

September 10, 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, Loving, Montgomery and Valentine. Staff present: Buckholz, Cavanaugh, Dite, Martin, Sheahan, Stafford, Thomas, Thramer, and VanWieringen.

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

APPROVAL OF MINUTES:

A motion was made by **Councilors Doyle/Loving** to approve the minutes of the August 27, 2009 Council meeting. All agreed. Motion carried.

AUDIT OF BILLS:

Councilor Aslett presented the bills. A motion was made by **Councilors Aslett/Montgomery** to approve vouchers 56261 – 56365 in the amount of \$269,728.92. All were in favor. Motion carried.

Current Expense	\$ 40,128.01
Current Expense Cumulative Reserve	8,123.67
Fire Equipment Cumulative Reserve	10,441.30
City Street	29,712.74
Hopper Construction Fund	70,670.79
Library	2,432.36
Parks & Recreation	10,134.26
Cemetery Fund	322.26
Substance Abuse Prevention	10,000.00
Stadium Fund	9,342.28
Local Capital Improvement Fund	2,070.10
Park & Recreation Reserve	7,473.23
Sewer Fund	18,500.27
Sewer Cumulative Reserve	32,443.31
Storm Drainage Utility	17,934.34
Total	\$ 269,728.92

PUBLIC COMMENTS:

Mr. Steve Omdal, Eagle Drive, asked if there was going to be some discussion on tonight’s agenda regarding creation of a Fire Authority District. **Councilor Loving** noted there would be something later in the meeting when Council discusses City Goals.

OFFICER REPORTS:

Library Director Buckholz noted that the library was closed this past Saturday (of a holiday weekend), Sunday and Monday to see if there is significant utility savings. If successful, this extended closure would be repeated Thanksgiving, Christmas, and New Year’s weekends. The hope is to not create a large impact on the public. **Councilor Doyle** noted Saturday is one of the largest volume days for visitors at the library. **Library Director Buckholz** agreed, but she’s hoping that if it is decided to add

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additional closure days, we would look toward perhaps Monday rather than a Saturday. She noted the day following the 3-day closure was very busy – with eleven (11) bins of books to return to the shelves. **Councilor Aslett** suggested looking at later hours several days a week and earlier openings several other days so as to not impact the public. **Library Director Buckholz** noted that results will be known in the next few weeks.

Court Administrator Dite reported that Municipal Court revenue will be about \$280,000 for 2009 (which is about 8% less than in 2008). She stated that new requirements for processing passport applications require that the applications be sent certified mail, the increase in postage costs cannot be passed on to customers. She noted that other passport processing offices have considered discontinuing passport processing. If this is the case, she expects an increase in applications coming to Burlington. She noted that restitution collections to for August totaled \$305. These funds have been returned to the victims. She reported that the Court is required to provide foreign language interpreters. They have recently signed on with the Language Line (at \$.99 per minutes) rather than using in-person interpreter services which can cost much more.

Parks & Recreation Director Cavanaugh reminded everyone that U.S. flags should be lowered to ½ mast tomorrow, September 11th.

City Attorney Thomas reminded Council members that the Association of Washington Cities Regional Meeting will be held October 20th in Mount Vernon. This meeting will provide an opportunity to discuss issues with AWC staff. This meeting will also include a discussion regarding I-33 and how this will affect our City should it pass. This initiative will be on the November ballot. He asked Council members to consider if they would like to hold a workshop to discuss this issue to let him know. If you need to register for the AWC Regional meeting, please contact Judy at City Hall.

City Attorney Thomas reported that the City Hall floors were re-stained and sealed over this past 3-day weekend. He noted that the results did not turn out as planned. Staff has been in contact with the architect. We're not sure what the fix will be at this time. The new finish is quite slick at times and is blistering and bubbling in places. **Councilor Aslett** noted that test patch looks better than the rest of the floor. **City Attorney Thomas** agreed; the second application of sealer on the remaining floor didn't seem to adhere properly to the first.

City Attorney Thomas discussed the possibility of providing city fiber to commercial customers. Currently, fiber serves cities, schools, government agencies, PUD, and the Port. Over the past several years, the City of Mount Vernon has served government facilities at a very low cost or free and has allowed private customers to connect to the fiber through an ISP(s) for a fee. The advantage to the City of Burlington would be a source of revenue to be used to maintain and expand the fiber system to traffic signals, pump stations, etc. A number of businesses have asked about the possibility of connecting to City fiber. If Council does not object, he will proceed with drawing up contracts and bring them to Council for approval. **Councilor Bensen** asked more about the fees to maintain and expand service. **Councilor Aslett** asked about the revenue generated and would it be enough to pay for the system. He noted his concern that the fees be equitable between City and businesses.

