

May 13, 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: Ackerman, Buckholz, Cavanaugh, Dempsey, Fleek, Martin, Sheahan, Stafford, Thomas, Thramer, Tingley and Van Wieringen.

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

MINUTES:

A motion was made by **Councilors Edmundson/Bieche** to approve the minutes of the April 22, 2010 Council meeting. All agreed. Motion carried.

AUDIT OF BILLS:

Councilor Edmundson presented the bills. The audit committee met and reviewed 188 vouchers for a total of \$247,546.83. The finance committee recommends withholding voucher #58005 in the amount of \$19,551.78 for Pacific International Engineering until after action is taken later this meeting to approve a contract with that firm. A motion was made by **Councilors Edmundson/Sexton** to approve vouchers 57931 – 58048 (with the exception of #58005) in the amount of \$227,995.05. All were in favor. Motion carried.

Current Expense	\$ 41,111.69
Current Expense Cumulative Reserve	3,132.41
Fire Equipment Cumulative Reserve	3,073.99
City Street	30,323.65
Library	1,814.03
Parks & Recreation	8,152.33
Cemetery Fund	225.33
Stadium Fund	38,404.89
Local Capital Improvement Fund	302.96
Sewer Fund	29,420.50
Sewer Cumulative Reserve	60,327.23
Storm Drainage Utility	31,257.82
Total	\$ 227,995.05

PUBLIC COMMENTS:

Mr. Mark Kramer, 506 S. Cherry, noted that the councilmember representing his neighborhood has not been at the last four council meetings and he is concerned that he does not have representation at the meetings. He is also concerned that the City is paying wages to this councilmember although she is not attending meetings. **Councilor Edmundson** noted that **Councilor Valentine** has been absent due to medical leave and expects to return by the end of June. **City Attorney Thomas** noted that state statute comments relating to unexcused absences, but is silent regarding excused absences.

OFFICER REPORTS:

Police Chief VanWieringen introduced **Officer Chris Whitmore** who has been hired by the City with federal grant funds. **Officer Whitmore** will complete his field training near the end of June.

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Police Chief VanWieringen stated that the Police Department underwent an accreditation review process on May 6th. The department passed all 140 points and will be recommended for accreditation at a meeting in Spokane this next week. He will report to the results at the next council meeting.

Parks & Recreation Director Cavanaugh presented a list of soccer field use fees. He noted that Burlington has the lowest field fees for comparable facilities.

Library Director Buckholz reminded everyone about the Books, Bites and Burgundy fundraising event at the Library on May 22, 2010. Tickets are \$25.

Public Works Director/City Engineer Martin stated he met with county officials this week regarding General Investigation study of the Skagit River. He also attended a meeting with University of Washington Professor Alan Hamlet regarding climate change data and its possible affect on the Skagit River.

RECOMMENDATION FROM LODGING TAX ADVISORY COMMITTEE TO AWARD \$5,000 TO A LEADERSHIP SKAGIT CLASS FOR A “WELCOME TO SKAGIT VALLEY” SIGN TO BE PLACED ALONG INTERSTATE-5.

Councilor Edmundson stated that a request for lodging tax funds was received from a Leadership Skagit class. The sign would be located in the public right-of-way of north-bound Interstate-5 near the Starbird Road Exit. Skagit County Commissioners have agreed to match any funds received from cities up to \$15,000. The total estimated cost of the project is \$35,000. The lodging tax advisory committee met earlier this week to consider the request. All members are in favor of granting the \$5,000. A motion was made by **Councilors Aslett/Edmundson** to approve the request for \$5,000 from the Lodging Tax Fund. All agreed. Motion carried.

Mayor Brunz stated that he may revise the order of the council agenda to place any special presentations prior to officer reports. If anyone has concerns about that suggestion, please contact him.

SPECIAL PRESENTATION:

The Executive Director of the Housing Authority of Skagit County gave an overview of the purpose of the housing authority and accomplishments over the past year.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

APPOINTMENT OF VERONICA GONZALEZ TO LIBRARY BOARD OF TRUSTEES.

