

May 26, 2005

**CALL TO ORDER:** Mayor Tjeerdsma called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Loving, Aslett, Valentine, Straathof and Montgomery. Staff present: City Administrator Aarstad, Parks Supervisor Bloodgood, Planning Director Fleek, Library Director Perkins, Administrative Assistant Sheahan, City Attorney Thomas, and Legal Secretary Acero.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Valentine/Doyle** to approve the minutes of the May 12, 2005 Council meeting. All were in favor. Motion carried.

**AUDIT OF BILLS:**

**Councilor Straathof** presented the bills. A motion was made by **Councilors Straathof/Aslett** to approve vouchers 43568 – 43648 in the amount of \$109,422.71. All were in favor. Motion carried.

Current Expense	\$ 41,121.49
Current Expense Cumulative Reserve	655.68
City Street	39,489.87
Library	124.91
Parks & Recreation	2,136.49
Cemetery Fund	80.49
Park & Recreation Reserve	5,312.24
Sewer Fund	14,688.99
Sewer Cumulative Reserve	866.30
Storm Drainage Utility	4,946.25
<b>Total</b>	<b>\$ 109,422.71</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**City Administrator Aarstad** announced that **Library Director Perkins** has been awarded the “Fiction Reviewer of the Year”. He read from the press release that “Library Journal, the leading publication serving public and academic libraries nationwide, has announced its Reviewers of the Year, an award given annually by the magazine at the American Library Association conference. This year’s winner in fiction reviewing is Christine Perkins, Director of the Burlington Public Library, Washington, who was cited by the editors for her witty and engaging style as well as the wide range of books she handles.” She will travel to Chicago in mid June to receive this award at the ALA national conference.

**City Administrator Aarstad** reported that fiber lines are being strung in the city to connect city facilities with fiber optic lines. The lines will be hung on Puget Sound Energy poles. He asked for permission for the Mayor to sign the agreement with Puget Sound Energy authorizing the city to use PSE poles along Section Street and Rio Vista Avenue. A motion was made by **Councilors Bensen/Doyle** to approve the pole agreement and authorize the Mayor to sign. All approved. Motion carried.

**Library Director Perkins** thanked **Councilor Loving** for attending the Rad Gab insect eating event held recently at the Library.

**Library Director Perkins** announced that Ms. Cox (an assistant librarian at WestView Elementary School) has been hired as a Library Page for the summer. She will replace a Student Page who will be in Mexico until school begins again this fall.

**Library Director Perkins** explained that the Library Journal book reviews assist library directors all across the United States in assessing what books should be purchased for libraries. She noted she has applied for a grant to offset one half of the travel expense for her trip to Chicago to accept this award.

May 26, 2005

**Library Director Perkins** noted that the Library design committee held their second meeting this week and have another meeting scheduled for next week. The group will also be touring two libraries in Snohomish County next week for architectural ideas. A City Council workshop will be scheduled in the near future to bring the entire council up to date on the planning for the new library

**City Administrator Aarstad** asked if any three council members would like to sit on the City Hall design committee. **Councilors Straathof, Doyle, and Bensen** volunteered for the committee. **Councilor Valentine** offered to serve as an alternate.

**UNFINISHED BUSINESS:**

**REQUEST FOR CITY COUNCIL AUTHORIZATION TO PROCEED WITH NEW DOWNTOWN PLAN AND ZONING AND TO CREATE THE BURLINGTON AGRICULTURAL HERITAGE CREDIT PROGRAM AS PART OF THE UPDATE OF THE CODES AND PLANS THIS FALL.**

**Planning Director Fleek** stated that this year is the wrap-up of three years of activity and effort on the overall program to define the future of the Urban Growth Area around Burlington, to set a new Vision for old Downtown that builds on the historic strengths of the community and provides an opportunity to increase in-city living yet still focused on ownership opportunities. She discussed several workshops and committees that have met over the past three years. A component of the Downtown zoning is a Transfer of Development Rights program that will charge a reasonable fee (set by the City Council), for increased residential density above the baseline that is set in the code. The fee would be called the Burlington Agricultural Heritage Credit fee and the funds will go to the Skagit County Farmland Legacy Program to help fund the purchase of farmland development rights around Burlington. She presented a general concept, noting that staff wants to be sure this is the right direction prior to moving forward with next steps. The concepts presented reflect the work of the Urban Growth Area Task Force, the Transfer of Development Rights Steering Committee and the Downtown Burlington Association, and many ideas provided by the Public, the UW Design Studio and others. She noted that density would vary from low (four units per acre) to higher (28 units per acre). She thanked **Councilors Bensen, Valentine** and **Doyle** for continuing their interest and involvement with the Downtown Burlington Association. Mr. Bob Rose, Skagitonians to Preserve Farmland, encouraged the Council to move forward in the direction suggestion. The change will be market driven, but council needs to plan ahead and be ready for the future. A motion was made by **Councilors Valentine/Doyle** to approve moving forward in the direction described. All approved. Motion carried.

**NEW BUSINESS:**

**FIREWORK CONTRACT WITH PORT GARDNER FIREWORKS, COMPANY, INC. AND SALISH FIREWORKS COMPANY.**

**Parks Supervisor Bloodgood** presented an agreement for a fireworks presentation at dusk on Friday June 24, 2005 at the Skagit River Park as part of the Berry Dairy Day's Celebration. The price is the same as the past several years (\$6,000) and provided by the same company as in the past years. A motion was made by **Councilors Bensen/Loving** to approve the agreement and authorize the Mayor to sign on behalf of the City. All approved. Motion carried.

**RECOMMENDATION OF DESIGN CONSULTANT FOR RESTROOM, CONCESSION, COVERED SHELTER PROJECT AT SKAGIT RIVER PARK.**

**Parks Supervisor Bloodgood** noted that interviews were conducted with three prospective design consultants for the restroom project. The selection committee has recommended CNJA Architects out of Everett, WA. A motion was made by **Councilors Aslett/Montgomery** to approve the selection of CNJA Architects for the restroom project at Skagit River Park. All approved. Motion carried.

May 26, 2005

**EXTENSION TO COMCAST FRANCHISE AGREEMENT.**

**City Attorney Thomas** noted that the current franchise agreement with Comcast (formerly AT&T) is set to expire on June 8, 2005 and we have not yet satisfied a new Agreement. He would like to extend the current agreement for six (6) months. A motion was made by **Councilors Aslett/Doyle** to approve the extension of the current Franchise Agreement and authorize the Mayor to sign on behalf of the City. All approved. Motion carried.

**INTERLOCAL COMMUNICATION NETWORK BETWEEN SKAGIT COUNTY, CITIES OF ANACORTES, BURLINGTON, MOUNT VERNON, SEDRO-WOLLEY, SKAGIT COUNTY AND PUD #1.**

**City Attorney Thomas** noted that this agreement is to establish a Skagit County Communications Network Consortium so that a county-wide fiber optic network and complementary technologies will encourage the economic development in Skagit County without any single Public Agency having to account for the entire cost. **Councilor Montgomery** asked **City Attorney Thomas** if he is comfortable that no one entity will have more authority than another. **City Attorney Thomas** stated that this board will be advisory rather than a policy setting board. Council discussed what budget fund the set-up fee would come from. The agreement requires that each party will contribute a one-time fee of \$2,000 for the first year. A motion was made by **Councilors Bensen/Loving** to approve the interlocal agreement and authorize the Mayor to sign on behalf of the City. All approved. Motion carried.

**REPEALING OF CURRENT BMC (CHAPTER 9) AND ADOPTION OF NEW CRIMINAL CODE ORDINANCE.**

**City Attorney Thomas** stated that this ordinance will provide a more current criminal code that will follow the RCW's (that are monitored and updated more frequently than the City Code). This will also remove confusion for the Police Department in not knowing whether they should cite individuals using the BMC or the RCW's as they are written. Also, there are approximately 39 new Criminal Charges that were not included in the BMC. These new criminal charges will be included in this ordinance. This ordinance should make it easier for our officers to know what code they should cite from. We will not be repealing any BMC that is already in place if there is no RCW that would correspond to it, or if our BMC is more specific as to what the City's needs are. **Councilor Bensen** asked for clarification of "sale of inhalants". **Councilor Aslett** asked why other laws take a year to go into effect. **City Attorney Thomas** clarified that only restrictive laws regarding fireworks require adoption a year prior to going into effect. **Councilor Montgomery** asked for clarification of "false swearing". **City Attorney Thomas** noted that would be such as lying under oath. A motion was made by **Councilors Bensen/Valentine** to repeal and reenact sections of the Burlington Municipal Code Title 9A and Title 9 and adopt RCW statutes that cover the same BMC and authorize the Mayor to sign on behalf of the City. All approved. Motion carried.  
(Ordinance #1573)

**EXECUTIVE SESSION:**

The Mayor and City Council adjourned to Executive Session at 7:45 p.m. to discuss litigation. The Mayor and City Council returned from Executive Session at 8:08 p.m.

**ADJOURNMENT:**

A motion was made by **Councilors Doyle/Valentine** to adjourn the meeting at 8:09 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