

June 25, 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, Montgomery and Valentine. Staff present: Cavanaugh, Fleek, Martin, Sheahan, Stafford, Staheli, Thomas, Thramer, Tingley, Butterfield, and Donnelly.

APPROVAL OF MINUTES:

A motion was made by **Councilors Loving/Doyle** to approve the minutes of the June 11, 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 55691 - 55766 in the amount of \$310,742.00. All were in favor. Motion carried.

Current Expense	\$ 69,516.62
Current Expense Cumulative Reserve	3,552.49
City Street	18,405.27
Hopper Construction Fund	41.22
Parks & Recreation	8,109.99
Cemetery Fund	156.59
Local Capital Improvement Fund	13,200.40
Sewer Fund	23,968.19
Sewer Cumulative Reserve	32,387.40
Storm Drainage Utility	135,452.83
Park Endowment Fund	5,951.00
Total	\$ 310,742.00

PUBLIC COMMENTS:

Mr. Steve Sexton, 109 S. Section Street, asked about treating Gages slough for mosquitoes. Public Works Director/City Engineer Martin stated he did not recall any recent discussions regarding spraying Gages slough for mosquitoes. He suggested we put the item on the agenda early in the year to plan for spraying the slough.

Mr. David Smoots, thanked council for hard work to settle the Fire District 6 Contract.

SPECIAL PRESENTATION:

Mayor Brunz presented a plaque to Mr. Roger Hulbush in recognition of his fourteen years of service on the City of Burlington Civil Service Commission. He read the wording on the plaque and presented it to Mr. Hulbush.

OFFICER REPORTS:

Parks and Recreation Director Cavanaugh distributed an engineering drawing of the Parking Lot Improvement Project for Rotary Park. He noted that this project is ready and will go out to bid tomorrow. The parking lot is just north of the skate park on Section Street.

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Building & Grounds Supervisor Tingley reported that participants on the Work Crew are booked into December 2009. Each worker assigned to the crew is in lieu of a day in jail which saves the City daily jail expenses. The City may need to add a second crew to accommodate the number of offenders eligible to participate. **Councilor Aslett** complimented the Work Crew program. He noted the savings has been realized over the year.

Building & Grounds Supervisor Tingley stated that available conference rooms at the City Hall and Library are being heavily used. This usage has an impact on the custodial staff and budget. He noted that rental fees are not charged for using these rooms. **Mayor Brunz** indicated the City may need to consider a fee for usage of the rooms. **Councilor Bensen** and **Councilor Aslett** discussed possible fees, providing room usage free to citizens or not, etc. **Councilor Loving** suggested staff contact other municipalities as to how they handle room usage.

REFUND OF OVERPAYMENT OF SEWER FEES.

Finance Director Thramer presented a request for refund for six (6) years of sewer fees paid by Ms. Dotty Piazza. She has paid monthly sewer charges for her primary residence and her garage (which has a toilet only). He has confirmed with Pre-Treatment Coordinator Erickson that she has been overcharged. The Finance Department has already refunded one year's overcharge, but now Ms. Piazza is requesting the additional 5 years. The total five-year refund would be \$1,221.30. A motion was made by **Councilor Aslett/Bensen** to approve payment of the five-year refund. All agreed. Motion carried.

Finance Director Thramer noted that the state auditors will complete their review of 2008 records at the end of next week.

Councilor Loving noted a letter of thanks from Landed Gentry for lowering the impact fees. **Councilor Aslett** asked **Planning Director Fleek** to provide the amount of funds that Mr. Gentry saved.

UNFINISHED BUSINESS:

PROPOSED CONTRACT REZONE TO ALLOW THE INSTALLATION OF A GAS STATION ISLAND IN THE FRED MEYER PARKING LOT. THIS IS A CONTINUED CLOSED RECORD APPEAL HEARING FROM APRIL 9, 2009.

Planning Director Fleek stated that the City Council conducted a closed record appeal hearing on March 12, 2009, continued to April 9, 2009 on the proposal for a contract rezone to establish a gas station in the Fred Meyer parking lot. The parties have met and discussed the proposal several times. At one point following the initial Environmental Determination, Fred Meyer's representatives also appealed the conditions. However, with the proposed change in location and a further review by the Technical Committee, the Public Works Department agreed to changes in the conditions, so that issue does not appear relevant to staff at this time.

