayor

Note: There was no electronic recording of this meeting as there was a City-wide power outage this evening.