

February 11, 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: Acero, Ackerman, Buckholz, Butterfield, Cavanaugh, Fleek, Johnson, Kallio, Lambert, Martin, Ruhland, Sheahan, Thomas, Tingley and Van Wieringen.

**MINUTES:**

A motion was made by **Councilors Valentine/Loving** to approve the minutes of the January 28, 2010 Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Edmundson** presented the bills. A motion was made by **Councilors Edmundson/Montgomery** to approve vouchers 57323 – 57428 in the amount of \$156,521.15. All were in favor. Motion carried.

Current Expense	\$ 43,349.07
Fire Equipment Cumulative Reserve	29.80
City Street	3,051.17
Hopper Construction Fund	57,097.91
Library	1,471.71
Parks & Recreation	4,118.68
Cemetery Fund	168.84
Stadium Fund	6,954.71
Local Capital Improvement	722.78
Sewer Fund	24,597.47
Storm Drainage Utility	14,959.01
<b>Total</b>	<b>\$ 156,521.15</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**OFFER BY BURLINGTON-EDISON KIWANIS TO BUILD A BBQ PIT AT SKAGIT RIVER PARK.**

**Parks & Recreation Director Cavanaugh** announced that the Burlington-Edison Kiwanis has offered to fund and build a BBQ pit at Skagit River Park. The Burlington Parks Board has approved the project and recommends approval by the City Council. The Kiwanis would use the BBQ pit for their annual Berry Dairy Days Salmon event and allow the City to offer it to users of the park with any revenue going to the City. The hope is that they can start construction in March so that the BBQ is ready for the Berry Dairy Days Festival in June. A motion was made by **Councilors Edmundson/Loving** to approve the BBQ project as proposed by the Burlington-Edison Kiwanis. All approved. Motion carried.

**Parks & Recreation Director Cavanaugh** stated that the final invoice has been received from Myer Construction for the restroom construction retainage. He noted that the entire project was funded in the 2009 Capital Improvement Fund. Due to the delays in

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completion of the final punch list, the invoice must now be paid from 2010 funds. He noted that because the retainage payment was not made prior to the close of 2009 budget, the funds reverted to 2009 Ending Net Cash. There was not an allocation for this project in the 2010 budget. He asked for Council approval to pay the retainage invoice from Ending Net Cash (2010 Beginning Net Cash). There was some discussion regarding the necessity for an ordinance to amend the budget for this expenditure. Council consensus was to allow payment from the 2010 beginning net cash fund.

**SKAGIT COUNTY TRANSFER STATION BONDING.**

**Public Works Director/City Engineer Martin** stated that Skagit County was the recipient of an allocation of bonding capacity made available by the American Recovery and Reinvestment Act. The allocation grants the County the authority to issue \$5,276,000 of a new type of tax credit bond referred to as a Recovery Zone Economic Development Bond (RZEDB). Skagit County has advised cities that they may apply for a portion of the funding, however no city has come forward to make an application. Mr. Kevin Renz, Skagit County Solid Waste Division Manager advised the City that Skagit County has thus suggested using the entire allocation to fund the Transfer Station reconstruction. When bonds are sold, the County would receive whatever the market rate is. The County would then receive a rebate from the federal government in the form of a check equal to 45% of the interest paid. That rebate would go back into the Solid Waste system. Issuing this type of bond is a more cost effective approach as opposed to traditional tax-exempt financing, effectively lowering the overall cost associated with the bond. Mount Vernon and Anacortes have both indicated their support for the use of the bond authority for this purpose. This will likely be considered by the Solid Waste System Governance Board at an upcoming meeting. He asked for Burlington City Council support. A motion was made by **Councilors Valentine/Aslett** to support funding of the transfer station reconstruction using the Recovery Zone Economic Development Bond funds. All agreed. Motion carried.

**Building & Grounds Supervisor Tingley** reported the Yard Waste facility will be open again this year, but only on Saturday's beginning in March through the end of November. Citizens will have to pay for the service by purchasing a \$20 punch card at City Hall. There will be 20 one-dollar punches on each card. He noted that the facility will not accept grass clippings or leaves. The flyer contains rules, schedule and other useful phone numbers for Skagit Soils, Waste Management, etc. This information will also be published in the City's spring newsletter.

**Library Director Buckholz** reported that the Library Board of Trustees has changed library policy so that City employees are eligible to obtain a City library card to access library resources at no charge. This will be limited to full-time and part-time employees in permanent positions (this is not available to volunteers, temporary or seasonal workers). The Board of Trustees cited the many resources and tools that will directly benefit City of Burlington employees in performing work that serves Burlington's residents. This includes; access to information sources, data, support for software applications and access to a variety of library databases. To issue a card, the library will require proof of City employment and photo identification.

**Library Director Buckholz** distributed a packet of information from the library community meeting held in January. Information included notes from the meeting, library statistics 2007-2009, etc. She encouraged everyone to review the materials; many of the results pertain to the entire City, not only library services.

**City Attorney Thomas** asked council members if they have an interest in attending a council retreat this spring to discuss goal planning, etc. **Councilor Aslett** suggested the retreat be led by City staff rather than hiring a consultant. Council members were in favor of a 4-hour retreat, perhaps in the evening. **Councilor Loving** requested the list of goals that were developed during the 2008 council/staff retreat.

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**SPECIAL REPORT:**

Ms. Linda Aufrecht, Executive Director Burlington Chamber of Commerce reported on the January activities at the Chamber. She stated that staff has been researching tourism marketing opportunities. They found a feature of the KIRO TV website that is free for neighborhood links. They've added information to that website that links directly to the Burlington Chamber website and calendar of community events. Chamber website visits for January 2010 versus January 2009 show an increase of 58.74%. Six new members joined the Chamber in January and three more so far in February.

**CONSENT AGENDA:**

1. Chamber of Commerce Visitor Information Center, 2010 Lodging Tax funds.
2. Chamber of Commerce Tourism Promotion, 2010 Lodging Tax funds.
3. Chamber of Commerce Harvest Festival, 2010 Lodging Tax funds.
4. Chamber of Commerce Fiesta Unidos, 2010 Lodging Tax funds.
5. Chamber of Commerce Railroad Park development, 2010 Lodging Tax funds.

A motion was made by **Councilors Aslett/Valentine** to approve Consent Agenda items #1-5 and authorize the mayor to sign appropriate documents. All agreed. Motion carried.

**UNFINISHED BUSINESS:****REQUEST FOR SANITARY SEWER SERVICE FOR SEASONAL FARM WORKER HOUSING AT DELLINGER SITE IN THE PLANNED LEVEE SETBACK AREA.**

**Planning Director Fleek** stated that issues that should be considered in the decision to allow a sanitary sewer connection outside of the Urban Growth Area include the fact that the City must remain in compliance with the Growth Management Act. Skagit County has stated that they do not have adequate policies, plans and regulations in place. There has been no written ruling from the State of Washington Department of Commerce who administers the Growth Management Act. At this specific location, the flood hazard is high because of soil conditions leading to standing water on site at relatively low river elevations. Relocation assistance under federal Environmental Justice rules will be required if there are permanent residents at time of levee relocation. Mr. Steve Baron, Heart 2 Home, spoke in favor of connecting to the City sewer. **Councilor Edmundson** asked Mr. Baron why he is asking to connect to the City sewer system if he does not yet have permission from the County or State to move ahead with the project. **Councilor Aslett** noted that the City cannot approve connection to the sewer system as the property is outside the City limits and is not in the Burlington Urban Growth Area. The City must remain in compliance with the Growth Management Act; to authorize sewer service at the proposed location would not be in compliance with the Act. **Councilor Sexton** asked **City Attorney Thomas** for his recommendation. **City Attorney Thomas** indicated the City should have approval by the Growth Management Board to move forward in allowing a connection to the City sewer from Mr. Baron's location. **Councilor Bieche** asked why Mr. Baron would have been allowed to connect to the City sewer if he had located his development on Pulver Road. **Planning Director Fleek** stated that the soil conditions and water table are better suited in that area and although the Pulver Road location is in the Burlington Sewer Service Area (but not in the Urban Growth Area) the approval was contingent on GMA compliance. **Public Works Director/City Engineer Martin** noted that if Council is uncertain about making a decision, it would also be appropriate to make no decision at this time. **Councilor Aslett** suggested Mr. Baron go through the process in proper order before coming to the City with his request. Council consensus was to make no decision at this time.

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**ORDINANCE CHANGING THE HOURS AND CONDITIONS OF EMPLOYMENT FOR AN APPOINTED EMPLOYEE.**

City Attorney Thomas requested this item be removed from tonight's agenda as he is waiting for additional information.

**NEW BUSINESS:**

**SIGN AT ROUNDABOUT FOR ART IN THE PICKLE BARN SHOW DURING THE TULIP FESTIVAL.**

Planning Director Fleek stated that the Art in the Pickle Barn show will be held at Cascade Mall again this year. Last year, the City Council authorized a sign in the roundabout for the event. Mr. Daryl Deitz, of the Skagit Arts Association is asking for permission to locate the sign there again this year. It will be installed in mid-March and be there for the month of April. A motion was made by Councilors Aslett/Edmundson to authorize a sign in the roundabout for the Art in the Pickle Barn show during the Tulip Festival. All agreed. Motion carried.

**PROPOSED CONTRACT REZONE TO INCREASE THE NUMBER OF DWELLING UNITS ALLOWED ON A SITE FROM 4.5 TO 6 UNITS LOCATED AT 1231 E. FAIRHAVEN AVENUE.**

Planning Director stated that the Planning Commission conducted a public hearing on January 20, 2010 on the proposed contract rezone to increase the number of dwelling units allowed on a site from 4.5 units to 6. The site is zoned R-3 multi-family residential and three duplexes are planned. No comments were received in opposition to the project. Prior to final plan review by the Planning Commission, a detailed site plan and architectural plans are required, with parking, landscaping, building elevations. She noted that the Planning Commission has recommended approval of the contract rezone subject to conditions. A motion was made by Councilors Valentine/Montgomery to approve the contract rezone subject to the following conditions: 1) Plan review by the Planning Commission of final site plan and building design. 2) Buildings shall be designed to present an attractive view from the street without blank walls. 3) Meet code requirements for landscaping including street trees and the children's play area. All agreed. Motion carried.

**RESOLUTION DECLARING SINGLE FAMILY RESIDENCE LOCATED AT 941 S. BURLINGTON BOULEVARD AS SURPLUS.**

Parks & Recreation Director Cavanaugh stated that the Museum Board is recommending to the City Council that the Grafton house (not including the garage building) be sold as surplus property and auctioned off by sealed bid. The highest bidder will be responsible to remove the home within 60 days after acceptance of bid. A motion was made by Councilors Edmundson/Bieche to approve the Resolution and authorize staff to advertise for bids to have the house removed from the property within 60 days after the bid is awarded. All agreed. Motion carried.

(Resolution # 05 - 2010)

**PUBLIC HEARING: REVISION TO TRAFFIC IMPACT FEE.**

Mayor Brunz opened the public hearing. Public Works Director/City Engineer Martin stated that in March, 2008, the Council approved an ordinance that reduced the City's traffic impact fee by 50%, through March 31, 2010. The purpose of this public hearing is to consider the question of whether to continue with the reduced impact fee, or let this temporary provision expire. Ms. Linda Aufrecht, Burlington Chamber of Commerce, read a letter to council recommending that the Traffic Impact Fees be reduced by 25% from the fees in place before March 26, 2009, for a one year period. Mr. Cory Ertel, Skagit Island Builders Association, 15571-A Peterson Road, Burlington, encouraged the Council to extend the 50% reduction to Traffic Impact Fees for another year. Mr. Brian Gentry, Landed Gentry Homes, 504 East Fairhaven Avenue, spoke in

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favor of extending the 50% reduction to Traffic Impact Fees for an additional year. Mr. Mark Kramer, 506 S. Cherry, spoke against a reduction to the Traffic Impact Fee. He reviewed how the Traffic Impact Fee was established. He noted that when the fees are reduced, the citizens end up picking up the cost of infrastructure improvements that are not covered by discounted impact fees. A motion was made by **Councilors Aslett/Loving** to close the public hearing. **Councilor Sexton** voiced his concern if the fee reduction is extended. He was not in favor of extending the reduced impact fee. **Mayor Brunz** noted that Skagit Transit is planning to build a park-and-ride structure on North Burlington Boulevard. The impact fee (at 100%) would be about \$788,000. **Councilor Bieche** stated that without projects the City won't receive any fees. She noted that City should encourage projects and jobs with a reduced Traffic Impact Fee. A motion was made by **Councilor Aslett** spoke in favor of allowing the 50% reduction of the impact fee to expire March 31, 2010. He noted that the original impact fee was agreed to by many of the developers. He urged council to return to the 100% impact fee. **Councilor Loving** spoke in favor of extending the 50% reduction of the impact fee for another year to encourage projects within the City during these difficult economic times. **Councilor Edmundson** asked for comment from **Public Works Director/City Engineer Martin**. He stated that he didn't have anything to add; he can see both sides of the argument. He suggested the Council might also consider review of the traffic project list. A motion was made by **Councilors Valentine/Loving** to approve the ordinance to continue the temporary 50% reduction in transportation impact fees until March 31, 2011. Voting in favor were **Councilors Edmundson, Loving, Valentine, Montgomery, and Bieche**. Voting against were **Councilors Aslett and Sexton**. Motion carried.  
**(Ordinance # 1702)**

**LETTER OF SUPPORT FOR SUBSTITUTE HOUSE BILL 2591, REGARDING COST RECOVERY FOR PROCESSING OF WATER RIGHTS APPLICATIONS.**

**Public Works Director/City Engineer Martin** stated that this bill would help break the logjam of water rights processing by increasing fees for the applicants. Many people are concerned about exempt wells, which are limited to 5,000 gallons per day and enable residential construction on rural parcels, if the zoning otherwise allows it. The fee for exempt wells would be \$300 under this bill. The exempt well issue does not affect the City, as our residents have access to water provided by PUD #1. However, this bill would improve the chances that the City could obtain a water right for irrigating the soccer fields at Skagit River Park. Purchasing water from the PUD costs the City about \$37,000 per year. The water right requested is 292 gallons per minute or about 0.65 cubic feet per second. Under this bill, the fee to process this water right would be \$10,000. If a water right is eventually granted, a small capital project can be undertaken to put in place the well infrastructure necessary to use groundwater for irrigation. This should reduce annual irrigation expenses substantially. He asked that council authorize the Mayor to sign a letter of support on behalf of the City. A motion was made by **Councilors Aslett/Sexton** to authorize the Mayor to sign a letter supporting Substitute House Bill #2591 to State Representative Jeff Morris. All agreed. Motion carried.

**RESOLUTION DECLARING CERTAIN PROPERTY AND/OR EQUIPMENT AS SURPLUS.**

**City Attorney Thomas** stated that several pieces of computer equipment and software that are no longer used or needed by the City need to be declared surplus so that the City can dispose of the items. Most of the items are computer technology items. Environmentally sensitive items will be disposed of properly and others will be sold at public auction, possibly through an on-line auction company. **Councilor Aslett** questioned using an on-line auction company as he doesn't believe the City realizes much revenue from this type of auction. **City Attorney Thomas** noted that the last time the City held an auction at a City site, we may not have received much revenue when combined with the total staff time and overtime wages paid to hold the event. **Councilor Edmundson** noted that most of the surplus property is old computer equipment that probably wouldn't bring much revenue at any style auction. A motion was made by **Councilors Edmundson/Valentine** to approve the resolution declaring certain property

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and or equipment as surplus and authorizing its sale. Voting in favor were **Councilors Edmundson, Loving, Valentine, Montgomery, Sexton and Bieche**. Voting against was **Councilor Aslett**. Motion carried.  
**(Resolution # 06 - 2010)**

**EXECUTIVE SESSION:**

The Mayor and City Council members adjourned to Executive Session at 8:57 p.m. for the purpose of discussing personnel (collective bargaining). Mayor Brunz stated that the session would last approximately 20 minutes. The Mayor and City Council members returned from Executive Session at 9:15 p.m.

**ADJOURNMENT:**

The meeting was adjourned at 9:16 p.m. by **Mayor Brunz**.

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Greg Thramer  
Finance Director

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Edward J. Brunz  
Mayor