City Attorney Thomas noted that we have not heard from the appellant representing the owners of the building that houses Big 5 and the Washington State Liquor Store. Mr. Steven Reisler, 4500 Sand Point Way N.E., Suite 250, Seattle, WA, stated that he believes the City Council should rely on the City Municipal Code in determining the outcome of this hearing. He asked that council members review the letter he recently submitted outlining his concerns. Mr. Jim Coombes, Fred Meyer Real Estate Development Department, 3800 SE 22nd Avenue, Portland, OR, noted that the proposed fueling station will have state-of-the-art fume recovery systems. He also noted that if the fuel station is allowed it will enhance competition and reduced fuel prices for customers in the City of Burlington. He noted there are fewer fuel stations in Burlington than there used to be in past years. He prepared to distribute a site plan for a similar Fred Meyer with a fuel center located in Bend, Oregon that has similar issues as Burlington. **City Attorney Thomas** noted that if the document has not been previously submitted, he cannot submit it to council at this time. Mr. Coombes noted that after two years in

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business at the Bend site, he surveyed sixteen adjacent property owners and found that most business had either a seen a positive impact or no impact to their business as a result of the fuel center. A motion was made by **Councilors Aslett/Loving** to approve the contract rezone to allow the installation of a gas station island in the Fred Meyer parking lot. Voting in favor were **Councilors Loving, Valentine, Aslett, Doyle** and **Edmundson**. Voting against were **Councilors Bensen** and **Montgomery**. Motion carried. A motion was made by **Councilors Aslett/Loving** for staff to prepare Findings of Fact and Conclusions. All were in favor. Motion passed.
(Ordinance # 1678)

PUBLIC HEARING REGARDING THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND FEDERAL PROJECTS 2010 – 2015.

Public Works Director/City Engineer Martin stated that this public hearing is to adopt a perpetual six-year plan for coordinated transportation program expenditures. He reviewed the total proposed expenditures for each of the six years. He noted that this program can be revised at any time, following a public hearing, by a majority of the Council. **Councilor Bensen** asked about federal stimulus funding. **Public Works Director/City Engineer Martin** stated that there was no federal funding for any City transportation projects. **Mayor Brunz** opened the public hearing. Mr. Mark Kramer, 506 South Cherry, suggested the City start with less expensive solutions for curbs, gutters and sidewalks such as gravel sidewalks. A motion was made by **Councilors Aslett/Valentine** to close the Public Hearing. All were in favor. Motion carried. A motion was made by **Councilors Aslett/Montgomery** to approve the six-year transportation improvement program 2010 – 2015. All agreed. Motion carried. **Public Works Director/City Engineer Martin** stated that he would present the resolution for council approval at the July 9, 2009 Council meeting.

APPROVAL OF AGREEMENT WITH SKAGIT COUNTY FIRE DISTRICT #6.

Mayor Brunz asked Fire District 6 Commissioner Omdal if he and Commissioners have reviewed the proposed agreement. He noted that the commissioners have and they approve of the agreement. A motion was made by **Councilors Bensen/Valentine** to approve the agreement with Skagit County Fire District #6 and authorize the Mayor to sign. All agreed. Motion carried. Mr. Omdal thanked everyone on behalf of the residents of Fire District #6. **Councilor Bensen** thanked all citizens who were involved in the process.

NEW BUSINESS:

REQUEST TO CONNECT FUTURE TEMPORARY FARM WORKER HOUSING PROJECT TO SANITARY SEWER SUBJECT TO CLEARANCE BY THE STATE OF WASHINGTON FOR COMPLIANCE WITH THE GROWTH MANAGEMENT ACT.

Planning Director Fleek stated that the Heart 2 Home Foundation is asking for approval from the City Council to connect a proposed temporary farm worker housing project to sanitary sewer. The site is located on Pulver Road, just south of the old All West Sires site, and it is an abandoned farm worker housing site. The Sewer Comprehensive Plan shows a pump station on Stevens Road, so technically the project could build the pump station and gravity flow to it. A clear answer is needed from the State that this is legal, from both the Department of Community Trade and Economic Development who administers the Growth Management Act and the Department of Health who administers the Temporary Farmworker Housing program. Mr. Don McMoran, McLean Road, Mt. Vernon, stated that the site is about 2 acres and was used for farm worker housing from 1930's – 1999. **Councilor Edmundson** asked how Mr. McMoran is involved in the project. Mr. McMoran stated that he is the current owner and is selling the property to Mr. Barron. Mr. McMoran noted that temporary farm worker housing is needed. **Councilor Edmundson** asked Mr. Barron the definition of "temporary". He stated that the definition of "temporary" is up to eleven (11) months. **Councilor Montgomery** asked if there are other impacts to Burlington. Councilors discussed possible impacts. A motion was made by **Councilors Loving/Valentine** to

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approve the request to connect future temporary farm worker housing located on Pulver Road to sanitary sewer subject to clearance by the state of Washington for compliance with the Growth Management Act and the Temporary Worker Housing Chapter 17.114A RCW. Voting in favor were **Councilors Bensen, Loving, Valentine** and **Edmundson**. Voting against were **Councilors Montgomery, Aslett** and **Doyle**. Motion carried.

ON-CALL SNOW REMOVAL CONTRACT – SULLIVAN GRADING, LLC.

Public Works Directory/City Engineer Martin stated that this agreement is for on-call snow removal service for fall/winter 2009 – 2011 with compensation not to exceed \$45,000. Services performed under this contract are in accordance with Exhibit “A” of the agreement. A motion was made by **Councilors Montgomery/Aslett** to approve the contract with Sullivan Grading, LLC and authorize the Mayor to sign. All agreed. Motion carried.

EASEMENT RELIQUISHMENT REQUEST FROM MR. JOHN BOUSLOG.

Public Works Directory/City Engineer Martin stated that Mr. Bouslog has requested the City relinquish a sanitary sewer easement that currently exists between two parcels he owns on Bayview ridge. This easement is creating a marketing impediment for potential users who may want to develop both lots simultaneously. We looked at this issue and we concur that the easement is not needed for future sewer service. If/when this property is developed; we will ensure through the development process that we put in place any new easements that may be required. A motion was made by **Councilors Valentine/Doyle** to approve the Quitclaim Deed to relinquish easement with Bouslog Investments, LLC on property identified by the Skagit County Assessor as P#122073. All agreed. Motion carried.

LABOR AGREEMENT WITH TEAMSTERS LOCAL UNION NO. 231 – PUBLIC WORKS 2009-2011.

City Attorney Thomas stated that the members of the Teamsters Local #231 Public Works bargaining unit has voted to accept the 2009 – 2011 agreement. He noted that the agreement provides a 4% Cost of Living pay increase for 2009 and the increase in 2010 and 2011 will be 90% of the CIP-W U.S. Cities June to June with a minimum 1% and a 4% maximum. If the sales tax receipts for the period July 1, 2009 through June 30, 2010 meet or exceed seven million dollars the City agrees to adjust the minimum COLA in 2011 to 2.5%. A motion was made by **Councilors Bensen/Loving** to approve the collective bargaining agreement between City of Burlington and Teamsters Local #231, Public Works for 2009 – 2011. All agreed. Motion carried.

AMENDING CITY’S 2009 SALARY ORDINANCE #1677 TO INCLUDE TEAMSTERS LOCAL #231 PUBLIC WORKS WAGES FOR 2009.

City Attorney Thomas stated that the 2009 salary ordinance no. 1677 needs to be amended to reflect the agreement authorized by the City Council with Teamster’s Local 231 – Public Works. A motion was made by **Councilors Bensen/Aslett** to approve the ordinance amending the 2009 Salary Ordinance #1677 to include the Public Works Teamsters wages as agreed in the 2009 – 2011 agreement. All agreed. Motion carried.

(Ordinance # 1679)

RESOLUTION TO APPOINT A NEW MEMBER TO THE LODGING TAX ADVISORY COMMITTEE.

City Attorney Thomas stated that since the City Administrator retired in March, there is a need to appoint a replacement on the Lodging Tax Advisory Committee. He noted that the Lodging Tax Advisory Committee will begin accepting 2010 funding requests in August. The Mayor and staff are recommending that **Finance Director Thramer** be appointed to the Lodging Tax Advisory Committee in place of the City Administrator. A motion was made by **Councilors Doyle/Montgomery** to approve the resolution to appoint **Finance Director Thramer** to the Lodging Tax Advisory Committee. All agreed. Motion carried.

(Resolution #10-2009)

EXECUTIVE SESSION:

COUNCIL CHAMBERS

CITY HALL

BURLINGTON, WA

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There was not an Executive Session.

ADJOURNMENT:

The meeting was adjourned at 8:13 p.m. by **Mayor Brunz**.

Greg Thrumer
Finance Director / City Clerk

Edward J. Brunz
Mayor