

December 10, 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: Ackerman, Burwash, Brown, Buckholz, Butterfield, Cavanaugh, Cuellar, Fleek, Guirl, Hooker, Johnstone, Martin, O’Hara, Rabenstein, Sheahan, Small, Stafford, Thomas, Thramer, and VanWieringen.

**MINUTES:**

A motion was made by **Councilors Aslett/Valentine** to approve the minutes of the November 24, 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/Edmundson** to approve vouchers 56899 – 57001 in the amount of \$192,149.69. All were in favor. Motion carried.

Current Expense	\$ 60,870.14
Current Expense Cumulative Reserve	3.42
Fire Equipment Cumulative Reserve	18.67
City Street	17,528.50
Library	9,259.93
Parks & Recreation	2,900.50
Cemetery Fund	166.61
Stadium Fund	6,164.47
Local Capital Improvement Fund	615.92
Park & Recreation Reserve	29,492.50
Sewer Fund	36,158.28
Sewer Cumulative Reserve	9,686.70
Storm Drainage Utility	19,284.05
<b>Total</b>	<b>\$ 192,149.69</b>

**PUBLIC COMMENTS:**

Mr. John Bielen, 11316 Willow Drive, Burlington, questioned the closing of the gate at the Tjeerdsma Boat Launch. He stated that there are times when he would like to launch his boat, but finds the gate closed. **Mayor Brunz** and **Parks and Recreation Director Cavanaugh** explained that the gate closings are done at the request of Dike District 12 when the river is at a high level. This is done to protect life and property and avoid liability issues.

**OFFICER REPORTS:**

**APPOINTMENTS TO MUSEUM BOARD.**

**Parks & Recreation Director Cavanaugh** reported that new members for appointment to the Museum Board have been contacted and are willing to serve. A motion was made by **Councilors Edmundson/Montgomery** to appoint Helen Doyle, Margie Wilson and Oscar Lagerlund to serve on the Museum Board. All agreed. Motion Carried.

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**Library Director Buckholz** thanked **Councilor Doyle** and **Councilor Bensen** for their many years of service to the City of Burlington.

**Library Director Buckholz** reported that the Library Board of Directors will go through a strategic planning process to consider the future direction and goals for the library. This process will involve the public. She asked if any council members are interested in being a part of this process to please contact her.

**City Attorney Thomas** encouraged all Council members to register for the Elected Officials Essentials seminar to be held in Lynnwood January 15<sup>th</sup> and 16<sup>th</sup>. He noted that this training event is being presented by the Association of Washington Cities and Municipal Services Research Center.

**OATH OF OFFICE:**

Skagit County District Court Judge David Svaren administered the oath of office to Council members who will begin their elected term of office January 1, 2010. He administered the oath to Mr. William Aslett, Mr. Chris Loving, and Mr. Steve Sexton. Ms. Tonya Bieche was not available to attend this meeting and will be sworn in at a later date.

**SPECIAL PRESENTATIONS:**

**TRIAL COURT IMPROVEMENT FUNDS.**

Judge Svaren reviewed Chapter 457 of Washington State law relating to court operations. He stated that since 2005, the State has paid money to the County and Cities that has been placed in a Trial Court Improvement Account by each entity. The monies are to be used to fund improvements to the municipal department's staffing, programs, facilities, or services. He noted that the Skagit County Trial Court Coordination Council has identified and recommended a project that they believe will benefit all of the participating courts. It is a phased project that will result in electronic reader boards being placed at all of the participating court locations. These reader boards will display court calendars for the entire county on a continuously updated basis much like reader boards at airports that display flight information. The project will begin with Skagit County Superior and District Courts, and then move to the municipal courts. There is currently about \$113,000.00 in the account; the first phase of the project is expected to cost \$108,000.

**FEDERAL EMERGENCY MANAGEMENT AGENCY – FLOOD INSURANCE.**

A representative of F.E.M.A. presented a plaque to Mayor Brunz. The plaque recognizes that the City of Burlington has obtained a rating of 5 which means that residents receive a 25% discount on their flood insurance premiums.

**UNITED STATES CENSUS BUREAU.**

Mr. Bob Puddich of the U.S. Census Bureau stated that the 2010 Census will begin early next year. He thanked the City of Burlington for providing space for census employee trainings and looks forward to working together with the City during the census process.

**BURLINGTON CHAMBER OF COMMERCE.**

Ms. Linda Aufrecht, Executive Director Burlington Chamber of Commerce, reported on the recent activities of the Chamber.