SPECIAL REPORT:

Ms. Linda Aufrecht, Burlington Chamber of Commerce, noted there are four businesses new to Fairhaven Avenue including a new café that will be opening soon. The Chamber has seven (7) new members this month and has hired a membership coordinator. She will be paid based on number of new members she can generate. A ribbon cutting ceremony was recently held at the Rat Race Karting, a new all-electric go cart facility. Their new website is nearly ready for launch. The web site will have a tourism focus and should be

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enjoyable to read. Visitor Information Center walk-ins during August 2009 doubled in number from August 2008. Fiesta Unidos was a successful event held at the Outlet Shoppes at the end of August. The Outlet Shoppes have asked the event to return to their location again next year. The Harvest Festival is scheduled for Saturday September 26th in partnership with City of Burlington Parks & Recreation Department. Planning is going well.

PROCLAMATION:

Mayor Brunz read a proclamation proclaiming the week of September 17 – 23, 2009 as Constitution Week.

UNFINISHED BUSINESS:

RESOLUTION IN THE MATTER OF THE ISSUANCE OF WARRANTS PRIOR TO APPROVAL BY CITY COUNCIL.

Finance Director Thramer stated that as part of the 2008 audit, the State Auditor has recommended the adoption of a resolution regarding issuance of warrants prior to Council approval. If adopted, this resolution would grant the Mayor discretionary authority to issue certain warrants before approval by the City Council to expedite payment of claims due to emergency and/or business deadlines. At the last council meeting it was suggested language be added to the resolution requiring the authorization of at least two members of the City Council Finance Committee prior to approval by the City Council to expedite payment of such claims. Such language is included in the resolution presented tonight. **City Attorney Thomas** stated that this procedure could be used for purchase of property so that the check would not be written prior to the closing date. **Finance Director Thramer** noted that such instances are generally for purchases for items or property or services already approved by council. **Councilor Bensen** asked if this resolution would create problems with the auditor. **Finance Director Thramer** noted that this resolution would keep us from getting in trouble with the auditor as we need a policy in place to authorize the issuance of warrants on non-council meeting dates. A motion was made by **Councilors Bensen/Valentine** to approve the resolution regarding the issuance of warrants prior to approval by City Council. All agreed. Motion carried.

(Resolution #13-2009)

RESOLUTION TO ADOPT CITY-WIDE GOALS.

City Attorney Thomas presented two versions of a resolution that will establish City-wide goals for 2010. He noted the primary difference between the two resolutions lies in Goal 3. In version "A," the City would seek to enhance the Fire Department's ability to respond to fire and medical emergencies by providing for additional career staffing at the fire department. In version "B" the resolution takes a slightly different approach, and does not designate a year in which the City would seek to add staff. Both versions establish a goal of providing additional law enforcement resources (Goal No. 1) and of stabilizing our economic situation through the establishment of appropriate reserves (Goal 2). He stated that he drafted the resolutions based on what council has indicated are their goals. He welcomed changes or additions to the resolution. **Councilor Aslett** noted the resolution indicates specific numbers of employees to be hired in certain positions. He would prefer the positions be listed without indicating how many; he does not want to be locked into specific numbers in these economic times. **City Attorney Thomas** noted all the goals are dependent upon revenue and thus the setting of benchmarks tied to goals. **Councilor Loving** asked for a revision to goal #3 on Resolution "A". **Councilor Aslett** suggested additional language in Goal #6 about fitness and health. After some additional discussion it was decided that Council would review the list of goals and discuss the resolution again at the next council meeting.

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NEW BUSINESS:

CONTRACT WITH AUDIO JUSTICE FOR STAGE AT HARVEST FESTIVAL.

Parks & Recreation Director Cavanaugh stated that this contract is to provide a stage (delivery, set-up, and removal) for use at Skagit River Park on Saturday September 26, 2009 for the Harvest Festival activities. The stage will be removed by 8:00 p.m. the evening of the 26th. He noted that this contract is \$200 more than last year. A motion was made by **Councilors Aslett/Loving** to approve the contract with Audio Justice and authorize the Mayor to sign. All agreed. Motion carried.

RESOLUTION TO DECLARE CERTAIN PROPERTY (VEHICLES) AS SURPLUS AND AUTHORIZE SALE OF THE ITEMS.

Police Chief VanWieringen stated that they have four patrol vehicles and one fire department vehicle that have been determined to be surplus by the departments. The plan is to sell the vehicles through PropertyRoom.Com which is an on-line auction utilized by many law enforcement agencies to dispose of surplus property and unclaimed recovered lost and/or stolen items. Sale of the vehicles through this organization will reduce the City's expense by not having to hold an auction utilizing City staff. After sale of the vehicles, the City will receive payment for 70% of the sale price. A motion was made by **Councilors Bensen/Valentine** to approve the resolution declaring vehicles as surplus and authorizing the sale of the items at public auction using an on-line auction company. All agreed. Motion carried.

