

March 25, 2010

CALL TO ORDER:

Mayor Brunz called the meeting to order at 7:01 p.m., with the Pledge of Allegiance. Council members present: Aslett, Bieche, Edmundson, Loving, Montgomery and Sexton. Staff present: Cavanaugh, Fleek, Johnstone, Kinney, Martin, Sheahan, Stafford, Thomas, Thramer and Van Wieringen.

Mayor Brunz reminded Council members to turn on their microphones.

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

MINUTES:

A motion was made by **Councilors Edmundson/Loving** to approve the minutes of the March 11, 2010 Council workshop and 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 57625 – 57715 in the amount of \$182,390.06. All were in favor. Motion carried.

Current Expense	\$ 63,041.59
Current Expense Cumulative Reserve	335.14
City Street	22,929.70
Hopper Construction Fund	122.94
Library	40.00
Parks & Recreation	4,457.57
Cemetery Fund	115.23
Stadium Fund	17,823.03
Park & Recreation Reserve	1,475.42
Sewer Fund	24,801.16
Sewer Cumulative Reserve	29,480.09
Storm Drainage Utility	17,768.19
Total	\$ 182,390.06

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Planning Director Fleek announced that Mount Vernon, Sedro-Woolley, LaConner and Burlington have joined together to respond to the Federal Emergency Management Agency (FEMA) Biological Opinion. A meeting with FEMA representatives is scheduled for next week.

Finance Director Thramer reported that March sales tax revenue is down \$98,776 from March 2009. He noted that the March 31, 2010 Streamlined Sales Tax mitigation payment was less this March due in part to lower sales and less heating oil deliveries compared to a year ago. He noted that when reviewing the first quarter of 2010 as compared to the first quarter of 2009, sales tax revenue is down by 6.2%. **Councilor Sexton** noted that we need to continue to watch spending in 2010; the budget may need to be revised if revenues continue flat or down.

March 25, 2010

Parks & Recreation Director Cavanaugh stated that he received three estimates for re-flooring the south portion of the community building. The bids estimates range from \$7,200 to \$14,904. This project was originally scheduled for 2009, but delayed to 2010. He noted that the other side of the community center floor will be done later this year. **Councilor Aslett** asked how much was budgeted for both projects. **Parks & Recreation Director Cavanaugh** responded that \$20,000 is in the 2010 budget for these projects.

Parks & Recreation Director Cavanaugh announced that no bids were received for removal of the Grafton house located on Burlington Boulevard. He stated that the Museum Board has suggested offering the structure to Habitat for Humanity. If they are not interested, staff will then consider taking bids for demolition and removal of the structure.

City Attorney Thomas discussed the three temporary part-time positions requested by **Parks & Recreation Director Cavanaugh** at the last council meeting. **City Attorney Thomas** reviewed the criteria for hiring under a professional services contract versus as a part-time City employee. A motion was made by **Councilors Edmundson/Loving** to fill all three positions as part-time/temporary City employees. All agreed. Motion carried.

RESOLUTION DECLARING THE CITY HALL CONSTRUCTION PROJECT COMPLETE.

City Attorney Thomas stated that City staff has determined that the City Hall construction is now complete. He asked that Council approve a resolution declaring the project complete so that retainage can be paid to the contractor. A motion was made by **Councilors Aslett/Sexton** to approve the resolution declaring the City Hall construction project complete. All agreed. Motion carried.

(Resolution #12-2010)

City Attorney Thomas stated he has distributed a questionnaire to council regarding topics to be discussed at the retreat. He asked that they be returned within a week so that he can move on with preparations. Council members discussed whether the retreat should be led by a facilitator or not. **Councilors Sexton** and **Bieche** stated they did not see the need to spend funds for a facilitator. **Councilor Edmundson** voiced her opinion in favor of a facilitator for the retreat. **City Attorney Thomas** noted that he cannot move forward to set a date until council members decide if there will be a facilitator or not. **Councilor Aslett** indicated he would look into the cost of a facilitator and report back.

City Attorney Thomas stated he spoke with a Fire District #6 commissioner regarding the current agreement which expires December 31, 2010. The Fire District is interested in starting discussions for the new agreement very soon. The Fire District has suggested a different compensation formula be used in the future. They have also suggested re-aligning the boundaries for call response. Fire District #6 has also requested a payment plan be approved by the City for connection to the sewer system that would be paid in four annual payments at a low interest. Council consensus was to allow a four-year payment plan. **City Attorney Thomas** stated he would draft an agreement for council consideration.

City Attorney Thomas noted that City staff met with Chamber of Commerce representatives regarding the future of City festivals. He suggested the City consider drafting a five-year festival plan that would set goals and objectives.

PROCLAMATIONS:

Mayor Brunz read the proclamation proclaiming March 26, 2010 as Lions Day in the City of Burlington.

March 25, 2010

Mayor Brunz read the proclamation proclaiming April 11 – 17, 2010 as Library Supporter Week in the City of Burlington.

Councilor Aslett suggested the City should consider televising city council meetings to the public.

CONSENT AGENDA:

1. Lincoln Theatre Center Foundation; 2010 Lodging Tax Funds.

A motion was made by **Councilors Loving/Sexton** to approve Consent Agenda item number 1 and authorize the Mayor to sign necessary documents. All agreed. Motion carried.

UNFINISHED BUSINESS:

RESOLUTION TO RESCIND RESOLUTION 08-2010 REGARDING THE CITY OF BURLINGTON TRAVEL POLICY.

City Attorney Thomas stated that following a discussion at the last council meeting, he drafted the proposed resolution to withdraw the most recent amendment to the travel policy. There is a provision in the policy that allows the Mayor to approve exceptions under the Travel Policy to reimburse an employee for the cost of meals consumed by the employee while in pursuit of the City's business while at a conference, in circumstances in which the employee is prevented from consuming a pre-paid meal at the conference as a consequence of pursuing the City's business. A motion was made by **Councilors Bieche/Edmundson** to approve the resolution to rescind resolution #08-2010. All agreed. Motion carried.

(Resolution # 13 - 2010)

NEW BUSINESS:

Mayor Brunz requested that new business item # 5 be discussed first.

PUBLIC HEARING REGARDING THE BURLINGTON-EDISON SCHOOLS BOND ELECTION.

Mayor Brunz opened the public hearing. He stated that those in favor of the bond would speak first followed by those opposed. He asked the speakers to keep their remarks to three minutes.

Mr. Brian Gentry, E. Fairhaven Avenue, spoke in favor the Burlington-Edison School District bond election May 18, 2010. Mr. David Clark, Eagle Drive, spoke in support of the bond election. He provided a short history of the school district land acquisitions. He noted the need for this bond is to repay an unfunded land purchase. If the bond is approved, property tax will increase by \$.19 per \$1,000 valuation. If the bond fails, the unfunded debt must be paid out of the general budget which will likely require cuts to programs and/or staff. It is uncertain at this time if there will also be financial cuts from the state. Mr. Bill Wallace, BE School Board President, stated that the citizens need to move from dwelling on the problem to finding a solution. He stated that policies and procedures have been put in place to avoid this situation again in the future. Ms. Laurel Browning, BE Superintendent of Schools, stated that the Burlington-Edison School district has a good reputation for families looking to relocate to this area. Without the support of the voters for this bond issue, she anticipates large budget cuts and program reductions in the future that will impact students directly. Mr. Jones Atterberry, Lei Garden Road, spoke in favor of the bond issue. Mr. Bob Terwilliger, a BE school district parent spoke in favor of the bond. He noted the success of the bond is important for

March 25, 2010

business as well as the students. No one spoke in opposition to the bond issue. A motion was made by **Councilors Sexton/Aslett** to close the public hearing. A motion was made by **Councilors Sexton/Aslett** to approve the Resolution in support of the Burlington-Edison School District Bond on the May 18, 2010 ballot. Voting in favor were **Councilors Aslett, Edmundson, Loving, Montgomery** and **Sexton**. **Councilor Bieche** abstained. Motion carried.

(Resolution # 14 - 2010)

SIGN CODE AMENDMENT TO ALLOW ELECTRONIC MESSAGE CENTERS ON INTERSTATE-5 FOR SITES OF 20 ACRES OR LARGER.

Planning Director Fleek stated that the Sign Code, BMC Chapter 17.63, is proposed to be amended to allow electronic message centers meeting specific standards to be located in the Interstate 5 corridor on multiple occupancy development sites larger than 20 acres controlled by a single owner or landlord. This is a legitimate exercise in zoning regulation and meets all known legal test. She noted that the Planning Commission held a public hearing on February 17, 2010. After considering public testimony, the Planning Commission voted to recommend that City Council approve the revisions to the sign code to allow electronic message centers fronting I-5 for developments larger than 20 acres. A motion was made by **Councilors Aslett/Montgomery** to amend the Burlington Municipal Code Chapter 17.63 regarding electronic message centers located in the Interstate 5 corridor. All agreed. Motion carried.

(Ordinance # 1706)

UPDATE OF THE PARKS AND RECREATION COMPREHENSIVE PLAN AND CAPITAL IMPROVEMENT PLAN.

Planning Director Fleek stated that the Parks and Recreation Comprehensive Plan is updated every six years in order to maintain eligibility for grants that are coordinated through the State Recreation and Conservation Office. A motion was made by **Councilors Aslett/Bieche** to approve the resolution adopting the 2010-2015 parks and Recreation Comprehensive Plan as the official Parks and Recreation Comprehensive Plan and Parks and Recreation Capital Improvement Plan for the City of Burlington. All agreed. Motion carried.

(Resolution # 15-2010)

PUBLIC HEARING REGARDING CRITICAL AREAS ORDINANCE AMENDMENT TO AUTHORIZE LEVEE IMPROVEMENTS IN THE BURLINGTON FLOODWAY.

Mayor Brunz opened the public hearing. **Planning Director Fleek** stated the Critical Areas Code, Burlington Municipal Code Chapter 15.15, is proposed to be amended to allow levee construction to maintain the structural integrity of critical infrastructure in the floodway. The purpose of the amendment is to accommodate upgrading the levee that protects the BNSF railroad between the cross dike on Whitmarsh Road and the bridge structure on the river side of the levee. There will be an analysis of the planned improvements to ensure that it does not affect flood levels. A motion was made by **Councilors Loving/Aslett** to close the public hearing. A motion was made by **Councilors Bieche/Sexton** to approve the Ordinance to authorize levee improvements in the Burlington floodway. All agreed. Motion carried.

(Ordinance # 1707)

PUBLIC HEARING TO UPDATE THE BURLINGTON MUNICIPAL CODE CHAPTER 14 SURFACE WATER MANGEMENT.

Mayor Brunz opened the public hearing. **Public Works Director/City Engineer Martin** stated that a public hearing regarding amending the municipal code is necessary due to a federal mandate from the Environmental Protection Agency. The City of Burlington's Phase II National Pollutant Discharge Elimination System (NPDES) stormwater permit states that these code updates shall be completed this year. This update pertains to controlling stormwater runoff from developments, updating technical requirements, and specifications for stormwater systems. A motion was made by

March 25, 2010

Councilors Loving/Aslett to close the public hearing. A motion was made by **Councilors Montgomery/Aslett** to approve the Ordinance to update the Burlington Municipal Code Chapter 14 Surface Water Management. All agreed. Motion carried.
(Ordinance # 1708)

INITIATING STREET VACATION PROCEEDINGS AND SETTING PUBLIC HEARING DATE TO CONSIDER THE VACATION OF A 10 FOOT WIDE PORTION OF RIGHT-OF-WAY ALONG CASCADE HIGHWAY ABUTTING THE OLD FIRE STATION SITE.

Mayor Brunz opened the public hearing. **City Attorney Thomas** stated that the vacation of this 10 foot wide portion of this right-of-way will straighten out the south property line abutting two parcels along the Cascade Highway. The parcels are owned by The City of Burlington (P71551) and Mains, Inc. (P71552). This purpose tonight is to adopt a resolution setting the date of a public hearing to consider this street vacation for 7:00 p.m. Thursday April 22, 2010. A motion was made by **Councilors Aslett/Sexton** to approve the resolution setting the time and date of a public hearing to consider a street vacation. All agreed. Motion carried.
(Resolution # 14-2010)

EXECUTIVE SESSION:

The Mayor and City Council members adjourned to Executive Session at 7:20 p.m. for the purpose of discussing land acquisition. **Mayor Brunz** stated that the session would last approximately 10 minutes. The Mayor and City Council members returned from Executive Session at 7:36 p.m.

ADJOURNMENT:

The meeting was adjourned at 7:37 p.m. by **Mayor Brunz**.

Greg Thramer
Finance Director

Edward J. Brunz
Mayor