

October 22, 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: Ackerman, Blanford, Buckholz, Burwash, Butterfield, Cavanaugh, Dempsey, Dite, Erickson, Hawes, Kinney, Sheahan, Stafford, Thomas, Thramer, Tingley, VanSickle, VanWieringen, and Zitkovich.

A motion was made by **Councilors Bensen/Doyle** to excuse **Councilor Loving** 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 September 24, 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 56558 – 56666 in the amount of \$219,002.82. All were in favor. Motion carried.

Current Expense	\$ 102,446.80
Current Expense Cumulative Reserve	2,403.85
Fire Equipment Cumulative Reserve	34,765.75
City Street	3,201.60
Hopper Construction Fund	654.06
Library	458.02
Parks & Recreation	18,427.98
Cemetery Fund	255.58
Stadium Fund	3,008.75
Local Capital Improvement	1,707.94
Park & Recreation Reserve	23,708.61
Sewer Fund	19,955.90
Storm Drainage Utility	8,007.98
Total	\$ 219,002.82

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Pre-Treatment Coordinator Erickson reported on the services provided by the Sewer Department. He noted that the sewer treatment plant serves the City of Burlington as well as a large area to the west and to the north as far as Lake Samish, including the Skagit Casino. He stated that sewer capacity is at 45%. The plant treats an average of 1.6 million gallons per day. Sewer Department staff performs repair and maintenance on all department vehicles and equipment as well as perform all lab testing. The Burlington Sewer Department meets Department of Ecology standards at 100% each year.

Library Director Buckholz reported that the Library Board is looking at taking on a long-range plan. The Washington State Library has offered to fund and assist Burlington in this process.

Parks & Recreation Director Cavanaugh stated that the Whitmarsh restroom project is progressing well. The block structure is up, plumbing in place and the roof is on. Work began this week on the stone siding.

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Recreation Coordinator Kinney reported on recreation programs currently underway or planned for the fall and winter months through the Parks and Recreation Department.

SPECIAL REPORT:

Recreation Coordinator Kinney reported on the success of the 2009 Harvest Festival and Pumpkin Pitch which was held on Saturday September 26th. She reviewed the planning, set-up and day of the festival events. She noted that follow-up meetings had been held with staff and the Chamber of Commerce to determine what needs to be changed or added for next year to increase safety and have a more successful festival.

Councilor Loving arrived at the meeting.

UNFINISHED BUSINESS:

ON-CALL SNOW REMOVAL SERVICES, SULLIVAN GRADING LLC.

Assistant City Engineer Dempsey stated that the Council previously approved this contract for three years, total compensation not to exceed \$45,000. Mr. Sullivan would prefer to contract with the City one year at a time. This modified contract does that, changing the maximum compensation amount to \$15,000. There are no other changes to the agreement. **Councilor Aslett** asked why Mr. Sullivan was requesting the change. **Assistant City Engineer Dempsey** thought perhaps three years was too long when estimating fuel costs and equipment costs. A motion was made by **Councilors Aslett/Montgomery** to approve the amendment to the agreement with Sullivan Grading LLC and authorized the Mayor to sign. All agreed. Motion carried.

NEW BUSINESS:

RESOLUTION IN OPPOSITION TO INITIATIVE 1033.

City Attorney Thomas stated that state law requires an opportunity for those with opposing views to be allowed time to speak during this public meeting. He presented an overview of the initiative; explaining the implications to the city should it be approved by the voters on November 3, 2009. He encouraged the Council to approve the resolution opposing Initiative 1033. Mr. Mike Newman, 17247 Blodgett Road, Mount Vernon spoke in favor of I-1033 noting that voters have approved tax reductions many times only to have the result overturned by the courts or the legislature. Mr. Mark Kramer, 506 South Cherry, Burlington, spoke in opposition to I-1033. He praised the City for infrastructure and planning for the future of the citizens. Mr. Steve Sexton, 109 S. Section Street, Burlington stated that I-1033 will limit tax revenue to inflation indicators but how might a negative inflation indicator affect the city or would the baseline be no lower than the 2009 revenues. **City Attorney Thomas** stated he did not know the answer to that question. A motion was made by **Councilors Benson/Loving** to approve the resolution opposing Initiative 1033 which will appear on the November 3, 2009 ballot. All agreed. Motion carried.

(Resolution # 17 - 2009)

INTERLOCAL AGREEMENT WITH SKAGIT COUNTY FOR 2009 LIBRARY SERVICES.

Library Director Buckholz stated that for the past several years Skagit County has provided funding to libraries to assist with services to patrons who are not residents of the City. The amount of funding is based on circulation data from 2008. For 2009 the County has allocated \$8,947.00 to the City of Burlington. **Councilor Aslett** suggested the County might be persuaded to change the calculation to also include the number of visitors in comparison to other libraries in the county. A motion was made by **Councilors Bensen/Valentine** to approve the interlocal agreement with Skagit County for 2009 library services. All agreed. Motion carried.

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2010 INTERLOCAL AGREEMENT WITH SKAGIT COUNTY FOR SENIOR SERVICES.

Parks & Recreation Director Cavanaugh stated that due to current economic difficulties, the City has recommended no increase to the base fee for 2010. The agreement presented here is for \$16,851.00 (which includes utility costs offset of \$8,404.00). He noted that the utility offset changes each year based on the prior year usage. A motion was made by **Councilors Aslett/Edmundson** to authorize the Mayor to enter into the interlocal agreement with Skagit County for 2010 senior services. All agreed. Motion carried.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION GENERAL CONSTRUCTION AGREEMENT, STATE ROUTE 11 / INTERSTATE 5 INTERCHANGE – CHUCKANUT DRIVE ROUNDABOUTS, SIDEWALK AND MEDIAN INSTALLATION.

Assistant City Engineer Dempsey explained that this agreement will facilitate the construction of a sidewalk and median along N. Burlington Boulevard and Old Highway 99 as part of the WSDOT project. The new sidewalk will link the existing pedestrian trail, north of the high school, to the trail near Campers World. In addition, a non-traversable median will be installed between the City and State roundabouts. Due to future growth and the SKAT park-and-ride facility, the median is proposed to create more efficient traffic movements between the roundabouts. Final cost will be determined from contractor bid award. The City of Burlington has the option to eliminate work from the project if the bid award is too high. A motion was made by **Councilors Bensen/Loving** to authorize the City Engineer to sign the WSDOT General Construction Agreement for Chuckanut Roundabouts Project at State Route 11 / Interstate-5 interchange. All agreed. Motion carried.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION GENERAL CONSTRUCTION AGREEMENT, STATE ROUTE 11 / INTERSTATE 5 INTERCHANGE – CHUCKANUT DRIVE ROUNDABOUTS DECORATIVE LUMINARIES.

Assistant City Engineer Dempsey stated that this agreement will facilitate the fabrication of eight (8) decorative luminaries, to be installed with the WSDOT Chuckanut Roundabouts project. The decorative luminaries will match the existing ones installed last year as part of the City's North Burlington Boulevard project. This agreement requires the City to pay a one-time, lump sum cost of \$23,100.62 to WSDOT to upgrade the eight light poles. **Councilor Bensen** asked about the specific location of the luminaries. **Councilor Loving** noted that these light poles are made locally (Sedro-Woolley) and will match the ones installed on North Burlington Boulevard by the City. A motion was made by **Councilors Loving/Valentine** to approve the general construction agreement with Washington State Department of Transportation for decorative luminaries and authorize the Mayor to sign. All agreed. Motion carried.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION GENERAL CONSTRUCTION AGREEMENT, STATE ROUTE 11 / INTERSTATE 5 INTERCHANGE – CHUCKANUT DRIVE ROUNDABOUTS DECORATIVE LUMINARIES MAINTENANCE.

Assistant City Engineer Dempsey explained that this agreement will facilitate annual maintenance of the eight (8) decorative luminaries installed with the WSDOT Chuckanut Roundabout project. WSDOT will pay the electricity costs, and the City will pay WSDOT for all routine maintenance. WSDOT has estimated this annual maintenance cost to be \$900. A motion was made by **Councilors Bensen/Montgomery** to authorize the Mayor to sign the General Maintenance Agreement for maintenance of eight luminaries installed with Chuckanut Roundabouts Project at SR 11 / I-5 Interchange. All agreed. Motion carried.

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**ORDINANCE TO AMEND BURLINGTON MUNICIPAL CODE 2.56.040
COMPENSATION FOR COUNCIL MEMBERS.**

City Attorney Thomas stated that Council members have asked about the possibility of elected officials declining a portion of their salary. He noted that state law does not allow reduction (or increase) of municipal officers' salaries during their current term of office. After contacting the Internal Revenue Service and Municipal Research Services, he learned that elected officials could decline a portion of their salary as long as the elected official designated a specific purpose for the declined salary. During his research he also found that recent amendments to the City salary schedule regarding council members was not reflected in the Burlington Municipal Code Section 2.56.040, thereby resulting in a conflict between the code and more recently adopted salary ordinances. The ordinance under consideration tonight would correct Section 2.56.040 and include a new Section 2.56.050 Waiver of Compensation by City Council Members. This new section specifies that the waiver of salaries must be in writing and that the declined portions of salaries may be used by the City for reading material purchases by and for the City Library or other purpose as designated in writing. **Councilor Edmundson** suggested two sections of the municipal code be considered as separate ordinances. A motion was made by **Councilors Aslett/Montgomery** to approve an ordinance to amend Burlington Municipal Code 2.56.040 regarding the salary of council members. **Councilor Loving** asked **Mayor Brunz** how much his salary would be reduced in the 2010 budget. **Councilor Aslett** clarified that his motion is to correct the council members' salary in the municipal code; not regarding the 2010 salaries. **Councilor Loving** asked for clarification regarding council member pay while serving their first term in a particular ward. **City Attorney Thomas** noted that the municipal code indicates a council member serving in their first term for a specific ward receives \$600 per month and not until they are in their second or subsequent terms for the same ward would they receive \$800 per month. So, if a council member was elected to a different ward, their salary would begin again at \$600 per month. He noted that this language could also be changed. After some discussion, council members requested the language be changed to indicate that council members in their first elected term receive \$600 per month and subsequent elected terms receive \$800 per month, regardless of what ward they are representing. They also requested that Section 2.56.040 and the new section 2.26.050 be presented as separate ordinances. **City Attorney Thomas** indicated he would bring the two revised ordinances to the next City Council meeting for consideration.

EXECUTIVE SESSION:

The Mayor and Council members adjourned to executive session at 8:45 p.m. for the purpose of discussing personnel (union negotiations). **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 9:02 p.m.

ADJOURNMENT:

The meeting was adjourned at 9:04 p.m. by **Mayor Brunz**.

Greg Thramer
Finance Director / City Clerk

Edward J. Brunz
Mayor