

May 14, 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 Valentine. Staff present: Cavanaugh, Fleek, Martin, Sheahan, Thomas, Thramer, VanWieringen and Small.

**APPROVAL OF MINUTES:**

**Councilor Aslett** asked that his statement that Council should review the budget status every month be included in the minutes of the Council workshop. A motion was made by **Councilors Loving/Doyle** to approve the corrected minutes of the April 23, 2009 Council workshop and the minutes of the April 23, 2009 Council meeting. All agreed. Motion carried.

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

**AUDIT OF BILLS:**

**Councilor Aslett** presented the bills. A motion was made by **Councilors Aslett/Valentine** to approve vouchers 55341- 55487 in the amount of \$280,936.34. All were in favor. Motion carried.

Current Expense	\$ 55,552.41
Current Expense Cumulative Reserve	833.36
Fire Equipment Cumulative Reserve	3,897.80
City Street	86,526.57
Hopper Construction Fund	48,233.51
Library	4,105.14
Parks & Recreation	6,858.06
Cemetery Fund	1,043.30
Stadium Fund	15,220.72
Local Capital Improvement Fund	3,602.73
Parks & Recreation Reserve	3,092.50
Sewer Fund	29,624.00
Sewer Cumulative Reserve	2,123.18
Storm Drainage Utility	20,223.06
<b>Total</b>	<b>\$ 280,936.34</b>

**PUBLIC COMMENTS:**

Ms. Linda Aufrect, Executive Director Burlington Chamber of Commerce, reported on recent Chamber activities. She noted that membership continues to increase. At a recent meeting, the Chamber was told to expect full occupancy in area hotels during the 2010 Vancouver, B.C. Winter Olympics. As a result of the Olympics, the local area can probably expect higher than usual tourism visits for the following three – five years.

Ms. Victoria Santeford, 314 Rainbow Drive, stated that she has been a home daycare provider for the past 26 years. Because of the downturn in the economy she has seen a decline in her business. She asked for permission to install a sign at the corner of Pioneer and Fairhaven to advertise her business. **Planning Director Fleek** indicated that such a sign at that location is not allowed in the municipal code. **Councilor Aslett** suggested she contact the Planning Department to determine the process to make a formal request for permission to install a sign. Ms. Santeford requested that the City consider lowering the cost of a business license.

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Mr. Tom Sheahan, 12999 Bent Needle Lane, Bow, WA stated that several County residents have acquired three pieces of antique farm equipment and would like to donate the equipment to the City for placement in the North Burlington Boulevard roundabout. He suggested that this equipment might enhance the silo located in the center of the roundabout. He distributed photographs of the equipment: a tractor that had been owned by the Beasner and Peth families, a mower owned by Roger and Claudia McKee of Allen and a 3-point plow obtained from Mr. Roy Frazier. He noted that this information is for Council discussion and he does not expect a decision from the Council at this time. **Councilor Aslett** suggested an opportunity be given to other citizens to provide input and/or suggestions for additions to the roundabout.

Mr. Dave Smoots, 12802 Markwood Road, stated that he and other citizens are working to get Fire District #6 Commissioners to come to an agreement with the City of Burlington to provide joint fire/emergency response to the citizens of Burlington and Fire District #6. The citizens would like to help by working with both the City and the Fire District to find a resolution to the disagreements. He noted his concern is that if the City and Fire District discontinue the relationship, the response to calls in the district will take longer (without the City also responding). In turn, this will change the fire rating and cause an increase to fire insurance rates for residents in the Fire District. **Councilor Loving** noted that he, **Councilor Edmundson** and **City Attorney Thomas** attended the last Fire District meeting. **City Attorney Thomas** stated that the Fire District #6 Commissioners have proposed a meeting with City of Burlington to discuss the agreement. He asked if any Council members would be interested in attending an evening meeting at Fire District #6 on May 19, 26, 27 or 28 to discuss the contract. He noted that this would be an open public meeting. **Councilor Bensen**, **Councilor Loving**, **Councilor Aslett** and **Councilor Edmundson** indicated they would be interested in attending such a meeting. **City Attorney Thomas** noted that May 28<sup>th</sup> is the next City council meeting date. **Councilor Aslett** suggested the meeting be held as a workshop one hour prior to the Council meeting. **Councilor Bensen** stated that he did not think one hour would be enough to discuss the contract fully. **Councilor Loving** noted the invitation was to meet with the Fire District Commissioners at the District #6 station. **City Attorney Thomas** stated he would set up the meeting date and time and get back to those interested in attending. He stated that the City of Burlington sent an invoice for April services to Fire District #6. This invoice was sent because the City of Burlington Fire Department has continued to respond to calls along with Fire District #6 as if the contract were still in place. Fire District #6 will notify the City they do not intend to pay the April invoice as the previous agreement expired March 31, 2009. **City Attorney Thomas** noted that the Burlington Fire Department has continued to respond as if the contract is still in place. He stated that every time we respond the City takes on liability; no matter if the call is in the Fire District or in the City. On the other side; if we don't respond, some of those folks are not going to receive services in a timely fashion. If we advise Skagit 911 to separate the calls, we won't be called out and if we're not called out, we have no liability. He noted that continuing to respond to calls in Fire District #6, taking on the liability and shouldering the expenses is the moral obligation. He asked Council if the Burlington Fire Department should continue to be dispatched to calls within the Fire District #6 or should we start the process to separate the calls. **Councilor Loving** noted that Fire District #6 does no plan to pay for services received in April. **Councilor Edmundson** stated the City should set a date that we will no longer respond, so that this does not go on indefinitely. **City Attorney Thomas** asked if July 1, 2009 would be an appropriate date. He noted that if notice were given to Skagit 911 on July 1, 2009, it would take an additional four to six weeks to completely end the dual dispatch. City Council members encouraged continued discussions with Fire District #6 to come to an agreement for a joint partnership/relationship to serve citizens in Fire District #6 and the City of Burlington. They thanked citizens for their concern and willingness to be involved.