**UNFINISHED BUSINESS:**

**ORDINANCE AMENDING THE 2009 BUDGET TO PROPERLY CODE A TRANSFER OF FUNDS.**

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**Finance Director Thramer** stated that the \$1.4 million partial prepayment of the 2008 LTGO has been completed as authorized by Council at the November 24, 2009 regular council meeting. This ordinance authorizes a budget reduction in Arterial Streets Fund 102 in the amount of \$1,428,000 (\$1.4 million principal payment + \$28,000 prepayment fee) so that 2009 budgeted transfers can be brought into balance. A motion was made by **Councilors Valentine/Doyle** to adopt the ordinance amending the 2009 budget. All agreed. Motion carried.  
**(Ordinance #1692)**

#### **2010 BUDGET ORDINANCE.**

**Finance Director Thramer** stated that the final public hearing regarding the 2010 budget was held on December 3, 2009. He stated that the budget ordinance under consideration this evening includes changes resulting from reducing two positions from full-time to half-time, one retirement from a position that will remain unfilled and laying off of five employees. These changes affected the following departments: Police, Planning, Parks, Sewer, Building & Grounds, Finance, Building, and Fire. There are several other vacant positions within the City that are not funded in this 2010 budget. A motion was made by **Councilors Valentine/Edmundson** to adopt the 2010 budget ordinance. Voting in favor were **Councilors Valentine, Edmundson, Bensen, Aslett, Montgomery** and **Doyle**. Voting against was **Councilor Loving**. Motion carried.  
**(Ordinance #1693)**

#### **SIGN CODE UPDATE, MURLINGTON MUNICIPAL CODE CHAPTER 17.**

**Planning Director Fleek** stated that this is the final wrap-up of the updates to the sign code. She noted that the Outlet Shoppes of Burlington are asking for consideration of a code amendment that would allow the installation of Electronic Message Center signs along Interstate 5 to serve sites larger than 20 acres in order to attract more business, and they have a presentation to make. The Planning Commission has specifically asked that the record be clear; the Commission is opposed to Electronic Message Centers. Mr. James Harris and Mr. Tom Hill of the Outlet Shoppes gave a presentation to explain the type of electronic signage they are requesting be allowed in the municipal code. A motion was made by **Councilors Loving/Montgomery** to adopt the ordinance to update the Sign Code without the amendment requested by Outlet Shoppes regarding electronic message centers. Voting in favor were **Councilors Loving, Montgomery, Edmundson, Bensen, Aslett** and **Doyle**. Voting against was **Councilor Valentine**. Motion carried.  
**(Ordinance #1694)**

#### **NEW BUSINESS:**

#### **APPOINTMENT OF MR. ROCK WHITE TO THE PLANNING COMMISSION TO REPLACE MR. STEVE SEXTON.**

**Planning Director Fleek** stated that Mr. White has been a Burlington resident on South Anacortes Street for six years and is active in the community. He is a retired high school principal and has worked in Tenino and Coupeville. He is interested in getting involved in local issues and will be a great addition to the Planning Commission. He will be replacing Steve Sexton who has been elected to the City council. A motion was made by **Councilors Aslett/Valentine** to confirm the appointment of Mr. Rock White to the Burlington Planning Commission. All agreed. Motion carried.

#### **APPOINTMENT OF MS SALLY STRAATHOF TO THE PLANNING COMMISSION TO REPLACE MR. ED TJEERDSMA.**

**Planning Director Fleek** stated that Ms. Straathof has been a long term City Council member and is interested in joining the Planning Commission and stay involved and active in City issues. She will be replacing Mr. Ed. Tjeerdsma, who has served for a number of years. A motion was made by **Councilors Bensen/Loving** to confirm the appointment of Ms. Sally Straathof to the Burlington Planning Commission. All agreed. Motion carried.

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**PROPOSED CONDITIONAL USE PERMIT TO ESTABLISH USE AS A RELIGIOUS UINSTITUTION IN THE C-2 HEAVY COMMERCIAL ZONING DISTRICT AT 988 FOUNTAIN STREET; CHRIST THE KING COMMUNITY CHURCH APPLICANT.**

**Planning Director Fleek** stated that the Planning Commission conducted a public hearing on the proposed conditional use permit to establish use as a religious institution in the C-2 Heavy Commercial Zoning District. The site is the vacant tenant space of approximately 6,000 square feet located at 988 Fountain Street. There is on-site parking available that will be upgraded following the completion of the Chuckanut Interchange highway improvements. A motion was made by **Councilors Bensen/Valentine** to grant the conditional use permit subject to a plan for future improvement of the parking lot to be developed and the work to be completed no later than one year after completion of the Chuckanut Interchange improvements. All agreed. Motion carried.

**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 interim controls require a public hearing to be extended. She noted that the interim controls restricting development in the area proposed for the levee setback through the three-bridge corridor need 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. This is a long process, but one of great importance.

There were no comments from the audience. A motion was made by **Councilors Loving/Bensen** to close the public hearing. All were in favor. Motion carried. A motion was made by **Councilors Bensen/Aslett** to adopt the ordinance extending the interim controls for an additional six months from January 7, 2010 through July 6, 2010. All agreed. Motion carried.

**(Ordinance #1695)**

**CONTRACT WITH GRAY & OSBORNE, INC. FOR CONSTRUCTION MANAGEMENT SERVICES, PUMP STATION #3 UPGRADE.**

**Public Works Director/City Engineer Martin** stated that this contract will provide construction management services for bidding and constructing the Pump Station #3 upgrade. This project is ready to go to bid and we expect to open bids in late January. The City will save money by having the Sewer Department and Engineering staff provide a good part of the necessary oversight. Maximum payable through this contract is \$35,000. Funding for the upgrade is available and included in the proposed 2010 Sewer Capital Improvement budget, consistent with the City's adopted capital improvement plan. A motion was made by **Councilors Montgomery/Loving** to approve the contract with Gray & Osborne, Inc. All agreed. Motion carried.

**CONTRACT WITH REICHHARDT & EBE, INC. CERTIFIED LEVEE SEGMENT ENGINEERING DESIGN SERVICES.**

**Public Works Director/City Engineer Martin** stated that this contract will provide engineering design drawings and details for levee improvements to meet certification standards for the upstream levee segment beginning at the BNSF railroad grade near the bridge, upstream to the terminus of Dike 12's levee. Cost for the design services is estimated at \$64,168. Additionally, a management reserve of \$25,000 has been included for technical support that may be needed over the next two years. The contract terminates December 31, 2011 with a not-to-exceed amount of \$89,168. Expenses will be shared between the City and Dike District 12 in accordance with our interlocal agreement at the ratio of two-thirds City and one-third Dike District 12. A motion was made by **Councilors Aslett/Valentine** to approve the contract with Reichhardt & Ebe, Inc. All agreed. Motion carried.

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**2010 CITY OF BURLINGTON SALARY ORDINANCE.**

**Finance Director Thramer** stated that a preliminary public hearing was held November 24, 2009 and a final budget hearing was held December 3, 2009 regarding the 2010 Budget. He noted that the proposed salary schedule corresponds with City employee salaries as set forth in the proposed 2010 budget ordinance. A motion was made by **Councilors Bensen/Valentine** to approve the 2010 salary ordinance. All agreed. Motion carried.

**(Ordinance #1696)**

**ORDINANCE TO ADOPT A 5% PAY REDUCTION FOR SPECIFIED CITY POSITIONS FOR 2010.**

**Finance Director Thramer** stated that due to poor economic conditions, the city intends to adopt a shortened (38-hour) work week for many of its employees. There are certain employee positions that are exempt from the Fair Labor Standards Act (FLSA), which means they do not receive compensation for overtime, but also have less stringent rules pertaining to the tracking and recording of hours worked. In order to maintain the City's compliance with FLSA, it is proper to reduce salary rather than hours worked for exempt employees. The proposed ordinance would allow the City to maintain its 2010 Salary Schedule as per usual, and then apply a 5% salary reduction as a temporary measure for 2010, with the thought that as economic conditions improve, salaries can be restored. He noted that there was a 0% increase from the 2009 salary schedule to the 2010 salary schedule for exempt positions. This means that for 2010, exempt employees' salaries will be reduced by 5%. A motion was made by **Councilors Bensen/Montgomery** to approve the ordinance to apply a 5% salary reduction to certain City positions. All agreed. Motion carried.

**(Ordinance #1697)**

**APPROVAL OF MEMORANDUM OF UNDERSTANDING – TEAMSTERS UNION.**

**City Attorney Thomas** stated that the Clerical Teamsters unit has voted effective January 1, 2010 to adopt a 38-hour work week, change all members to the AWC HealthFirst medical plan and employees will pay 10% of the medical premium for dependent coverage. He stated that a written memorandum of understanding has not yet been drafted but asked that Council consider approving these provisions with a written document to follow at a later date. A motion was made by **Councilors Loving/Montgomery** to approve the provisions as stated with the Clerical Teamsters union. All agreed. Motion carried.

**ORDINANCE TO CHANGE CITY OFFICE HOURS.**

**City Attorney Thomas** stated that this ordinance will amend Burlington Municipal Code 2.92.010 to establish City office hours for as 8:30 a.m. to 4:30 p.m. Monday – Friday. These are the hours City offices will be open to the public. Employees will work an additional ½ hour during the week to total 38 hours. A motion was made by **Councilors Valentine/Loving** to approve the ordinance to amend Burlington Municipal Code Chapter 2.92.010. All agreed. Motion carried.

**(Ordinance #1698)**

**RESOLUTION TO AMEND THE PERSONNEL POLICY AND PROCEDURES MANUAL.**

**City Attorney Thomas** stated that the Personnel Policy Manual needs to be amended as follows: Chapter 3 Definition of Terms, Chapter 6 Employment Status, Chapter 7 Work Hours and Attendance, Chapter 8 Compensation and Classification Plan, and Chapter 9 Benefits. A motion was made by **Councilors Aslett/Bensen** to approve the resolution amending the Personnel Policy and Procedures Manual. All agreed. Motion carried.

**(Resolution # 22 - 2009)**

**COUNCIL 2010 COMMITTEE ASSIGNMENTS AND RECOMMENDATIONS.**

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**City Attorney Thomas** stated that the Mayor appoints council members to the Audit and Finance Committee, Public Works Committee, Public Safety Committee, Parks, Recreation & Cemetery Board, Traffic Safety Committee, Board of Trustees for the Volunteer Firefighter's Relief and Compensation Fund, Land Use Committee, Americans with Disabilities and the Downtown Burlington Association. The Mayor recommends appointments to the following committees, with confirmation by the City Council: Lodging Tax Advisory Committee, Emergency Service Council, Museum Board, Skagit Transit Board and alternate for the Skagit Council of Government/Rural Transportation Planning Organization/Metropolitan Planning Organization (SCOG/RTPO/MPO). The 2010 Committee assignments are as follows:

- Audit and Finance: Edie Edmundson (Chair), Ted Montgomery, Steve Sexton and Bill Aslett (alternate).
- Public Works: Chris Loving, Joanne Valentine, Steve Sexton and Edie Edmundson (alternate).
- Public Safety: Edie Edmundson (Chair), Joanne Valentine, Steve Sexton and Chris Loving (alternate).
- Parks & Recreation Board and Cemetery Board: Chris Loving, Joanne Valentine, Ted Montgomery and Edie Edmundson (alternate).
- Traffic Safety: Bill Aslett (Chair) and Tonya Bieche (alternate).
- Board of Trustees of the Volunteer Firefighter's Relief and Compensation Fund: Joanne Valentine.
- Land Use: Joanne Valentine (Chair), Steve Sexton and Tonya Bieche.
- Americans with Disabilities: Tonya Bieche (Chair) and Steve Sexton.
- Downtown Burlington Association: Edie Edmundson, Joanne Valentine, Tonya Bieche and Ted Montgomery (alternate).
- Lodging Tax: Edie Edmundson (Chair) and Joanne Valentine (alternate).
- Emergency Service Council: Chris Loving.
- Museum Board: Chris Loving (Chair) and Edie Edmundson.
- Skagit Transit Board: Joanne Valentine and Tonya Bieche (alternate)
- Skagit Council of Governments/Regional Transportation Planning Organization/Metropolitan Planning Organization: Steve Sexton (alternate)

**RESOLUTION TO DESIGNATE A LEGAL PUBLISHER FOR CITY NOTICES IN 2010.**

**City Attorney Thomas** stated that the Skagit Valley Publishing owns and publishes the Skagit Valley Herald, Argus, Courier Times and the Anacortes American and they no longer publish legal notices in the Argus and Courier Times. The City has published legal notices in the Skagit Valley Herald since 2008 in order to reach the greatest number of City of Burlington households. The publication rate for 2009 will be the same as was in 2008, \$7.50 per column inch. A motion was made by **Councilors Bensen/Aslett** to approve the resolution designating the Skagit Valley Herald as publisher for City legal notices in 2010. All agreed. Motion carried.

**(Resolution # 23-2009)**

**CANCELLATION OR RESCHEDULING OF THE DECEMBER 24, 2009 CITY COUNCIL MEETING.**

**City Attorney Thomas** noted that the second regular council meeting in December 2009 falls on Christmas Eve, which is a City holiday. He stated that staff recommends cancelling this meeting as there is no further business at this time that must be handled prior to the first meeting in January 2010. A motion was made by **Councilors Aslett/Bensen** to cancel the second regular council meeting of 2009. All agreed. Motion carried.

**EXECUTIVE SESSION:**

There was not an executive session.

COUNCIL CHAMBERS

CITY HALL

BURLINGTON, WA

December 10, 2009

**ADJOURNMENT:**

The meeting was adjourned at 8:47 p.m. by **Mayor Brunz**.

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Greg Thrumer  
Finance Director / City Clerk

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Edward J. Brunz  
Mayor