

August 12, 2010

CALL TO ORDER:

Mayor Brunz called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Bieche, Edmundson, Loving, Montgomery, Sexton and Valentine. Staff present: Cavanaugh, Dodds, Fleek, Hanson, Howland, Kramer, Ludwig, Martin, Miller, Sheahan, Sherwood, Thomas, Thramer, Tingley, VanWieringen and Whitmore.

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

MINUTES:

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

AUDIT OF BILLS:

Councilor Edmundson presented the bills. A motion was made by **Councilors Edmundson/Montgomery** to approve vouchers 58527 – 58640 in the amount of \$306,535.46. All were in favor. Motion carried.

Current Expense	\$ 76,857.75
Current Expense Cumulative Reserve	636.22
City Street	11,360.99
Hopper Construction	8,629.62
Library	2,399.82
Library Permanent Book	3,619.89
Parks & Recreation	14,463.99
Cemetery Fund	187.66
Stadium Fund	5,913.32
Local Capital Improvement Fund	2,612.61
Parks & Recreation Reserve	11,566.63
Sewer Fund	30,074.00
Sewer Cumulative Reserve	121,656.78
Storm Drainage Utility	12,541.96
Park Endowment Fund	4,014.22
Total	\$ 306,535.46

SPECIAL REPORTS:

Mr. Henry Van, Regional Director Frontier Communications gave a short presentation to the Mayor and City Council regarding Frontier Communications as the replacement for Verizon Northwest as the local area telephone company.

Ms. Linda Fergusson, Executive Director Burlington Chamber of Commerce gave an update of recent Chamber activities in the City of Burlington. She introduced Ms. Kim Hildahl who will be working with the chamber with a focus on marketing.

PUBLIC COMMENTS:

August 12, 2010

Officer Jeremy Kramer, President of the Burlington Police Guild discussed recent negotiations with City administrators regarding negotiations concerning their current agreement.

Eric, Manager of Cascade Meadows Apartments, 310 Cascade Place, heard that the City plans to lay off three police officers because of falling revenues. He encouraged the City to find other ways to save money.

OFFICER REPORTS:

Parks & Recreation Director Cavanaugh reported a recent rash of vandalism of portable restrooms at various City parks.

Public Works Director/City Engineer Martin stated that the possibility of the Burlington Northern Santa Fe Skagit River Bridge being replaced is again a real possibility. The State of Washington was able to come up with funds for the initial engineering so that the project is in line for grant funding. He noted that this project would be very beneficial to Burlington as a flood control measure. The entire project is estimated at about \$11 million; Burlington's commitment is \$350,000 spread over three years.

Public Works Director/City Engineer Martin stated that a public meeting to discuss the preliminary FEMA flood maps will be held at City Hall at 6:00 p.m. Tuesday August 17th in the Council Chambers.

Public Works Director/City Engineer Martin stated that **Mayor Brunz**, several Skagit County Dike District commissioners, a Dike District attorney, representatives of Skagit County and he will be attending a national drainage conference. This will provide a good opportunity to meet with Federal representatives of FEMA and the U.S. Army Corps of Engineers.

City Attorney Thomas distributed a memo to council members updating them on the contract negotiations with Skagit County Fire District #6. He noted that discussions include the possibility of only the City responding to calls in the district on the east side of the city and at the Port of Skagit and only the District responding to calls west of Interstate 5 unless mutual aid is requested.

City Attorney Thomas distributed a letter from Skagit County District Court indicating that the cost for judge services will increase in 2011 by about \$5,000.

City Attorney Thomas distributed a letter from Skagit Community Action requesting \$10,000 in funding for 2011; \$7,000 would be for critical needs and \$3,000 for the mobile dental van service. The information includes a breakdown of services provided and the number of Burlington residents served in the past year. He asked council to review the 2010 budget Fund 001 where there are several human services agencies and provide suggestions regarding levels of funding for each in 2011.

UNFINISHED BUSINESS:

COUNCIL AGENDA POLICY.

City Attorney Thomas stated that section D.5 has been revised to reflect **Councilor Aslett's** comments regarding potential deadlines for council action on agenda items. A motion was made by **Councilors Loving/Bieche** to approve the Council Agenda Policy. All agreed; motion carried.

August 12, 2010

AMENDMENT TO INTERLOCAL SOLID WASTE AGREEMENT WITH SKAGIT COUNTY.

City Attorney Thomas stated that the Skagit County Solid Waste Governance Board will meet on August 18 for a vote to amend the interlocal solid waste agreement. He stated that **Mayor Brunz** would like the City council to approve the proposed changes to the agreement so that when he casts his vote, it is with the support of the Burlington City Council. **City Attorney Thomas** noted that the City of Mount Vernon council has suggested a revision to a portion of the agreement regarding use of utility funds to sue parties of the agreement. He suggested that council authorize the agreement as it is and if the agreement is amended, it can be brought back for reconsideration. Mr. Kevin Renz, Skagit County Solid Waste Division, noted that Anacortes and Sedro-Woolley have approved the agreement. The Town of LaConner will consider the agreement at the next city council meeting. A motion was made by **Councilors Montgomery/Edmundson** to approve the amendment to the Interlocal Solid Waste Agreement with Skagit County. All were in favor; motion carried.

NEW BUSINESS:**PROPOSED EXTENSION OF INTERIM CONTROLS FOR THE LEVEE SETBACK AREA THROUGH THE THREE-BRIDGE CORRIDOR.**

Mayor Brunz opened the public hearing. **Planning Director Fleek** stated that the interim controls restricting development in the area proposed for the levee setback through the three-bridge corridor need to be extended for an additional six months. There is progress on land acquisition and the City is working in coordination with Skagit County, Mount Vernon, the Dike Districts, and the Washington State Department of Transportation on additional land acquisition through the corridor as part of the long term program to protect Interstate 5. She noted that interim controls require a public hearing to be extended every six months. A motion was made by **Councilors Loving/Bieche** to close the public hearing. All agreed; motion carried. A motion was made by **Councilors Loving/Bieche** to approve the ordinance extending Interim Controls. All agreed; motion carried.

(Ordinance # 1718)

SPECIAL EVENT PERMIT FOR BEER GARDEN AT SPAWNFEST DISC TOURNAMENT.

Parks & Recreation Director Cavanaugh stated that last year, the council decided to approve the beer garden for this event on a trial bases. There were no problems at the group's beer garden last year. They have requested permission to have a beer garden at this year's event. Last year the City required one monitor and one police officer to be in attendance at the event. A motion was made by **Councilors Valentine/Montgomery** to approve the special event permit for a beer garden at the SpawnFest Disc Tournament on August 21, 2010 at Skagit River Park. All agreed; motion carried.

ORDINANCE TO ESTABLISH BURLINGTON HISTORICAL PRESERVATION ADVISORY BOARD.

Parks & Recreation Director Cavanaugh stated that the museum building no longer exists and so it is necessary to create a historical preservation advisory board to replace the museum board until a museum is once again in the City's inventory. The proposed ordinance has been reviewed by the current Museum Board and **City Attorney Thomas**. A motion was made by **Councilors Loving/Montgomery** to approve the ordinance to add a new chapter, 2.96, to the Burlington Municipal Code. All agreed; motion carried.

(Ordinance # 1719)

WASTE MANAGEMENT MINOR RATE INCREASE.

Public Works Director/City Engineer Martin stated that in accordance with Waste Management's contract provisions the company is proposed to increase rates to enable recoupment of an increased Business and Occupation tax. The increase for a residential

August 12, 2010

customer currently paying \$13.10 per month for a 35-gallon garbage cart would be an increase of 4 cents per month (to \$13.14). This is 3/10th of 1%. The proposed rate increase would be in effect for three years. A motion was made by **Councilors Valentine/Edmundson** to approve Waste Management’s request for a rate increase of 3/10th of 1%. All agreed; motion carried.

RESOLUTION TO AMEND PERSONNEL POLICY MANUAL BY ADDITION OF CHAPTERS 7.4.3 AND 15.22 REGARDING NURSING MOTHERS.

City Attorney Thomas stated that when Health Care Reform was signed into law by President Obama this spring, Section 7 of the Fair Labor Standards Act was amended to require employers to provide breastfeeding employees with reasonable break time and a private, non-bathroom place to express breast milk during the workday, up until the child’s first birthday. The proposed resolution adds section 7.4.3 to the Personnel Policy Manual regarding break time and section 15.22 regarding employees and supervisors responsibilities to inform and provide appropriate space. A motion was made by **Councilors Sexton/Bieche** to approve the resolution amending the Personnel Policy and Procedures Manual. All agreed; motion carried.

(Resolution # 22 – 2010)

PRELIMINARY REVENUE ESTIMATES – 2011.

Finance Director Thramer stated that City departments have submitted to him their revenue estimates for 2011. This information will be used to develop the 2011 City Budget. He expects the 2011 revenues to be about \$5.7 million which is lower than estimated for 2010. **Councilor Sexton** stated his believe that the revenues will be even lower than estimated by **Finance Director Thramer**.

EXECUTIVE SESSION

The Mayor and Council adjourned to Executive Session at 8:49 p.m. to discuss personnel. **Mayor Brunz** stated he expected the session to last about 30 minutes. The Mayor and Council returned from Executive Session at 9:27 p.m.

ADJOURNMENT:

Mayor Brunz adjourned the meeting at 9:28 p.m.

Greg Thramer
Finance Director

William Aslett
Mayor Pro Tem