A motion was made by **Councilors Edmundson/Valentine** that if a contract agreement is not reached by July 1, 2009, Skagit 911 is to be notified to no longer dispatch the City of Burlington Fire Department to calls within Fire District #6. All were in favor. Motion carried.

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Mr. Michael McDaniel, 17665 S. Sky Ridge Drive, Mt. Vernon, provided a large inflatable located at the K-Mart for a car sale. He was notified to remove the inflatable and provided with a copy of the rules regarding special events permits. He asked for clarification regarding these types of inflatable devices for events at various locations within the City. **Councilor Aslett** suggested he discuss his concerns with the Planning Department. Department staff will assist with clarifying the city code with respect to special events and the use of balloons, inflatable devices, etc.

Mr. Burt Williamson, 19903 Lei Garden Road, Burlington (just outside the Burlington city limits). He stated it was a pleasure to see some City Council members in attendance at the last Fire District #6 Commission meeting showing a willingness to listen and see what is going on. He thanked the Council for their willingness to continue negotiations and thanked the Fire District Commissioners for their willingness to continue negotiations as well.

Mr. Jeremy Cook, 7909 196<sup>th</sup> Street East, Spanaway, WA, stated that his company creates a fun atmosphere to make purchasing and shopping a fun atmosphere. He is currently involved in the temporary car sales event at the K-Mart parking lot and recently a similar event at the Cascade Mall parking lot. He noted that many automobile dealerships will be going out of business this year (or have already closed their doors) so his business organizes special events to create an atmosphere of fun and enjoyment. He encouraged the City to change the rules to allow balloons, etc. at these special events or not allow these events at all.

#### **SPECIAL PRESENTATION:**

Ms. Cindy Pierce, Skagit Conservation District, introduced the first, second and third place winners of the 2009 Stormwater Awareness Poster Contest. Third place was awarded to Ben Rathbone and second place to Haili Price. The first place winner was Cole Russom. **Mayor Brunz** presented him with a plaque, his original poster framed and a new bicycle donated by Skagit Cycle Center. She noted that there were approximately 60 poster entries in the contest. The posters were judged by **Mayor Brunz, Councilor Aslett, Councilor Valentine** and **Councilor Doyle**. She stated that all the students are in the fifth grade at Edison Elementary School in the Burlington-Edison School District. She presented the City with a framed copy of Cole's winning poster.

#### **OFFICER REPORTS:**

**Parks & Recreation Director Cavanaugh** stated that recent applications for Special Permits pertaining to the Berry Dairy Days celebration have been submitted to the City. The applications are under review by several departments and when finalized will be brought to council for final approval. Some of the events will require council approval for street closures. The City also received an application for a beer garden in Maiben Park during the festival. He noted that the application for the beer garden needs only the Mayor's approval after review City departments. **Councilor Aslett** asked why council would not be asked for approval of the beer garden. **Parks & Recreation Director Cavanaugh** stated that is how the Council set up application process in the Special Event application procedures.

**Parks & Recreation Director Cavanaugh** noted that Skagit River Park is the largest soccer complex in the western United States with 25 fields. There are many other soccer complex sites with 22-24 fields. The largest complex in the U.S. is located in Minnesota and has 54 fields.

**City Attorney Thomas** reminded Council that the annual AWC Conference is scheduled for June 23-26, 2009 in the City of Spokane. Registration has opened; contact Judy if you would like to attend so that she can register for you.