(Resolution #14-2009)

BID AWARD, 100 KW TRAILER-MOUNTED GENERATOR FOR THE SEWER DEPARTMENT.

Public Works Director/City Engineer Martin stated that bids were opened on September 1, 2009; four bids were received. He noted that the apparent low bid by Bowers Machine Company did not meet the specifications for generator manufacturer (Caterpillar or Onan) and did not meet critical performance requirements. The second-low bidder, NC Power Systems, substantially met the specifications. Staff recommends awarding the bid to NC Power Systems. Councilor Bensen asked if this is a replacement generator or an additional generator for the sewer department. **Public Works Director/City Engineer Martin** stated that is an additional generator with more KW to be used at City pump stations, etc. A motion was made by **Councilors Bensen/Aslett** to award the bid for one trailer-mounted 100KW generator to NC Power Systems for \$46,926.34. All agreed. Motion carried.

Councilor Aslett asked **Police Chief VanWieringen** to let City Council know how much they make on the sale of the surplus vehicles after they are sold at PropertyRoom.com.

CONTRACT WITH AYLOR & ASSOCIATES FOR GRANT WRITING AND ON-CALL ENVIRONMENTAL PERMITTING SERVICES.

Public Works Director/City Engineer Martin stated that the initial purpose of this on-call professional services contract will be to put together a grant application to develop a comprehensive planning document for Gages Slough that will enable the City, over time, to improve water quality, improve animal habitat, restore native vegetation, and maintain/improve the Slough's ability to drain the City. Subsequently, this contract will provide capability to respond to additional grant opportunities and also provide tasks likely to be related to the City/Dike District 12 levee certification project. The contract is for three years and will not exceed \$40,000. He noted that Skagit County Dike District #12 has also hired Aylor & Associates as a grant/report/research professional service provider. He doubts that the entire funds will be spent. The initial task for Aylor & Associates will be to put together the Centennial grant application. Councilor Aslett suggested there be a contract agreement for each specific project rather than an open

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ended long-term agreement. Councilor Loving stated his approval of this contract as the funds will come from the Drainage Utility Fund for work that needs to be done. A motion was made by **Councilors Loving/Valentine** to approve the contract with Aylor & Associates. Voting in favor were **Councilors Bensen, Loving, Valentine, Montgomery, and Doyle**. Voting against was **Councilor Aslett**. Motion carried.

AMENDMENT OF GUN POLICY IN THE PERSONNEL POLICY AND PROCEDURES MANUAL.

Mayor Brunz stated that this is coming to council for approval at his request. Current policy allows the Mayor to grant authorization to individual employees to possess weapons in the workplace. He would rather remove that portion from the policy. City Attorney Thomas stated that the policy before council this evening is very similar to that used by the City of Anacortes. Employees who have a concealed weapons permit would be allowed to leave their weapon in their private vehicle (on city property) but not allowed to bring it into the work place. **Councilor Bensen** asked if council members are considered employees. City Attorney Thomas stated this policy would not apply to him as an elected official. **City Attorney Thomas** requested a slight change in the language of the resolution to read “prohibited from carrying weapons in city buildings” rather than “from carrying weapons in City-provided vehicles”. **Councilor Loving** stated he is not in favor of changing the current policy. **Councilor Doyle** stated she agrees with **Councilor Loving**. **Councilor Aslett** stated he has never worked for any employer who allowed weapons in the work place. **Mayor Brunz** stated that by allowing weapons in the workplace, the City has much liability should there be an incident. **Mayor Brunz** asked **Police Chief VanWieringen** for his input. **Police Chief VanWieringen** stated that by Washington state law, weapons are not allowed in the court room, court offices or Police Department with the exception of law enforcement – even if a person has a concealed weapons permit. **Assistant Police Chief Stafford** stated that statistics show that most police officers killed are shot with their own weapons. **Councilor Aslett** stated his opinion that for City liability, weapons should not be allowed on city buildings by employees. A motion was made by **Councilors Aslett/Montgomery** to reconsider the resolution at the next council meeting following correction as indicated by **City Attorney Thomas**. Voting in favor were **Councilors Bensen, Aslett and Montgomery**. Voting against were **Councilors Doyle, Loving and Valentine**. **Mayor Brunz** voted in favor. Motion carried.

EXECUTIVE SESSION:

The Mayor and Council members adjourned to executive session at 8:22 p.m. for the purpose of discussing personnel and litigation. **City Attorney Thomas** noted that the executive session should last about 20 minutes. The Mayor and city council members returned from the executive session at 8:55 p.m.

ADJOURNMENT:

The meeting was adjourned at 8:56 p.m by **Mayor Brunz**.

Greg Thramer
Finance Director / City Clerk

Edward J. Brunz
Mayor