

August 13, 2009

**CALL TO ORDER:**

Mayor Brunz called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Bensen, Doyle, Edmundson, Loving, Montgomery and Valentine. Staff present: Cavanaugh, Fleek, Martin, Moser, Sheahan, Stafford, Staheli, Thomas, Thramer, Burwash and Kinney.

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

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Bensen/Valentine** to approve the minutes of the July 23, 2009 Council workshop and council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Edmundson** presented the bills. A motion was made by **Councilors Edmundson/Valentine** to approve vouchers 56010 – 56171 in the amount of \$630,494.79. All were in favor. Motion carried.

Current Expense	\$ 71,307.01
Current Expense Cumulative Reserve	4,491.55
Fire Equipment Cumulative Reserve	20,548.88
City Street	11,249.01
Hopper Construction Fund	381,610.08
Library	17,195.81
Parks & Recreation	16,391.81
Cemetery Fund	316.38
Stadium fund	7,826.49
Park & Recreation Reserve	20,428.33
Sewer Fund	47,830.22
Sewer Cumulative Reserve	3,725.02
Storm Drainage Utility	27,574.20
<b>Total</b>	<b>\$ 630,494.79</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Planning Director Fleek** distributed information regarding a proposal by the Skagit Council of Governments for the creation of a Skagit County Affordable Housing Advisory Committee. This proposal was brought by Skagit Community Action and the Skagit County Housing Authority. She is hopeful that the cities, county and housing authority will work together to create affordable housing.

**Planning Director Fleek** distributed information regarding Alternative Futures project; an EPA grant funded program to look down the road with a vision. Four cities have requested representation on the committee.

**Planning Director Fleek** discussed the 2010 census. She noted that information previously provided and developed by the Skagit County Health Department will now fall to Skagit Council of Governments. The staff position in the Health Department has been eliminated.

August 13, 2009

**Planning Director Fleek** discussed the staff report regarding electronic message signs. This topic has been reviewed by the Planning Commission and public hearings have been held. She reviewed the various types of electronic signs and possible restrictions and uses. She noted that The Outlet Shoppes have requested the municipal code be amended to allow electronic signs along the freeway on sites of 20 acres or more. She asked for council direction in the next few weeks regarding this policy. **Councilor Loving** asked if clocks and temperature signs are allowed. **Planning Director Fleek** stated that those types of signs are allowed under the current rules.

**AWARD OF BID TO PURCHASE THERMAL IMAGING DEVICE FOR POLICE DEPARTMENT.**

**Police Lieutenant Moser** addressed the council regarding a thermal imaging device. He noted that bids were accepted last week with only one bid received for the price of \$12,578.77. He asked that Council award the bid to L. N. Curtis & Sons. He noted that about 90% of the funding would be covered by recovered drug funds. **Assistant Police Chief Stafford** noted that the other 10% would come from the department's capital budget. A motion was made by **Councilors Loving/Bensen** to authorize award of bid and purchase from L.N. Curtis & Sons in the amount of \$12,578.77. All agreed. Motion carried.

**Assistant Police Chief Stafford** noted that the City has been awarded a three-year grant to fund a police officer position.

**Public Works Director Martin** asked that Council members take a look at the sample stain/sealer on the concrete floor inside the north entrance of City Hall. If no objections, staff will move forward to re-do the entire floor (upstairs and downstairs).

**Public Works Director Martin** reviewed prior meetings with U.S. Army Corps of Engineers regarding flood studies. Yesterday he met with a U.S.G.S. employee who completed reports that had been submitted to ACOE. He noted that the U.S.G.S. author of the reports is unable and unwilling to move from his position in the submitted report.

**Parks & Recreation Director Cavanagh** announced that the boat ramp project has not been completed. The delay was caused by problems with the original contractor's performance bond. The plan is to complete the project this fall (after fishing season).

**Recreation Coordinator Kinney** reviewed the 30 summer programs. She noted that only four had to be cancelled. Many of the camps were filled to capacity. The all-comer track meets were six Wednesday nights during June and July. There were 337 more participants than last year. The 2008 revenue was \$1,600; the 2009 revenue was \$3,100, all to the City as the County was not a partner in the program this year due to budget cuts. August 22 will be the Back to School Fair involving all five Burlington-Edison elementary schools. They hope to hand out supplies to 1,000 students. There will also be free hair-cuts, activities, promotion of the CATCH (after school) program. She noted the history walk in Burlington has been successfully guided by **Councilor Edmundson**. Harvest Festival is coming at the end of September, planning is going well. She also asked for council permission to hang a long vertical banner on each side of the silo in the North Burlington Boulevard roundabout to advertise the Harvest Festival. **Councilor Loving** asked how long the banner would be displayed. She thought for three to four weeks prior to event. **Councilor Edmundson** suggested only three weeks. **Councilor Bensen** stated he doesn't really like stuff on the silo, but in this case it would be OK. **Recreation Coordinator Kinney** plans to make the message short and classy. **Councilor Montgomery** stated it would be a good use for the silo. **Councilor Edmundson** hoped this wouldn't be a regular request – only for major festivals.

**Mayor Brunz** noted there had been a request from the Frisbee tournament hosts to extend by one hour their music this Saturday evening at Skagit River Park. He had

August 13, 2009

expected a representative at tonight's meeting to speak to Council. He advised **Parks & Recreation Director Cavanaugh** to let the tournament representative know that the end time will not be changed; the party must end at 10 p.m.

**Parks & Recreation Director Cavanaugh** asked if **Recreation Coordinator Kinney** could move forward with banners without council review of the design. Council consensus was to move forward with the banners.

**Finance Director Thramer** noted two articles in today's Skagit Valley Herald. One article stated that the Fed sees the economy as leveling out and the bank lending rates will stay low. The other article indicated that Washington state home sales fell 15.6% in the second quarter of 2009 compared to the same period of 2008. Good news was that home sales rose 11.6 percent in the second quarter of 2009 compared with the first quarter of 2009. He reviewed information regarding the second quarter of 2009 housing market data.

#### **SPECIAL REPORTS:**

Mr. John Giarde, Office of Employer Support of the Guard and Reserve, presented certificates of appreciation to **Assistant Police Chief Stafford** and **Interim Fire Chief Staheli**.

Ms. Linda Aufrecht, Executive Director Burlington Chamber of Commerce, presented an update of the Chamber activities. She noted seven new businesses on Fairhaven Avenue; including a thrift shop specializing in furniture and a cyber café both located on the north side of the avenue near Landed Gentry offices. The Chamber is anticipating their new website will be up and running in September. The site includes more historical information, pictures and tourism information, etc. A ribbon cutting was held recently at True Built Home on Goldenrod Road. The recent national softball tournament filled every room in the Burlington hotels for multiple nights. Fiesta Unidos will take place at The Outlet Shoppes on August 29<sup>th</sup>.

#### **UNFINISHED BUSINESS:**

There was no unfinished business.

#### **NEW BUSINESS:**

#### **REQUEST TO CLOSE 900 BLOCK OF E. VERNON STREET BETWEEN HOLLY AND REGENT STREET FOR A NEIGHBORHOOD PARTY ON SATURDAY AUGUST 15 FROM NOON TO 11:00 P.M.**

**Planning Director Fleek** stated that the Technical Committee reviewed this request and has recommended approval. The applicant, (Chris Engholm) will borrow ten (10) barricades from the Street Department. He will be responsible for picking them up and returning them after the event. There will be live music at this event. **Councilor Bensen** asked that the music end by 10 p.m. A motion was made by **Councilors Bensen/Montgomery** to allow a temporary street closure for a neighborhood party in the 900 block of E. Vernon on August 15, noon to 11:00 p.m. with music ending at 10:00 p.m. All agreed. Motion carried.

#### **PUBLIC HEARING TO CONSIDER PROPOSED EXTENSION OF INTERIM CONTROLS FOR THE LEVEE SETBACK AREA THROUGH THE THREE-BRIDGE CORRIDOR.**

**Mayor Brunz** opened the public hearing. **Planning Director Fleek** stated that the interim controls restricting development in the area proposed for the levee setback

August 13, 2009

through the three-bridge corridor needs to be extended for an additional six months. There is progress on land acquisition and the City is working in coordination with Skagit County, Mount Vernon, the Dike Districts, and the Washington State Department of Transportation on additional land acquisition through the corridor as part of the long term program to protect Interstate 5. She noted that this is a long process, but one of great importance. A motion was made by **Councilors Bensen/Loving** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Bensen/Loving** to approve the ordinance extending the interim controls for an additional six months. All agreed. Motion carried.

**(Ordinance # 1680)**

**REQUEST TO CONNECT FUTURE TEMPORARY FARMWORKER HOUSING PROJECT TO SANITARY SEWER SUBJECT TO CLEARANCE BY THE STATE OF WASHINGTON FOR COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AT THE DELLINGER PROPERTY.**

**Planning Director Fleek** stated that the Heart 2 Home Foundation has stated that the site on Pulver Road has been sold to another party and they are now looking again at the Dellinger property. She noted that this parcel is located in the planned levee setback area south of the Bennett Road right-of-way. Heart 2 Home is asking for permission from the City of Burlington to connect to the sanitary sewer system if they are able to purchase the Dellinger property located on the Whitmarsh Road west of the city limits. She stated that the City continues to work on the issues associated with this location and no action is recommended at this time. **Councilor Loving** asked if the entire parcel is in the set-back area. **Planning Director Fleek** stated that it is and is located in the county (outside the city limits). Mr. Baron asked the Council for an up or down (yes or no) vote on his request. **Councilor Loving** stated that the property isn't in the City and noted that the long term plan is to move the levees back.