Library Director Buckholz stated that Ms. Sharon Mainard’s term on the Library Board expires on June 1, 2010. The Library Board met on May 5, 2010 to review applicants and recommends the appointment of Ms. Veronica Gonzalez to the vacant position. Ms. Gonzalez is a life-long resident of Burlington and is currently employed as a Migrant Advocate at Mount Vernon High School. As a regular library user, she will make an excellent advocate for the library. A motion was made by **Councilors Montgomery/Aslett** to confirm the appointment of Veronica Gonzalez to the Burlington Library Board of Trustees. All agreed. Motion carried.

PRELIMINARY 14 LOT SUBDIVISION, PLAT OF OAK HILL LANE, TO PROVIDE ZERO LOT LINE HOMES FOR DUPLEX TOWNHOUSES.

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Planning Director Fleek stated that this project consists of a proposed 14 lot subdivision to provide zero lot line homes for duplexes constructed as townhouses, implementing the approved contract rezone #4-08 establishing a duplex development in the R-2 zoning district. The site is located at the north end of Oak Street at the base of Burlington Hill. When the contract rezone was approved in 2008, the builders were not thinking of the home ownership/townhouse option and the first three buildings were not designed with an approved area separation wall system, so they cannot be subdivided. With a plan change, the current design qualifies for dividing the duplexes into separate townhouse units that can be sold individually. The civil engineering work is completed on the site, so this project component is ready to proceed to final plat. A motion was made by **Councilors Aslett/Sexton** to approve the preliminary subdivision of Oak Hill. All agreed. Motion carried.

FINAL PLAT OF OAK HILL LANE TOWNHOUSES. APPLICANT IS COMMONWEALTH HOLDINGS, LLC.

Planning Director Fleek stated that the final plat of Oak Hill Lane is being submitted for approval. The civil engineering and construction work has all been completed. This approval will create 14 townhouse lots. A motion was made by **Councilors Aslett/Montgomery** to approve the final plat of Oak Hill Lane townhouses. All agreed. Motion carried.

(Ordinance #1714)

REQUEST BY SKAGIT POWER SPORTS FOR STREET CLOSURE AT 1645 WALTON DRIVE ON SATURDAY MAY 22, 2010.

Planning Director Fleek stated that the annual celebration at Skagit Power Sports is scheduled for Saturday May 22, 2010. This year there will be a stunt motorcycle demonstration and they would like to close a short stretch of Walton Drive periodically that day to give spectators more room to stand on the sidewalks on either side of the street. The performance must have liability insurance and name the City as an additional insured party for the activities in the public right-of-way. There will be access from both ends of Walton Drive for emergency vehicles. **Councilor Montgomery** asked if the street would be closed all day or intermittently. **Planning Director Fleek** stated it would be closed on and intermittent bases throughout the day. A motion was made by **Councilors Bieche/Loving** to approve the street closure subject to adding the City as an additional insured for the event in the public right-of-way. All agreed. Motion carried.

AGREEMENT WITH WOLVERINE FIREWORKS FOR FIREWORKS DISPLAY AT SKAGIT RIVER PARK ON JUNE 18, 2010 AS PART OF BERRY DAIRY DAYS FESTIVAL.

Parks & Recreation Director Cavanaugh presented an agreement for council approval. He noted that the company with whom we've done business with for several years has partnered with Wolverine Fireworks. This contract is \$100 more than last year. The agreement will also be approved by Skagit County Dike District #12. The display will be at about 10:00 p.m. at Skagit River Park, utilizing Dike District #12 property. He noted that Skagit State Bank has offered to pay one half of the fireworks cost (\$3,200). He stated that without the fireworks, there would not be vendors, salmon barbeque, music, etc. Because there is not a tractor parade this year, the soccer fields will host games up to 7:00 p.m. when the music & food begins at Skagit River Park. Skagit State Bank also donated \$1,000 for the road run T-shirts. **Councilor Edmundson** mentioned that Skagit State Bank also donated funds to the Kiwanis to assist with the barbeque shelter construction expenses. A motion was made by **Councilors Aslett/Bieche** to approve the agreement with Wolverine West Fireworks, LLC. All Agreed. Motion carried.

REQUEST TO PURCHASE A DISINFECTION / CLEANING MACHINE FOR TILE AND GROUT SURFACES.

Buildings & Grounds Supervisor Tingley asked Council to consider purchase of a machine to clean and disinfect difficult-to-clean surfaces in public spaces and restrooms. He noted that the machine costs \$3,084 and would like the council to approve funding

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this purchase from the Legislative Emergency Fund. This machine uses only water (no chemicals) and provides a capability to disinfect otherwise difficult-to-clean surfaces. The particular area of greatest concern is old city hall (900 E. Fairhaven) which continues to get increasing use which will ramp up further when the school year ends in a few more weeks. The machine would also be used in many of other bathrooms and other tiled surfaces throughout the city. **Finance Director Thramer** noted there is about \$40,000 in the fund at this time. A motion was made by **Councilors Edmundson/Montgomery** to approve purchase of this machine from the Legislative Emergency Fund. All approved. Motion carried.

CONTRACT WITH THE WASHINGTON DEPARTMENT OF COMMERCE, ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT.

Public Works Director/City Engineer Martin stated that this contract will provide federal funding of \$132,000 for energy efficiency upgrades to the Public Safety Building (energy control system and insulation) and the City's street signal system (replace old incandescent signal heads with energy-efficient LED signal heads). He noted that this contract will require a city match of approximately \$15,200 from the Capital Improvement Fund (Public Safety Building Improvement) and \$47,200 from the Arterial Street Fund (City-Wide Signal Timing Optimization). The expense is budgeted in 2010. A motion was made by **Councilors Montgomery/Loving** to approve the contract with the Washington Department of Commerce. All agreed. Motion carried.

CONTRACT WITH PACIFIC INTERNATIONAL ENGINEERING PLLC FOR HYDRAULIC ENGINEERING AND OTHER PROFESSIONAL ENGINEERING SERVICES.

Public Works Director/City Engineer Martin stated that this contract will provide the technical support he thinks will be necessary to carry forward an appeal of the new F.E.M.A. flood maps. Part of this work has already been accomplished this year. Council members discussed the General Investigation Study of the Skagit River by the U.S. Army Corps of Engineers, the Federal Emergency Management Administration upcoming release of revised flood elevation maps and the effects on Burlington and Skagit County. They also discussed the possibility of appealing the revised flood elevations and possible costs. **Planning Director Fleek** stated that work done by this engineering firm will be very important and will be used in a F.E.M.A. appeal. She stated that it is very important for Burlington to have certified levees and a F.E.M.A. flood elevation at the lowest level possible to keep Burlington businesses and citizens out of the flood plain and perhaps make flood insurance optional. A motion was made by **Councilors Loving/Montgomery** to approve the contract with Pacific International Engineering PLLC. All agreed. Motion carried.

A motion was made by **Councilors Edmundson/Aslett** to authorize payment of voucher #58005 in the amount of \$19,551.78. All agreed. Motion carried.

CONTRACT WITH WILLIAM POPP ASSOCIATES FOR TRANSPORTATION PLANNING SERVICES.

Public Works Director/City Engineer Martin stated that this contract will provide professional services as needed to support transportation planning. In particular, we are looking ahead to the traffic impact fee update we promised to the development community. Additionally, given the economic downturn, it is clear that some major proposed transportation projects, such as the Hopper Cloverleaf and the East Side Freeway Frontage Road, will have to be re-scoped or delayed beyond a 20-year planning horizon in order to bring capital improvement requirements in line with reasonable funding possibilities. A motion was made by **Councilors Loving/Edmundson** to approve the contract with William Popp Associates. All agreed. Motion carried.

CONTRACT WITH GRAY & OSBORNE, INC. FOR SEWER COMPREHENSIVE PLAN UPDATE.

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Public Works Director/City Engineer Martin stated that this is a routine update of the Sewer Comprehensive Wastewater Plan. Council members discussed dates of previous updates. Planning Director Fleek clarified that the City's Comprehensive Plan has been updated in incremental parts over the years. It is now time to update the Sewer plan. A motion was made by **Councilors Aslett/Montgomery** to approve the contract with Gray & Osborne to update the Sewer Comprehensive Plan. All agreed. Motion carried.

ORDINANCE TO ALLOW FOR PAYMENT OF SEWER CONNECTION FEE OVER TIME.

City Attorney Thomas stated that the City would like to encourage the connection of properties that currently have on-site septic systems to the City's sanitary sewer system. Failing on-site sewage disposal systems result in the contamination of storm water by nutrients and bacteria, resulting in degradation of water quality and health problems. This ordinance would allow the sewer connection fees to be paid over time rather than in full at the time a sewer connection permit is issued. The property owner would be required to enter into a contract with the City with a term not to exceed five (5) years. The interest on the unpaid balance would be commensurate with the Wall Street Journal prime rate on the date the contract is signed. The unpaid balance could be paid in full at any time without penalty. The Council members were not in favor of adopting an ordinance at this time that would allow all property owners not currently on City sewer service to pay the hook-up fee over time. They also asked that billing procedures be worked out prior to approval of an ordinance. The council will reconsider this at a later date.

AGREEMENT WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 4111.

City Attorney Thomas stated that this agreement would be considered at a later date.

REQUEST COUNCIL APPROVAL FOR TEMPORARY EMPLOYEE IN THE FOURTH QUARTER OF 2010 IN THE FINANCE DEPARTMENT.

Finance Director Thramer stated that two Finance Department employees have requested maternity leave in the fourth quarter of 2010. In order to meet department obligations (budget, accounts receivable, accounts payable and payroll) he requested permission to hire a former employee on a temporary basis. He expects she would work less than 320 hours. He would pay her the same hourly rate as she received before her retirement from the City.

EXECUTIVE SESSION

The Mayor and Council adjourned to Executive Session at 9:13 p.m. to discuss personnel issues. **City Attorney Thomas** stated he expected the session to last about ten (10) minutes. The Mayor and Council returned from Executive Session at 9:21 p.m. Council decided to consider the request for a temporary employee in the Finance Department at a later date.

RESOLUTION TO REPLACE RESOLUTION 18-2009 TO CORRECT PRICE CHARGED FOR COPIES.

City Attorney Thomas stated that Resolution 18-2009 increased the price charged by the City for document copies from fifteen cents to twenty-five cents effective January 1, 2010. According to RCW 42.56.120, the City may not charge in excess of fifteen cents per page unless it has been determined the actual per page cost for photocopies is greater than fifteen cents. The City of Burlington has not determined the actual per page cost, thus we must continue to charge only fifteen cents per page. This resolution would correct that error. **City Attorney Thomas** stated that there are a couple of other fees that are not on the fee list. He indicated a resolution will come to Council for those at a later date. A motion was made by **Councilors Aslett/Sexton** to approve the resolution to approve the Resolution replacing Resolution 18-2009 to reduce fees charged for copies to fifteen cents per page. All Agreed. Motion carried.

(Resolution # 17-2010)

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RESOLUTION TO ADOPT A GENERAL FUND CASH RESERVE POLICY.

Finance Director Thramer stated that council members have long discussed their desire to implement a cash reserve policy for the City. He stated that the policy can be amended at any time. He noted that the proposed resolution would establish a general fund cash reserve policy to maintain at least 20% of budgeted annual operating expenses in the general fund. **Councilor Loving** suggested the City maintain only 5% in these tough economic times. **Councilor Aslett** stated that it is more important to keep it at a higher level rather than lower. A motion was made by **Councilors Montgomery/Bieche** to approve the resolution adopting a City Cash Reserve Policy. All agreed. Motion carried. **(Resolution # 18-2010)**

FIRE DISTRICT #6:

City Attorney Thomas announced that he received an invitation from Skagit County Fire District #6 inviting **Mayor Brunz, Finance Director Thramer,** one council member and himself to meet with the Fire District commissioners to discuss the current agreement. He asked that Council select the person to represent the City at this meeting. A motion was made by **Councilors Edmundson/Montgomery** to nominate **Councilor Sexton.** All agreed. Motion carried.

COUNCIL RETREAT:

Councilor Bieche asked about the status of plans for a council retreat. After some discussion it was decided to not schedule a council retreat at this time. **Councilor Aslett** suggested a one-hour workshop prior to every council meeting to discuss budget issues.

EXECUTIVE SESSION:

There was not an Executive Session.

ADJOURNMENT:

A motion was made by **Councilors Bieche/Aslett** to adjourn at 9:50 p.m. All agreed. Motion carried.

Greg Thramer
Finance Director

Edward J. Brunz
Mayor