

April 14, 2005

**CALL TO ORDER:** Mayor Tjeerdsma called the meeting to order at 7:04 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Loving, Aslett, Valentine, Straathof and Montgomery. Staff present: City Administrator Aarstad, Planning Director Fleek, Building & Grounds Supervisor Rasmussen, Administrative Assistant Sheahan, and City Attorney Thomas.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Aslett/Montgomery** to approve the minutes of the March 10, 2005 Council workshop. All were in favor. Motion carried. A motion was made by **Councilors Aslett/Doyle** to approve the minutes of the March 10, 2005 Council meeting. All were in favor. Motion carried.

**AUDIT OF BILLS:**

**Councilor Straathof** presented the bills. A motion was made by **Councilors Straathof/Valentine** to approve vouchers 43109 – 43311 in the amount of \$1,890,621.12. All were in favor. Motion carried.

Current Expense	\$ 63,720.62
Current Expense Cumulative Reserve	8,125.33
Fire Equipment Cumulative Reserve	2,107.67
City Street	1,716,105.54
Library	5,781.91
Parks & Recreation	13,566.67
Cemetery Fund	1,848.95
Stadium Fund	3,959.77
Local Capital Improvement Fund	5,829.68
Park & Recreation Reserve	7,503.84
Sewer Fund	14,123.93
Sewer Cumulative Reserve	46,362.27
Storm Drainage Utility	1,584.94
<b>Total</b>	<b>\$1,890,621.12</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**City Administrator Aarstad** noted that AWC has inquired if the Mayor and Council members would like to receive AWC notices and information via email rather than by U.S. Mail. If so, Councilmembers should let Jon know their email address.

**City Administrator Aarstad** noted that the Streamlined Sales Tax bill has been removed from consideration in the State Legislature for this year. It will most probably re-appear for discussion for next year’s legislative session. Perhaps a compromise can be reached to reduce the impact to cities that stand to lose large tax revenues prior to passage of the legislation. It is estimated that the City of Burlington could lose more that \$929,000 in the year 2007.

**City Administrator Aarstad** stated that the City of Burlington is collecting two types of telecommunications tax that are very similar but the City is charging two different rates (6% and 3%). **City Attorney Thomas** and **City Administrator Aarstad** will bring forward additional information to the next council meeting for clarification and consideration.

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**Mayor Tjeerdsma** announced that he met with staff from the Washington State Department of Community, Trade & Economic Development Office this week and accompanied them on a tour of Pacific WoodTech.

**Mayor Tjeerdsma** stated that earlier this afternoon he had a visit from 25 third graders from BayView Elementary School. He told them about the responsibilities of the Mayor and gave them a tour of City Hall. While in the council chambers, he went through the council agenda for tonight's meeting to show them how a council meeting is conducted.

#### **PROCLAMATION:**

**City Administrator Aarstad** read the proclamation designating April 10 – 16, 2005 as National Public Safety Telecommunications Week.

#### **CONSENT AGENDA:**

The Consent Agenda included the following items:

1. Agreement with Skagit Domestic Violence & Sexual Assault Services for 2005.
2. Agreement with Skagit County Community Action Agency for 2005.
3. Information Technology Purchase Agreement between the Administrative Office of the Courts (AOC) and the City of Burlington.

A motion was made by **Councilors Bensen/Loving** to approve items 1 – 3 on the consent agenda. All approved. Motion carried.

#### **UNFINISHED BUSINESS:**

##### **WASTEWATER REUSE PRE-DESIGN REPORT.**

**City Administrator Aarstad** noted that HDR Engineering was contracted to provide a report regarding the options the City of Burlington has to reduce the use of potable PUD water to irrigate the Skagit River Park. The final analysis resulted in a recommendation to focus on the use of treated wastewater as an irrigation source for this facility. HDR was then asked to develop a Scope of Work proposal that would clearly identify the treatment options, storage requirements, infrastructure proposal, search funding options available to the City to proceed to the implementation phase and create a matrix of permit requirements that need to be completed to allow the use of reclaimed wastewater for irrigation purposes along with assisting with a public education process to inform the public of the proposed project. **City Administrator Aarstad** proposes that the cost for this study be taken from impact fees and real estate excise taxes. (The revenue from these two sources was much greater than anticipated in 2004.) **Councilor Aslett** referred to the Scope of Work and asked if item # 7 "Develop Preliminary Cost Estimates" is necessary. Mr. Bob Powell, of HDR, stated that it has shown to be effective to do this scope of work prior to launching into the work of the project so that the council will have a good idea of the work to be done and the cost prior to making a decision to move forward. If council agrees to move forward with the project, this pre design report will be required for funding and permitting. He noted that this is not a design document. **Councilor Aslett** asked why the city staff isn't coming up with the plan and preliminary estimates rather than spending \$20,000 to have someone else (HDR) do this project. **Councilor Loving** stated that the Parks Board has discussed this project and found that it was outside the realm of the **Parks & Recreation Director** or any other city staff to design and implement. **Councilor Bensen** stated that he has discussed this project with Mr. Powell and asked the same questions and is satisfied that the city should go through with hiring HDR for this project. **Councilor Montgomery** asked if the reason for this entire project is to save money. **City Administrator Aarstad** stated that it is. The cost to use PUD potable water for irrigation of the park fields is very expensive. If there is a way that the city can reuse treated wastewater for this purpose, it would provide a great financial savings. **Planning Director Fleek** noted that she will include this project in the City Comprehensive Plan and that there would be grant funding available to fund the project to use re-claimed waste water. A motion was made by **Councilors Loving/Valentine** to proceed with the pre-design report regarding Wastewater Reuse developed by HDR, Inc. and instruct staff to

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develop a contract with HDR Engineering, Inc. to perform the elements of the Scope of Work. Said contract will be presented to the City Council at the April 28, 2005 Council meeting. Voting in favor: **Councilors Bensen, Loving, Valentine, Doyle, Straathof, and Montgomery**. Voting against; **Councilor Aslettt**. Motion carried.

**RESOLUTION TO ADOPT THE SKAGIT COUNTY COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN.**

**Councilor Bensen** requested that this item be dropped from tonight's agenda. Some new information has been presented for the Municipalities Committee to consider at their next meeting. A motion was made by **Councilors Bensen/Aslett** to remove this item from tonight's agenda. All approved. Motion carried.

**City Administrator Aarstad** asked if any council members would like to sit on the library building project committee. **Councilors Straathof, Aslett and Loving** volunteered to serve on this committee.

**ARCHITECTURAL AGREEMENT WITH LEWIS ARCHITECTS FOR CITY OF BURLINGTON LIBRARY.**

**City Administrator Aarstad** noted that Council approved the selection of Lewis Architects to provide the design, construction and bid documents for the construction of the City Library. A contract and fee structure has been negotiated and copies distributed to the Mayor and Council prior to tonight's meeting. A motion was made by **Councilors Aslett/Valentine** to approve the contract and fee structure with Lewis Architects to provide the design, construction and bidding documents for the City of Burlington Library and authorize the Mayor to sign on behalf of the City of Burlington. All approved. Motion carried. Funding for this will come from the City Hall/Library development fund.

**REQUEST FOR RECONSIDERATION OF PROPOSED COMPREHENSIVE PLAN AMENDMENT AND REZONE FROM 4-1-9.6 SINGLE-FAMILY TO R-S SEMI-PUBLIC. APPLICANT IS PAUL ERICSON.**

**Planning Director Fleek** noted that the Planning Commission conducted a public hearing on January 18, 2005 and requested a legal opinion regarding the two zoning issues. Final action was taken on February 15, 2005 and a recommendation was made to deny the proposal. Subsequent to that hearing, a letter was received from Mr. Paul Ericson, asking the City Council to consider rezoning the site to R-3 Multi-Family which is consistent with the current zoning to the west and south of the site. Land to the east is zoned R-2, Duplex. Based on the Planning Commission recommendation the City Council denied the application. The applicant is requesting reconsideration and asking that the case be referred back to the Planning Commission to conduct a new public hearing on the request to rezone to R-3 Multi-family, instead of the original proposal. **Councilor Aslett** asked if we're following the rules regarding this issue. Planning Director Fleek noted there are no rules regarding reconsideration requests. A motion was made by **Councilors Bensen/Doyle** to remand the project to the Planning Commission for a new public hearing and public notice. All agreed. Motion carried

**REQUEST TO AUTHORIZE AN INTERLOCAL AGREEMENT WITH THE HAMILTON PUBLIC DEVELOPMENT AUTHORITY FOR LEGAL WORK.**

**Planning Director Fleek** stated that the Hamilton Public Development Authority is asking for assistance from Burlington **City Attorney Scott Thomas**. The City of Burlington has two current Interlocal Agreements with the Town of Hamilton, providing Planning and Building service as needed. The relocation of the Town of Hamilton is a very important project for the region, because it will facilitate relocating development rights in the floodway to high ground and provide economic revitalization opportunities upriver. The work required by Burlington **City Attorney Thomas** should not take a lot of time, the agreement allows for about four hours per month. If there are major legal issues, the Hamilton PDA will contract separately with a firm in Seattle who specializes in PDA issues to prevent adversely impacting the Burlington City Attorney's workload. A motion was made by **Councilors Doyle/Montgomery** to authorize the Mayor to sign the Interlocal Agreement. All agreed. Motion carried.

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**REQUEST TO AMEND THE CONTRACT WITH PATRIOT SALES TO COMPLETE DESIGN AND DEVELOPMENT WORK ON URBAN WAYFINDING POLES AND SIGNAGE.**

**Planning Director Fleek** stated that work is continuing on the sign poles for city signage. The engineering work to ensure the signs will withstand wind loads is successful and preparation of detailed design plans is in progress. The first pole and base is completed, and they are working to perfect the design of the City Entrance sign. The contract amendment will extend the duration to December 2005 and increase the maximum compensation from \$5,000 to \$10,000. We're looking at needing 36 directional signs with 5 or 6 entrance signs. Monument style entrance signs can be done at a later time. **Councilor Doyle** asked about the budget for this project. **City Administrator Aarstad** noted there is \$20,000 allocated in the 2005 budget. This request is for an additional \$5,000. **Councilor Aslett** asked if there would be problems using two different metals (aluminum and steel) together on the sign poles. **Planning Director Fleek** assured him that the design would take that into consideration. A motion was made by **Councilors Valentine/Loving** to authorize the contract amendment and authorize the Mayor to sign. All agreed. Motion carried.

**NEW BUSINESS:**

**AMENDMENT TO THE LEASE OF THE LIME PROPERTY.**

**City Attorney Thomas** presented an amendment to the original lease for the lime Property dated September 2004 for \$1.00 per month rent. He noted that when we purchased the property the owner was allowed to stay on the property for six months. The city had expected that street construction would begin after about six months. The project is not moving along as soon as planned so the tenant has requested the ability to stay on the property with a month to month lease. The lease is being amended so that the Tenant will now pay \$2,496 monthly as well as the leasehold taxes. When the city is ready to build the road, the tenant will move with 30 days notice. A motion was made by **Councilors Valentine/Doyle** to approve the Lease Agreement and authorize the Mayor to sign. All agreed. Motion carried.

**APPROVAL OF INTERLOCAL AGREEMENT WITH SKAGIT COUNTY EMERGENCY MEDICAL SERVICES TO LOCATE A PARAMEDIC UNIT IN THE CITY OF BURLINGTON FIRE STATION.**

**City Administrator Aarstad** apologized for not having the contract finalized prior to this evening's meeting. EMS contacted the City of Burlington about the opportunity to locate a Central Valley Paramedic Unit at the City of Burlington Fire Station. During these discussions it was decided to pursue such a plan provided an Interlocal Agreement could be developed. The cost for the remodel has not been determined. EMS would also like internet access which had not been included in the draft agreement. **City Administrator Aarstad** would like to move forward with finalizing the agreement and bring it to the next council meeting for approval. He reviewed the sections to be included in the agreement. The Interlocal Agreement is being reviewed by **City Attorney Thomas** and **Fire Chief Anderson** throughout this process. The agreement will be for five years and 8 months (to end December 31, 2010). The EMS Commission has approved the ambulance staff to start May 2, 2005 at the Burlington Fire Station. Because of this close timing, he asked council members to let him know tonight if there are any obstacles that need to be worked through. EMS needs to begin planning the logistics of the move right away. Jodi Monroe, EMS Executive Director, noted that the paramedics have been hired and the ambulance is ready to roll. If the Burlington fire station is not available, EMS would rent a house in Burlington to house the staff and ambulance. The Burlington Fire staff will still respond as they always have. The ambulance staff is currently responding to calls in the Burlington area in 10+ minutes. The standard is 8 minutes or less, and the goal of EMS to get the response times down to the standard. **Councilor Aslett** asked if the city should consider a term of less than five years. **City Administrator Aarstad** noted that there is a section in the agenda to provide quarterly reports and there is also a termination clause. Either the City or EMS could end the agreement prior to five years. Ms. Monroe discussed her role with EMS and gave an overview of the other ambulance stations in the valley. **City Administrator Aarstad** will provide a copy of the agreement as soon as possible to council members and bring it for approval at the April 28, 2005 council meeting. **Mayor Tjeerdsma** asked if anyone had

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problems with moving forward with contract negotiations and planning for EMS to house an ambulance and staff at the Burlington Fire Station. None heard.

**RESOLUTION TO AMEND THE PERSONNEL & POLICY PROCEDURES, CHAPTERS 1, 4, 8, 9 AND 10.**

**City Administrator Aarstad** noted that changes to several Chapters of the Personnel Policy and Procedures Manual have been proposed that include a new organizational chart removing the Garbage Department and other sections that need clarification since we changed to twice per month payroll. A motion was made by **Councilors Bensen/Aslett** to approve the Resolution and authorize the Mayor to sign. All approved. Motion Carried.

**(Resolution #3-2005)**

**GARBAGE UTILITY RATE INCREASE – WASTE MANAGEMENT.**

**City Administrator Aarstad** noted that garbage rates for citizens of the city will increase May 1, 2005. The rate increase is outlined in section 9.3 of the Agreement with Waste Management for garbage collection and is based on the February CPI (U.S. City Average). The rates will increase by 2.37%. Waste Management will notify all customers of the rate change prior to implementation.

**INTERLOCAL AGREEMENT WITH PUBLIC UTILITY DISTRICT #1 AND THE CITY OF BURLINGTON.**

**City Administrator Aarstad** stated that PUD #1 has requested an Interlocal Agreement with the city to provide the legal document to provide fiber optic lines to the City of Burlington. This document provides a general agreement to agree to negotiate opportunities to enhance both public and private fiber services within the City of Burlington. This agreement will also allow the City to directly negotiate with PUD #1 to provide dark fiber to our various City operational facilities and utility amenities. This is the second phase of our process of providing fiber to City governmental functions and services. A motion was made by **Councilors Bensen/Montgomery** to approve the Interlocal Agreement with PUD #1 and authorize the Mayor to sign on behalf of the City of Burlington.

**RECOMMENDATION FOR CITY HALL ARCHITECTURAL FIRM.**

**City Administrator Aarstad** stated that the City Hall selection committee interviewed five architectural firms this past Tuesday. After the interviews and deliberation with follow-up references calls, the committee has recommended that the firm of Lewis Architecture for the City Hall project. A motion was made by **Councilors Valentine/Aslett** to approve the recommendation of the selection committee to select the firm of Lewis Architecture + Interior Design for the City Hall project and instruct staff to begin the process of cost negotiations and contract preparation. All agreed. Motion carried.

**EXECUTIVE SESSION:**

There was no Executive Session.

**ADJOURNMENT:**

A motion was made by **Councilors Valentine/Doyle** to adjourn the meeting at 8:12 p.m. All were in favor. Motion carried.

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Richard A. Patrick  
Finance Director / City Clerk

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Roger "Gus" Tjeerdsma  
Mayor