**INTERLOCAL SERVICES AGREEMENT FOR RECIPROCAL LIBRARY BORROWING.**

**Senior Library Associate Burwash** stated that this agreement is for a one-year pilot program with the Anacortes Public Library. The agreement is the same as the agreement with the City of Mount Vernon Library which has been very successful. The agreement allows Burlington resident library cardholders to access library services of the Anacortes Library and visa versa. There is no additional cost to resident library cardholders of either city. The agreement is for a one-year pilot program. She noted that the Anacortes City Council approved the agreement at their July 21, 2009 meeting. **Councilor Bensen** asked about the possibility of the LaConner Regional Library joining in on an agreement like this. **Senior Library Associate Burwash** noted that LaConner is interested, but that Burlington is adding only one library at a time. The library directors want to add one library at a time to be sure we don't over tax our staff or collections. She noted that there are currently 501 Mount Vernon borrowers signed up to use the Burlington library. A motion was made by **Councilors Bensen/Montgomery** to approve the agreement and authorize the Mayor to sign the Interlocal Services Agreement for a pilot project for reciprocal library borrowing with the City of Anacortes, with a one-year review. All agreed. Motion carried.

**REVISE SECTION 2.78 OF THE BURLINGTON MUNICIPAL CODE AND ADOPT RESOLUTION DECLARING THE GRAFTON HOUSE AND PROPERTY AS A PUBLIC PARK.**

**Parks & Recreation Director Cavanaugh** stated that because the Grafton house is not an operating museum, he recommends revising section 2.78.010 of the municipal code and create a resolution naming the Grafton House and property a public park. The facility use will then be under the recommendations of the Parks and Recreation Advisory Board. He noted the Grafton house has been vacant for seven years with the City continuing to pay for utilities and maintenance with no building use. He noted that this change proposed tonight does not have to be permanent; it can be revised later. He stated that continued non-use will cause deterioration of buildings. He believes this is a

August 13, 2009

good option for the house at this time as the users will take care of maintenance and utility expenses. **Councilor Edmundson** asked about a lease agreement with the Lions Club for use of the building. **Parks & Recreation Director Cavanaugh** stated it may be a lease that automatically renews each year unless one party notifies the other they wish to end the agreement. **Councilor Montgomery** asked if there would be a conflict of interest because the Mayor is a member of the Lions Club. **City Attorney Thomas** did not believe this is an issue. **Councilor Loving** suggested keeping use of the building as a museum as well as use by Lion's Club so that we don't have to eliminate the museum board. **Parks & Recreation Director Cavanaugh** noted that the Parks Board could oversee building usage if it is designated park property. If the building is used as a museum, the City would have to make the facility ADA compliant. The plan would probably be to retrofit the garage rather than the house to comply with ADA. **Councilor Edmundson** stated that she has had comments from citizens indicating they would like a museum and have items they would donate if the City had a museum where the items could be properly stored and taken care of. The museum could be staffed with volunteer docents and donation box for money. **Parks & Recreation Director Cavanaugh** noted that most house museums are only open a few hours a day, a few days a week during day-light hours. **Councilor Edmundson** noted the hard work will be to catalogue items; staffing with volunteers would be easy. **Councilor Doyle** asked for clarification regarding the proposed change of the "Grafton House" from a museum to a public park. **City Attorney Thomas** noted that Grafton House would be deleted as "museum" by ordinance and through resolution established as a "public park". As members of the Museum Board, **Councilor Loving** suggested that he and **Councilor Edmundson** meet to discuss this proposal and get back to parks board prior to Council making any change in the status of the Grafton House. **City Attorney Thomas** asked if Council objected to moving forward with a usage agreement between the City and the Lions Club. Consensus was to move forward with drafting an agreement with the Lions Club.

#### **AGREEMENT WITH SKAGIT DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES FOR 2009.**

**Finance Director Thramer** stated that it has been our practice to provide funding from two separate and distinct funding sources to Skagit domestic Violence & Sexual Assault Services. The City of Burlington 2009 budget allocates \$1,500 to provide counseling and aid in the sheltering of victims of domestic violence and sexual abuse that are Burlington residents; and \$1,950 to be used for advocacy services such as 24-hour crisis intervention, legal, medical and social services advocacy. Prior to distribution of these funds, an agreement must be approved by the City Council. A motion was made by **Councilors Loving/Doyle** to approve the agreement with Skagit Domestic Violence and Sexual Assault Services for 2009. All agreed. Motion carried.

#### **EXECUTIVE SESSION:**

The Mayor and Council members adjourned to Executive Session at 8:16 p.m. for the purpose of discussing litigation. The Mayor indicated the session would last approximately five (5) minutes. The Mayor and Council members returned from Executive Session at 8:22 p.m.

#### **ADJOURNMENT:**

The meeting was adjourned at 8:23 p.m by **Mayor Brunz**.

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Greg Thramer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor