

November 12, 2009

**CALL TO ORDER:**

Mayor Brunz called the meeting to order at 7:01 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bensen, Doyle, Edmundson, Loving, Montgomery and Valentine. Staff present: Cavanaugh, Fleek, Martin, Sheahan, Sherwood, Stafford, Thomas, Thramer, VanWieringen, Brown, Ackerman, Burwash, Acero and Johnstone.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Doyle/Valentine** to approve the minutes of the October 22, 2009 Council workshop and Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** presented the bills. A motion was made by **Councilors Aslett/Bensen** to approve vouchers 56667 – 56836 in the amount of \$388,752.23. All were in favor. Motion carried.

Current Expense	\$ 98,367.65
Current Expense Cumulative Reserve	739.84
Fire Equipment Cumulative Reserve	3,105.65
City Street	69,316.16
Hopper Road Construction Fund	76,357.37
Library	5,979.26
Parks & Recreation	3,871.92
Cemetery Fund	342.84
Stadium Fund	10,206.09
Park & Recreation Reserve	24,555.57
Sewer Fund	40,011.71
Sewer Cumulative Reserve	32,841.05
Storm Drainage Utility	23,057.12
<b>Total</b>	<b>\$ 388,752.23</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**REQUEST FOR CLARIFICATION REGARDING COPS GRANT POSITION.**

**Police Chief VanWieringen** stated that the COPS grant has been moved from Police Officer position #27 to Police Officer #25. He asked for confirmation from council that the grant has been reassigned to position #25. He is in need of this confirmation for reporting purposes to the grant provider. **City Attorney Thomas** stated that the City will attempt to follow the rules of the federal grant and is hopeful that we can change the designation from #27 to #25. He indicated that approval by council is needed for the record. A motion was made by **Councilors Bensen/Valentine** to approve Police Officer position #25 as the COPS grant position. All approved. Motion carried.

**Planning Director Fleek** reported that the Parks Foundation is preparing for the Burlington Tulip Festival Art Walk. **Councilor Aslett** asked **Planning Director Fleek** to be clear about the funding source when reporting about the Art Walk. He noted that

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the newspaper indicated this is funded with City funds when in fact it will be funded by the Parks Foundation.

**Finance Director Thramer** discussed the 2008 LTGO Bond and the possibility of repaying the unexpended funds to the lender. The unexpended funds (\$1.4 million) must be repaid to Banner Bank on a regular payment date (Dec 1<sup>st</sup> or June 1<sup>st</sup>). The City will be required to pay a 1% re-payment fee of \$28,000. If this is council's desire, he will bring a 2009 Budget Amendment for council approval at the next regular meeting.

**Councilor Aslett** asked for clarification regarding the pre-payment penalty. **City Attorney Thomas** stated that a penalty is noted in the Bond Ordinance. **Councilor Bensen** asked what the purpose was for this loan. **Finance Director Thramer** indicated it was for the North Burlington Blvd. and for purchase of Hopper Road right-of-way. The amount to be refunded was slated for the right-of-way purchase which is not planned at this time. The remaining balance of the loan will be \$5 million following the prepayment.

### **SPECIAL REPORT:**

Ms. Linda Aufrecht, Executive Director Burlington Chamber of Commerce, reported on recent activities of the Chamber. She noted that the new website is up and running and displayed a graph of website hits since launch. This has resulted in more phone calls and contacts with the Visitor Information Center than usual. Upcoming events include the Tree Lighting and visit with Santa. The City tree lighting ceremony will take place at 6 p.m. Thursday December 3, 2009 at the Skagit Skate on Cedar Street followed by free skating and a visit with Santa. She noted that the Chamber is planning on a bare-bones 2010 budget. The Visitor Information Center had 119 visitors in October as well as 96 calls for information.

### **UNFINISHED BUSINESS:**

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

**City Attorney Thomas** stated that at the last council meeting he presented an ordinance to amend two sections of the municipal code concerning compensation for council members. Council requested that he develop two separate ordinances for consideration. This ordinance is primarily a "housekeeping" ordinance to correct the municipal code so that it complies with recent salary ordinances that indicate a council member in their first elected term should receive \$600 per month. An additional change requested by Council was to change language to clarify that a first elected term was not specific to each ward. **Councilor Aslett** stated that he will step down for the discussion and vote on this ordinance as it will affect him in his new council position. A motion was made by **Councilors Valentine/Loving** to approve the ordinance amending Burlington Municipal Code 2.56.040 Compensation for City Council. All agreed. Motion carried. **Councilor Aslett** did not vote.

**(Ordinance #1685)**

#### **ORDINANCE TO ADD A NEW SECTION TO BURLINGTON MUNICIPAL CODE 2.56.050 WAIVER OF COMPENSATION BY CITY COUNCIL MEMBERS.**

**City Attorney Thomas** stated that this ordinance will provide an opportunity for council members to decline or waive a portion of their compensation. He checked with Municipal Research and the Internal Revenue Service to be sure that this will be allowed under current laws. A council member (and spouse) must sign authorization to waive a portion of their compensation and indicate to what other City fund it should be directed to. The waiver can be changed or terminated at any time by the Council member.

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**Councilor Aslett** suggested it might be difficult to track these funds. **Councilor Doyle** asked if the wage is declined and given to the library, could this be used as a personal tax deduction. **City Attorney Thomas** indicated that in this case the funds would not be considered a charitable donation as the funds were never received by the council member. **Councilor Edmundson** stated that council members could write a personal check to the Library Foundation as a charitable contribution. A motion was made by **Councilors Aslett/Montgomery** to approve the ordinance amending Burlington Municipal Code 2.56.050 Waiver of Compensation by City Council Members. Voting in favor: **Councilors Loving, Aslett, and Montgomery**. Voting against were **Councilors Bensen, Valentine, Doyle, and Edmundson**. Motion failed.

**NEW BUSINESS:****OUR LADY OF GUADALUPE PARADE 11:00 A.M. SUNDAY DECEMBER 6, 2009.**

**Planning Director Fleek** stated that the annual parade is scheduled for 11:00 a.m. Sunday December 6, 2009. The parade will be staged at Maiben Park, head west along Fairhaven and end at the Catholic Church on Peterson Road. This is a request to close the street during the parade. **Police Chief VanWieringen** reported that this parade will require two off-duty officers (to be paid at overtime rates). In the past the City has provided officers at the City's expense. **Councilor Loving** asked if we could use on-duty officers rather than off-duty, thus not expending additional pay. **Police Chief VanWieringen** noted we'll have only three officers on duty at that time which can be very busy. **Councilor Doyle** suggested the City split the cost with the parade organizers. **Police Chief VanWieringen** noted that the cost would be \$62 per hour per officer (with a four-hour minimum) to guide the march. Mr. Vivanco asked what would half the cost be. **Police Chief VanWieringen** indicated about \$250. **City Attorney Thomas** asked for clarification as to how the fee would be charged, satisfy the auditor. A representative of the NorthWest Credit Union offered to pay for one officer so that the City would not pay for any officer overtime. A motion was made by **Councilors Loving/Aslett** to approve the street closure request for Sunday December 6, 2009. All agreed. Motion carried.

**CONTRACT REZONE TO ALLOW TWO DRIVE-THROUGH LANES AT 115 CEDAR STREET.**

**Planning Director Fleek** stated that a public hearing was conducted on August 19, 2009 before the Planning Commission on a proposed contract rezone to allow two drive through lanes on a site that does not have access to a signalized intersection; develop site with a 3,500 square foot Credit Union building with parking, and a future retail or office building at 5,219 square feet., including about 2,200 yards of fill on a 2.05 acre site, retaining existing 3,000 square foot storage building. The applicant is NW Plus Credit Union represented by Carletti Architects and the site is located at 115 Cedar Street. The only concern raised was about ensuring bank security with respect to site layout. Rather than install a pocket park with a bench at the corner, the applicant proposes a plaza area that would be suitable for a future public art installation. A motion was made by **Councilors Aslett/Bensen** to approve contract rezone ordinance subject to the following conditions: 1) Plan review by the Planning Commission; 2) Design a public plaza for a future public art installation at the corner of Alder and Cedar; 3) Street improvements as required by the Public Works Department. All agreed. Motion carried.  
(Ordinance # 1686)

**DESIGNATE EXPANDED DOWNTOWN PARK AREA TO INCLUDE PARKING LOT WEST OF THE MAIN BNSF LINE; ADD THE TRAIL EXTENSION TO CONNECT TO LIONS PARK; INCLUDE THE OLD FIRE STATION SITE.**

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**Planning Director Fleek** stated that in order to maximize flexibility for funding improvements to Downtown Burlington, the Burlington Parks Board is recommending that the City designate a Downtown Park Area as part of the update of the Parks and Recreation Comprehensive Plan that is scheduled for early 2010. A motion was made by **Councilors Loving/Valentine** to adopt the Downtown Park Area as part of the update of the Parks and Recreation Comprehensive Plan. All agreed. Motion carried.

**PROPOSAL TO UPDATE AND REFORMAT THE FEES FOR PERMITS, LICENSES, FACILITY USE AND RELATED ITEMS.**

**Mayor Brunz** opened the public hearing. **Planning Director Fleek** reported that the Mayor appointed a staff task force to review and make recommendations to update the City's fee structure. This included a review of all ordinances and resolutions that establish fees and charges, a comparative evaluation by each responsible department of fees charged in other locations, and reformatting to provide for ease of update in the future. The general approach is to have the fees established by Resolution and consolidated by category so that an annual review can be accomplished with ease. There are several exceptions that are referenced in the resolution to make sure that nothing is overlooked, and in some cases the fees are set by others and they will be included in the public information bulletin where appropriate. In order to accomplish this task, two ordinances and four resolutions are proposed for consideration. **Councilor Aslett** asked if the public had been notified that a public hearing regarding City fees was on the agenda this evening. **Planning Director Fleek** reported that a notice of public hearing had been published and that she also notified the Skagit Island Builder's Association. She noted that the committee estimates a \$20,000 increase to business license revenue and about \$50,000 increase to the parks fees. She stated that most of the fees have not been revised for about five years and in some cases ten years. A motion was made by **Councilors Loving/Bensen** to close the public hearing. All agreed. Motion carried. **Councilor Bensen** asked how much the committee estimates the total increase to City revenues. **Finance Director Thramer** stated an estimate of \$100,000. **Councilor Bensen** asked the effective date for changing the fees. **Finance Director Thramer** stated the new fees would be effective January 1, 2010. A motion was made by **Councilors Loving/Bensen** to adopt all the following Ordinances and Resolutions to revise fees charged by the City for services. Voting in favor were **Councilors Bensen, Loving, Valentine, Aslett, Doyle** and **Edmundson**. Voting against was **Councilor Montgomery**. Motion carried.

Ordinance to revise BMC 15.13.040 Assessment of Impact Fees to amend the Park Impact Fee schedule.

**(Ordinance #1687)**

Ordinance to revise BMC 5.08.040, BMC 5.08.170, BMC 5.16.050, BMC 5.16.060, BMC 5.16.070, BMC 5.20.100 and BMC 5.24.060 to delete the fee amounts and reference a Fee Resolution.

**(Ordinance #1688)**

Resolution to replace Resolution 13-05 establishing Business License Fees; to update fees for BMC Chapter 5.08 Taxicabs, BMC Chapter 5.16 Peddlers and Solicitors, BMC Chapter 5.20 Pawnbrokers and Secondhand Dealers, and BMC Chapter 5.24 Amusement Centers; adding new fees for facility use, copies, background checks, and providing clarification of certain fees and rates.

**(Resolution # 18- 2009)**

Resolution to replace Resolution 12-99, 16-2003, 6-2004, 7-2004, 2-2008 and 12-2002 establishing permit and inspection fees for 2010, adding new fees and providing clarification of certain fees and rates.

**(Resolution # 19- 2009)**

Resolution to replace Resolution 2-05, revising the schedule of fees in the Burlington Municipal Cemetery. **(Resolution # 20-2009)**

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Resolution to replace Resolution 14-99, and Administrative Rule 97-1, establishing field use, facility rental, vendor fees and portable restroom rental fees for 2010.

**(Resolution # 21-2009)**

**PUBLIC HEARING TO SET PROPERTY TAX LEVY RATE FOR COLLECTION IN 2010.**

**Mayor Brunz** opened the public hearing. **Finance Director Thramer** stated that the state legislature has limited cities to collecting 101% of the amount established for collection in the previous year, for many years cities have been allowed to establish a levy amount less than the maximum percentage allowed by statute and “bank” the percentage not taken for future use. Burlington has taken less than the maximum amount allowed in the past, and banked that percentage. He presented five options (A - E) to Council for consideration. He noted that option A is for 0% increase; option B for 1%, etc. Option B at 1% would increase revenue by \$23,556; Option C at 2% will increase revenue by \$47,112. Every one-percent would increase the revenue by \$23,556.

Ms. Tammy Coffell, 1711 E. Hazel Street, spoke against raising property taxes. Mr. Mark Kramer, 506 S. Cherry, spoke against raising property taxes. **Councilor Edmundson** stated this is not a time to raise property tax. The state and federal government are in same financial situation as the cities. **Councilor Valentine** indicated this is not the time to raise taxes. A motion was made by **Councilors Valentine/Bensen** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Bensen/Valentine** to adopt the ordinance to increase the 2009 property tax by 0% for collection in 2010. All agreed. Motion carried.

**(Ordinance # 1689)**

**RESOLUTION PROVIDING DIRECTION TO STAFF CONCERNING OPERATING HOURS.**

**City Attorney Thomas** stated that during preparation of the preliminary budget, **Mayor Brunz** and City staff have labored to present a responsible budget that meets the City’s needs while preserving access to necessary and desired City services insofar as is possible. Because personnel costs account for a substantial part of the City’s budget, the Mayor and staff have carefully considered ways in which these costs can be reduced in order that the availability of services may be maintained. As has been discussed previously, one option available is to adopt a compressed work week, in which the hours of several departments are open is reduced to a 4-day schedule. Under this option, City Hall and the Parks Department would operate on a 38-hour work week, resulting in payroll savings as well as utility and building maintenance costs. Hours on those 4 days would be expanded to 7:30 a.m. to 5:30 p.m. to allow citizens additional time early in the morning and later in the afternoon to do business. The Library’s hours would be curtailed to 47 hours/week, and would close on Friday. The Court would remain open 5 days a week, but would also have a reduced schedule. This proposal is subject to bargaining, and staff has presented this option to affected bargaining groups. The intent of this resolution is to formalize Council support so that staff may proceed with knowledge that it would be acceptable to the City Council. **Councilor Bensen** suggested the unions should be in agreement prior to council approval. **City Attorney Thomas** noted that the resolution states that a change in the work-week would be contingent upon union agreement. **Councilor Aslett** indicated he would not be in favor of closing City offices one day per week as that would provide less service to the citizens. **Councilor Loving** indicated he would first like to see a budget that outlines the savings that a reduced workweek would provide. He stated that if the unions are in favor, then we would vote on the proposal. **Mayor Brunz** asked if council would like to reconsider this at the next council meeting. **Councilor Bensen** asked if meetings have been scheduled with the Teamsters union. **Mayor Brunz** stated that he is hopeful a meeting will take place prior to the next council meeting. Council members requested this item be brought to the next council meeting for further discussion.

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**RESOLUTION AUTHORIZING AGREEMENT TO FACILITATE EARLY RETIREMENT BY EMPLOYEES.**

**City Attorney Thomas** stated that it is apparent that personnel costs must be reduced. While the involuntary termination of City staff must also be considered, it is typically less costly, and thus preferable, to reduce costs through voluntary terminations. The proposed resolution will authorize a formal agreement, which will allow the City to utilize the savings realized from avoiding payments for unemployment benefits, and use those savings to encourage certain staff to consider early retirement in exchange for a release of claims against the City. The positions vacated by retirement will be considered on a case-by-case basis to determine if the positions should be left vacant, or filled with new employees at a lower step on the wage scale. Council members asked if it is known how many employees would take advantage of this offer. **Finance Director Thramer** stated that number is unknown; he estimated three to five. After some discussion, council members suggested this item be re-considered at the next council meeting.

**EXECUTIVE SESSION:**

The Mayor and Council members adjourned to executive session at 8:49 p.m. for the purpose of discussing personnel (union negotiations), litigation and land acquisition. **City Attorney Thomas** noted that the executive session should last about 30 minutes. The Mayor and city council members returned from the executive session at 9:15 p.m.

**SETTLEMENT AGREEMENT.**

A motion was made by **Councilors Loving/Bensen** to approve a settlement agreement between Fred Meyer, Ribera-Balko Enterprises Family Limited Partnership and the City of Burlington in the matter of the land use petition challenging the City’s approval of a conditional use permit granted to Fred Meyer to allow the construction of a gasoline station. All approved. Motion carried.

**ADJOURNMENT:**

The meeting was adjourned at 9:17 p.m. by **Mayor Brunz**.

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Greg Thramer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor