

February 25, 2010

**CALL TO ORDER:**

Mayor Brunz called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bieche, Edmundson, Montgomery, Sexton and Valentine. Staff present: Cavanaugh, Martin, Sheahan, Stafford, Staheli, Thomas, Thramer, Tingley, VanSickle and Van Wieringen.

**Mayor Brunz** asked for a moment of silence in memory of former **Mayor Gus Tjeerdsma** who passed away February 19, 2010.

A motion was made by **Councilors Edmundson/Aslett** to excuse **Councilor Loving** from tonight’s meeting. All agreed. Motion carried.

**MINUTES:**

A motion was made by **Councilors Edmundson/Valentine** to approve the minutes of the February 11, 2010 Council meeting. All agreed. Motion carried.

**AUDIT OF BILLS:**

**Councilor Edmundson** presented the bills. A motion was made by **Councilors Edmundson/Sexton** to approve vouchers 57429 – 57522 in the amount of \$176,835.50. All were in favor. Motion carried.

Current Expense	\$ 71,357.10
Current Expense Cumulative Reserve	5,335.14
Fire Equipment Cumulative Reserve	930.19
City Street	15,466.43
Library	3,422.29
Parks & Recreation	4,795.22
Cemetery Fund	138.04
Stadium Fund	6,125.69
Local Capital Improvement	1,391.45
Sewer Fund	41,935.47
Sewer Cumulative Reserve	19,945.58
Storm Drainage Utility	838.00
<b>Total</b>	<b>\$ 176,835.50</b>

**PUBLIC COMMENTS:**

Mr. John Shultz, Attorney for Dike District 12, spoke in favor of continued partnership and support between City and DD#12. He also thanked the City of Burlington for their continued support for the federal General Investigation Study. He noted that this study process is the only way to get federal flood projects funded and approved.

Mr. Steve Omdal, Skagit County Fire District #6, announced that the new Fire Commissioner is Mr. Ken Pike. He will begin his duties at the March meeting. Mr. Omdal thanked the City Engineering and Sewer Department, Don Erickson for assistance in supporting their work to connect to the City sewer system.

Ms. Andrea Garcia, 22199 Grip Road, Sedro-Woolley, spoke against two bills before the state legislature (House Bill #3181 and Senate Bill 6851). She noted that even though

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this tax is for hazard mitigation, 70% of the tax collected in the first three years will be transferred to the general fund and not used for stated intention. She asked that the City Council to take a stand against the proposed tax.

Mr. Mark Kramer, 506 S. Cherry Street, spoke against continued expenditures by the City for the General Investigation flood study.

### **OFFICER REPORTS:**

**Finance Director Thramer** distributed information at last week's Economic Forecast Dinner meeting that was presented by Dr. Arun Raha, Chief Economist for the State of Washington. He reviewed some of the points and predictions presented by Dr. Raha.

**Finance Director Thramer** reported that the sales tax revenue for February (based on December 2009 sales) was \$631,294 which was \$26,883 more than the same period in 2009. His opinion is that we are on track for six million dollars in sales tax revenue in 2010. Council members discussed unemployment, real estate sales and automobile sales as they relate to the economy.

### **RESOLUTION OPPOSING WASHINGTON STATE LEGISLATURE'S HOUSE BILL 3181 AND SENATE BILL 6851.**

**City Attorney Thomas** stated that the legislature has introduced two bills in an effort to establish a funding source for stormwater improvements required through implementation of National Pollutant Discharge Elimination System (NPDES) permits that are part of the Clean Water Act. Washington state House Bill 3181 and Senate Bill 6851 would nearly triple the tax rate on hazardous substances from .7 percent to 2 percent which is assessed on the petroleum industry, a large and important employer in Skagit County. Additional funding to comply with the NPDES mandates will be needed, but this tax places Skagit County employers at a significant competitive disadvantage, thereby risking high paying jobs throughout our community. The resolution also urges the legislature to develop a dedicated funding source that will alleviate the burden shouldered by taxpayers who reside in urban areas from the cost of reducing stormwater pollution, which will result in a benefit enjoyed by all property owners. He noted that if passed, the proposed bills dedicate 69 percent of the additional \$225 million raised by the tax each year to go to the state general fund to help reduce the budget shortfall, not to stormwater improvements. A motion was made by **Councilors Edmundson/Sexton** to approve the resolution opposing House Bill 3181 and Senate Bill 6851. All agreed. Motion carried.

**(Resolution 07-2010)**

**City Attorney Thomas** stated he has copies of summary materials from the 2008 Council retreat available for review. In planning for a Council retreat this spring, he asked that names of suggested facilitators be forwarded to him. He will contact each to determine availability and costs. He suggested a four-hour early evening session be planned for the retreat. He asked Council to check their calendars and provide him with dates. He noted that retreat will probably be held at City Hall.

### **CONSENT AGENDA:**

1. Puget Sound Soccer Academy – SRP Tournaments for 2010 Lodging Tax Funds.
2. McIntyre Hall for 2010 Lodging Tax funds.

A motion was made by **Councilors Aslett/Valentine** to approve Consent Agenda items #1 and #2 and authorize the mayor to sign appropriate documents. All agreed. Motion carried.

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**UNFINISHED BUSINESS:**

There was no Unfinished Business.

**NEW BUSINESS:****INTERLOCAL AGREEMENT WITH SKAGIT COUNTY FOR FINANCIAL PARTICIPATION IN THE SKAGIT RIVER GENERAL INVESTIGATION STUDY.**

**Public Works Director/City Engineer Martin** stated that the proposed interlocal agreement would reinitiate Burlington's financial stake in the Skagit River General Investigation Study for 2010 and 2011. The City had previously contributed funding to the GI, but withdrew financial support in 2006 over concerns about inadequate treatment of the hydrology issue. Skagit County has since taken steps to address the deficiencies in the Corps' hydrologic analysis, and this work is ongoing. He noted that this specific request for partnership by Skagit county was not anticipated when the budget was finalized; however, the technical work envisioned through this interlocal agreement is consistent with the goal for the budgeted funds and he believes that re-establishing this financial partnership (\$20,000 in 2010, \$20,000 in 2011) would be a good investment in making progress on the hydrology issue, as well as other GI issues, such as additional dam storage. **Councilor Aslett** noted that citizens need to know more about this issue. A motion was made by **Councilors Valentine/Montgomery** to approve the interlocal agreement with Skagit County to reinitiate Burlington's financial participation in the Skagit River General Investigation Study. All agreed. Motion carried.

**CONTRACT WITH INTERWEST CONSTRUCTION INC. FOR CONSTRUCTION OF SANITARY SEWER LIFT STATION.**

**Public Works Director/City Engineer Martin** stated that this contract and bond will facilitate the construction of Sanitary Sewer Lift Station #3. He noted that City Council approved the bid award on January 28, 2010. Funding for this project will come from the Sewer Improvement line item in the 2010 Sewer budget. A motion was made by **Councilors Montgomery/Bieche** to approve the contract with Interwest Construction Inc. for construction services to upgrade Sanitary Sewer Lift Station #3. All agreed. Motion carried.

**AMENDING CITY OF BURLINGTON TRAVEL POLICY.**

**Finance Director Thramer** stated that on occasion when an employee is attending a conference, some meals are provided by the conference and included in the cost of registration. A recommendation has been made to amend the travel policy so that if the employee is unable to attend the conference sponsored meal because he/she is conducting other official City business, the employee will be provided per diem funds for that meal. He noted that this situation is uncommon. It often happens for those attending the Legislative Conference. Staff requests meetings with legislators and often those meetings are scheduled during a meal period. **Councilor Edmundson** noted she would have a hard time paying for two meals. **Councilor Aslett** asked if the City would we require a receipt or other documentation? **Finance Director Thramer**, stated the employee would receive the per diem rate for that meal; no receipt required. **Councilor Edmundson** noted if staff isn't going to be attending the conference, perhaps they shouldn't register for the conference. She asked if current policy would allow Mayor to authorize the meal per diem payment in these situations. **Finance Director Thramer** indicated the current policy does not allow authorization by the Mayor. **Councilor Aslett** noted his concern regarding this change in policy. **Finance Director Thramer** stated he would ask the employee to submit documentation explaining the situation. A motion was made by **Councilor Edmundson** to not change the Travel Policy. There was not a second to her motion. A motion was made by **Councilors Sexton/Valentine** to approve the resolution amending the Travel Policy. Voting in favor were **Councilors Sexton, Valentine** and

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**Montgomery.** Voting against were **Councilors Aslett, Edmundson and Bieche.** **Mayor Brunz** voted in favor of the motion. Motion carried.  
**(Resolution # 08-2010)**

**SKAGIT COUNTY FIRE DISTRICT #6 VEHICLE USE AGREEMENT.**

**Finance Director Thramer** stated that this agreement will allow Fire District #6 to use a City owned vehicle. Fire District #6 will not pay a fee to the City but will reimburse the City for costs to insure the vehicle. Fire District #6 will also pay for fuel, operating supplies, and routine maintenance for the vehicle. A motion was made by **Councilors Aslett/Montgomery** to approve the vehicle use agreement between City of Burlington and Skagit County Fire District #6. All agreed. Motion carried.

**LODGING TAX ADVISORY COMMITTEE REVISED RECOMMENDATION FOR BALD EAGLE FESTIVAL FUNDING.**

**Finance Director Thramer** stated that during the 2010 budget process, the Skagit River Bald Eagle Awareness Team was granted \$5,000 from Lodging Tax funds to promote the 2010 Bald Eagle Festival and Interpretive Center. We later learned that the 2010 Festival had been cancelled. The Lodging Tax Advisory Committee met February 4, 2010 and discussed this issue and considered a request by the Skagit River Bald Eagle Awareness Team for reduced funding. After some discussion, the committee voted unanimously to recommend no funding for 2010. A motion was made by **Councilors Valentine/Sexton** to adopt the Lodging Tax Advisory Committee recommendation to not fund the Skagit River Bald Eagle Awareness Team in 2010. Voting in favor were **Councilors Edmundson, Valentine, Aslett, Montgomery** and **Sexton.** **Councilor Bieche** abstained. Motion carried.

**ORDINANCE TO AMEND THE BURLINGTON MUNICIPAL CODE 2.74 TO ADD PARKS AND RECREATION DIRECTOR AS A NON-VOTING MEMBER OF THE LODGING TAX ADVISORY COMMITTEE.**

**Finance Director Thramer** stated that the Lodging Tax Advisory Committee has recommended the addition of the City Parks and Recreation Department Director as a non-voting member of the advisory committee. The Parks and Recreation department oversees all Special Event Applications and the committee has determined it would be very useful to have event information and history available when considering allocation of lodging tax funds for events and festivals. A motion was made by **Councilors Aslett/Sexton** to adopt the Ordinance amending Burlington Municipal Code 2.74, Lodging Tax Advisory Committee, to add the parks and Recreation Department Director as a non-voting member of the committee. All agreed. Motion carried.

**(Ordinance # 1703)**

**RESOLUTION APPOINTING NEW MEMBERS TO THE LODGING TAX ADVISORY COMMITTEE.**

**Finance Director Thramer** noted that **Mayor Brunz** has appointed **Councilor Edmundson** to serve as the Chair of the Lodging Tax Advisory Committee and **Councilor Valentine** to serve as her alternate. Also, the number of non-voting members has been expanded to include the City of Burlington Parks and Recreation Department Director. A motion was made by **Councilors Aslett/Bieche** to adopt the Resolution appointing members of the 2010 Lodging Tax Advisory Committee, and authorize the Mayor to sign. All agreed. Motion carried.

**(Resolution # 09 – 2010)**

**RESOLUTION APPOINTING NEW PUBLIC RECORDS OFFICER TO SERVE AS POINT OF CONTACT FOR PUBLIC RECORDS REQUESTS.**

**City Attorney Thomas** stated that Chapter 42.17 RCW relating to public disclosure requires local agencies to appoint and publicly identify a public records officer whose responsibility it is to serve as point of contact for members of the public requesting disclosure of public records and oversee the City's compliance with the Public Records Act. The Burlington City Administrator is currently designated as the public records

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officer. At this time, the City Administrator position is vacant. It seems appropriate to designate the City Attorney as the public records officer. A motion was made by **Councilors Bieche/Montgomery** to adopt the Resolution appointing the City Attorney as the Public Records Officer for the City of Burlington. All agreed. Motion carried. **(Resolution # 10 – 2010)**

**EXECUTIVE SESSION:**

The Mayor and City Council members adjourned to Executive Session at 8:17 p.m. for the purpose of discussing personnel (labor negotiations) and litigation. **Mayor Brunz** stated that the session would last approximately 25 minutes. Mayor Brunz returned to announce an additional 10-15 minutes. The council chambers were empty. The Mayor and City Council members returned from Executive Session at 8:57 p.m.

**ADJOURNMENT:**

The meeting was adjourned at 8:59 p.m. by **Mayor Brunz**.

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Greg Thramer  
Finance Director

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Edward J. Brunz  
Mayor