#### **PROCLAMATION:**

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**Mayor Brunz** read the proclamation in honor of Peace Officer's Memorial Day (May 15, 2009) and Police Week (May 10-16, 2009).

**UNFINISHED BUSINESS:**

**ORDINANCE AUTHORIZING THE REFINANCE OF CITY HALL / LIBRARY LOAN.**

**Finance Director Thramer** introduced the City's Bond Attorney, Ms. Cynthia Weed, from K&L Gates. Ms. Weed stated that the interest rate for this refinanced loan of \$3,781,000 will be locked in at 2.55%; the interest rate on the original loan was 4.33%. With the reduction in the interest rate and the additional three years term, the payments will change from \$122,402 to \$61,401 per month, beginning June 1, 2009. The loan will be extended for an additional three years, with an end date of December 1, 2014. **Councilor Aslett** asked how much the City would save with the refinanced loan versus the original loan. **Finance Director Thramer** and Ms. Weed reviewed the interest rates, the fees and the principal amount of the loan. **Finance Director Thramer** stated that there would be about a \$200,000 savings over the term of the loan. A motion was made by **Councilors Bensen/Valentine** to approve the ordinance and authorize the Mayor and Finance Director to execute all necessary documents. All agreed. Motion carried. (Ordinance #1675)

**NEW BUSINESS:**

**CONDITIONAL USE PERMIT #2-09 TO ALLOW AN INDOOR SHOOTING RANGE AT 590 FISHER LANE LOCATED IN THE C-2, HEAVY COMMERCIAL ZONING DISTRICT. APPLICANT IS SKAGIT SHOOTING SPORTS, INC. BY BRENT STRAIGHT.**

**Planning Director Fleek** stated that the Planning Commission conducted a public hearing on April 15, 2009 and took public comments on the proposal to allow an indoor shooting range at 590 Fisher Lane located in the C-2, Heavy Commercial zoning district. The applicant is Skagit Shooting Sports, Inc. by Brent Straight. She noted that all comments at the public hearing were favorable. The proposal is designed to comply with all local codes and the most current standards for indoor shooting ranges, such as lead recovery, air quality and noise. The Planning Commission recommended approval of the permit including 16 conditions.

**Councilor Aslett** asked **Police Chief VanWieringen** if he or his staff had reviewed this application. **Police Chief VanWieringen** stated that **Assistant Police Chief Stafford** as well as **Police Range Officer Rogge** reviewed the application. The Police Department also contacted other locations where shooting ranges are located to determine if there had been any problems or issues with their shooting ranges. He noted that his first concern is for safety, noise in the neighborhood and lead (bullet) recovery. He stated that he believes the noise problems can be mitigated and that the lead issue will be taken care of under EPA guidelines. **Mayor Brunz** noted that this will be a new building and will meet strict standards. **Councilor Aslett** asked about lead levels in the air and adequate staffing. Mr. Straight indicated these issues have been addressed. The facility plans, rules and procedures will comply with the applicable safety guidelines and provisions in the latest edition of the Range Source Book (National Rifle Association of America). A motion was made by **Councilors Valentine/Loving** to approve Conditional Use Permit #2-09 subject to conditions indicated by Planning Commission. **Councilor Aslett** asked if there had been any opposition to this request. **Planning Director Fleek** indicated that three (3) citizens spoke at the public hearing and all were in favor of the proposed shooting range. **Police Chief VanWieringen** stated that there is one concerned citizen who would like to speak tonight. **Planning Director Fleek** stated that this issue is to be determined on the record; this is not an appeal hearing. **Councilor Aslett** requested the citizen be given opportunity to speak, noting it had been allowed in the past. **City Attorney Thomas** stated that additional statements cannot be heard on this matter; the public hearing has already been held.

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**Councilor Edmundson** stated that the Council should play by the rules. **Mayor Brunz** called for a vote on the motion. All agreed. Motion carried.

**AGREEMENT WITH PORT GARDNER FIREWORKS COMPANY FOR A FIREWORKS DISPLAY DURING BERRY DAIRY DAYS CELEBRATION.**

**Parks & Recreation Director Cavanaugh** stated that the cost has increased by \$300, but otherwise the agreement is the same as in past years. The increase of \$300 is a result of increase in the cost of the fireworks that the company is passing on to the City. A motion was made by **Councilors Valentine/Doyle** to approve the agreement with Port Gardner Fireworks for a 20 minute display at the cost of \$6,300. All agreed. Motion carried.

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

The meeting was adjourned at 8:33 p.m by **Mayor Brunz**.

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Greg Thrumer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor