

January 14, 2010

CALL TO ORDER:

Mayor Brunz called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bieche, Edmundson, Loving, Montgomery, Sexton and Valentine. Staff present: Cavanaugh, Dite, Fleek, Martin, Sheahan, Stafford, Thomas, Thramer, Tingley, Van Wieringen, Acero and Johnstone.

MINUTES:

Councilor Edmundson noted a few errors in the minutes of December 10th and 22nd. A motion was made by **Councilors Loving/Valentine** to approve the corrected minutes of the November 24, 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/** to approve vouchers 57002 – 57199 in the amount of \$409,067.48. All were in favor. Motion carried.

Current Expense	\$ 165,347.36
Current Expense Cumulative Reserve	205.58
Fire Equipment Cumulative Reserve	3,348.41
City Street	25,338.17
Hopper Construction Fund	14,924.08
Library	3,929.54
Parks & Recreation	26,124.11
Cemetery Fund	3,040.82
Stadium Fund	18,909.33
Park & Recreation Reserve	13,265.01
Sewer Fund	48,009.60
Sewer Cumulative Reserve	52,087.29
Storm Drainage Utility	34,538.18
Total	\$ 409,067.48

PUBLIC COMMENTS:

Mr. Mark Kramer, 506 S. Cherry, stated he hopes the City will listen to citizens and residents concerns and focus on downtown revitalization and plans for the future. He noted that the staff position that was eliminated was the one that had the most contact with the citizens.

OFFICER REPORTS:

Parks & Recreation Director Cavanaugh reported that he has had discussions with Skagit County Dike District #12 regarding the policy to close the gate at the Gardner road Tjeerdsma Boat Launch when the river is at 18 feet. He reviewed photographs of the area when the river is high and described the problems with public access at those times. Mr. John Shultz, attorney for Dike District #12, spoke in support of the City’s policy to close the gate when the river reaches 18 feet. He noted it is a matter of public safety and avoiding liability. Mr. Chuck Bennett, Commissioner for Dike District #12 agreed that the City should maintain the current closure policy.

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Councilor Aslett arrived at the meeting.

Planning Director Fleek stated that four public meetings will be held in Skagit County prior to the end of the 90-day appeal period regarding re-issuance of the new Federal Emergency Management Agency (FEMA) flood maps. The meetings will be two-hours each to allow for public input. She noted that the maps were released in December with many errors, and that FEMA has stated they will make corrections and re-issue the maps later this year.

Planning Director Fleek responded to Mr. Kramer, noting that work to revitalize downtown is on-going and that zoning code updates for the downtown area will be sent to council for review later this year.

Planning Director Fleek reported that the Outlet Shoppes plan to ask the Planning Commission to reconsider allowing electronic message center signs in the Interstate 5 corridor of the City of Burlington.

Building & Grounds Supervisor Tingley reported on the success of the Work Crew for the first eleven months of 2009. He estimated that the City saved \$8,785.00 compared to the cost to send these offenders to serve their jail time. He reviewed a list of custodial duties at various City buildings.

Public Works Director/City Engineer Martin reviewed the 2010 Goals for the Public Works Department. He noted this list will be reviewed quarterly by staff.

Finance Director Thramer reviewed recent staffing changes within the Finance Department. He noted that following the decision by The Accounting Specialist to retire at the end of 2009, the plan was to train other staff, including the part-time receptionist to absorb her duties. He found that the work of a union member (Accounting Specialist) could not be transferred to a non-union employee (part-time Receptionist). The decision was made to change the part-time employee to a full-time union position of Accounting Technician and the vacated part-time receptionist position would not be filled. **Councilor Loving** noted that all during the budget process, the council had no correspondence or mention of this. He noted that any new position must have council approval. **Councilor Aslett** stated that City council is responsible to approve, create, eliminate and fund positions. **Finance Director Thramer** apologized for the lack of communication in this instance. **Councilor Edmundson** stated she is disappointed that the New Year is starting out this way; communications should be open and honest. She suggested that a simple memo regarding these changes placed in the council member's mail boxes would have been acceptable. **Councilor Asslett** believes that council needs to vote to approve the position. **Councilor Bieche** asked if the open position should have been posted. **Finance Director Thramer** stated he will bring additional information to council at the next meeting.

City Attorney Thomas reminded council of the Legislative Conference in Olympia January 26-28 and asked if any others were interested in attending to please contact Judy for registration.

ORDINANCE TO INCLUDE POLICE ADMINISTRATIVE SECRETARY AS AN FLSA EXEMPT POSITION.

City Attorney Thomas presented an ordinance to amend Ordinance #1697 which listed certain City positions that would have the monthly salary reduced by 5% for the 2010 year. He noted that one position, **Police Administrative Secretary**, was omitted from the ordinance. This position was previously classified as an hourly position. At the time of the retirement of the former employee in that position at the end of 2009, the position status was re-evaluated and determined to be eligible for Exempt status under the Fair Labor Standards Act. **Councilor Aslett** stated that he would have liked to have the 2010 Salary Ordinance included so that he could see the pay rate for the position. A motion

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was made by **Councilors Valentine/Edmundson** to approve the ordinance to include the **Police Administrative Secretary** position as an FLSA Exempt position and a 5% salary reduction for 2010. All agreed. Motion carried.

(Ordinance #1700)

SPECIAL REPORT:

Ms. Linda Aufrect, Executive Director Burlington Chamber of Commerce reported that her staff is working with the Washington State Tourism and Washington State Department of Agriculture along with the Cascade Loop to present a program designed to increase tourism marketing by Skagit County agricultural and culinary businesses. The Burlington Chamber has placed print ads in two publications that will be distributed on the ferry system and rest areas to be seen by travelers along the I-5 corridor from Portland to Vancouver, BC. The publications will also be distributed at travel and tourism shows, and at visitor's centers statewide. She noted that the walk-ins to the Visitor's Center were 2,017 in 2009 compared to 1,393 in 2008. Chamber membership had 72 new members in 2009 and they've retained 91% of the current membership into 2010. Upcoming events include the Tulip Festival sanctioned Art Walk the entire month of April, Berry Dairy Days June 17th to 20th, Fiesta Unidos at the end of August, the Harvest Festival and Pumpkin Pitch September 25th and the Christmas Tree Lighting (the date has not yet been determined). She thanked the City of Burlington for their continued support of the Chamber.

CONSENT AGENDA:

1. Agreement with Saving Pets One at a Time (S.P.O.T.) for services in 2010.
2. Agreement with Economic Development Association of Skagit County for services in 2010.

A motion was made by **Councilors Loving/Aslett** to approve the Consent Agenda. All agreed. Motion carried.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

ELECTION OF MAYOR PRO TEM AND INVESTMENT COMMITTEE MEMBER.

City Attorney Thomas stated that the council needs to elect a Mayor pro tem for 2010 as well as a member for the Investment Committee. He suggested this be done by two separate motions. A motion was made by **Councilors Valentine/Sexton** to elect **Councilor Aslett** to the position of Mayor Pro Tem. All agreed. Motion carried. A motion was made by **Councilors Aslett/Montgomery** to elect **Councilor Sexton** to the 2010 Investment Committee. All agreed. Motion carried.

FEMA AND ENDANGERED SPECIES ACT – RESPONSE TO BIOLOGICAL OPINION ISSUED 9/22/2008.

Planning Director Fleek stated that the City of Burlington was notified on October 21, 2008 the FEMA lost a lawsuit for failure to consult under the Endangered Species Act with respect to its administration of the National Flood Insurance Program. A Biological Opinion was issued by the National marine Fisheries Service that made very severe recommendations for bringing the Flood Insurance Program into compliance, described as "Reasonable and Prudent Alternatives". Without further consulting with any

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jurisdictions located in the Skagit River Floodplain, FEMA is preparing to release proposed model ordinances and other documents that do not appear to be based on good science and have severe impacts on Burlington and LaConner in particular and all communities with land in the floodplain. Staff would like the City Council to be aware of the severity of the issue and support efforts to coordinate a response with other affected jurisdictions. A motion was made by **Councilors Valentine/Montgomery** to support a coordinated response to the proposed FEMA measures implementing the National Marine Fisheries Services Biological Opinion issued September 22, 2008 in order to protect the interests of the City of Burlington. All agreed. Motion carried.

DISCUSSION, 2010 STATE AND FEDERAL LOBBYING ISSUES FOR BURLINGTON.

Public Works Director/City Engineer Martin stated that Parks and Recreation Director Cavanaugh and other area Parks Directors will be in Olympia January 21st to discuss water rights for Skagit River Park irrigation and regarding new language allowing REET to be partially used for Parks operations, not just capital improvements. A Burlington contingent will head to Olympia January 26-28 and to Washington D.C. in mid March. While in Olympia later in January, the City group will likely hook up with Sedro-Woolley and/or Mount Vernon regarding the BNSF bridge replacement issue. For the trip to Washington D.C., he is hoping Skagit County, Sedro-Woolley, Mount Vernon, LaConner, and the Dick Districts will team up with us; all have expressed interest. He stated that the issues to be raised include the BNSF bridge, Skagit River hydrology, the Corps of Engineers GI study funding/management and the Baker Hydroelectric Project flood storage. He asked that if council members have any additional issues that should be discussed in Olympia or Washington D.C., to please contact him within the next few days. A motion was made by **Councilors Valentine/Aslett** to approve the State and Federal lobbying issues as presented and to include additions presented by Council. All agreed. Motion carried.

INTERLOCAL AGREEMENT WITH DRAINAGE DISTRICT #14.

Public Works Director/City Engineer Martin stated that he's been working with Drainage District #14 for several years to resolve a peculiarity in overlapping responsibilities for stormwater in the area of the Norris Street apartments and assisted living complexes. These complexes were only allowed to be built because Drainage District 14 agreed to take the stormwater runoff they generated, even though the complex is outside of Drainage District #14's boundary. Each of these complexes entered into an agreement with Drainage District #14 to pay the District directly for the bulk of the stormwater service. In addition, these entities also paid the City a small amount that was calculated to be the "non capital" component of the overall stormwater service cost. The purpose of this agreement is to memorialize the City's commitment to construct the necessary storm water drainage facilities adequate to provide City drainage service to the Norris Street vicinity and to compensate Drainage District #14 for its maintenance expenses in the interim period until the new City stormwater facilities are in place. A motion was made by **Councilors Aslett/Sexton** to approve the interlocal agreement with Drainage District #14. All agreed. Motion carried.

REPLACE RESOLUTION 21-2009 TO CORRECT AND CLARIFY FEES FOR HORSESHOE PITS SHELTER, SELECT SOCCER GAELIC FOOTBALL AND VENDOR FEES.

Parks and Recreation Director Cavanaugh stated that three corrections need to be made to the fees outlined in resolution 21-2009. The covered shelter week and weekend rates were printed backwards, a non-local rate for select soccer was omitted and the Gaelic Football rate was not rounded off as in the survey. A motion was made by **Councilors Montgomery/Valentine** to approve the resolution to correct fees outlined in resolution #21-2009. All agreed. Motion carried.

(Resolution # 01-2010)

RESOLUTION TO AMEND THE 2010 CEMETERY FEES.

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Parks and Recreation Director Cavanaugh stated that the resolution establishing the cemetery fees for 2010 should have included a minimum and maximum price for marker setting fees. This resolution establishes the minimum price at \$50 and the maximum at \$190. A motion was made by **Councilors Sexton/Valentine** to approve the resolution amending the 2010 cemetery fees. All agreed. Motion carried.
(Resolution # 02-2010)

ORDINANCE TO AMEND BURLINGTON MUNICIPAL CODE 2.78.030 TO INCLUDE A GENEALOGY SOCIETY REPRESENTATIVE ON THE MUSEUM BOARD.

Parks & Recreation Director Cavanaugh stated that at the last meeting of the Museum Board, the current board members suggested a representative of the Genealogy Society be added to the board membership. The board members would like Margie Wilson to serve as the society representative. This ordinance also designates the Parks and Recreation Director as a non-voting member of the board. A motion was made by **Councilors Loving/Edmundson** to approve the ordinance amending BMC 2.78.030 to include a Genealogical Society member and designate the Parks and Recreation Director as a non-voting member of the Museum Board. All agreed. Motion carried.
(Ordinance # 1701)

PUBLIC LIBRARY COMMUNITY FOCUS GROUP – COUNCIL REPRESENTATIVE TO SERVE ON THIS GROUP.

Mayor Brunz reminded council that **Library Director Buckholz** has invited a council member to serve on the Community Focus Group regarding the future direction of the library. He asked if anyone would like to volunteer in this capacity. **Councilor Aslett** volunteered to serve on the Library Focus Group.

EXECUTIVE SESSION:

The Mayor and City Council members adjourned to Executive Session at 8:47 p.m. for the purpose of discussing personnel (labor relations). He stated that the session would last approximately 15 minutes. The Mayor and City Council members returned from Executive Session at 9:02 p.m.

ADJOURNMENT:

The meeting was adjourned at 9:05 p.m. by **Mayor Brunz**.

Greg Thramer
Finance Director

Edward J. Brunz
Mayor