

June 23, 2005

**CALL TO ORDER:** Mayor Tjeerdsma called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Loving, Aslett, Valentine, Straathof and Montgomery. Staff present: City Administrator Aarstad, Public Works Director/City Engineer Garrett, Administrative Assistant Sheahan, and City Attorney Thomas.

**APPROVAL OF MINUTES:**

A motion was made by **Councilors Doyle/Valentine** to approve the minutes of the June 9, 2005 Council workshop. All were in favor. Motion carried. A motion was made by **Councilors Loving/Valentine** to approve the minutes of the June 9, 2005 Council meeting. All were in favor. Motion carried.

**AUDIT OF BILLS:**

**Councilor Valentine** presented the bills. A motion was made by **Councilors Valentine/Aslett** to approve vouchers 43748 – 43869 in the amount of \$115,443.37. All were in favor. Motion carried.

Current Expense	\$ 34,305.51
Current Expense Cumulative Reserve	3,985.76
Fire Equipment Cumulative Reserve	3,821.60
City Street	7,013.73
Library	17,633.10
Parks & Recreation	485.91
Cemetery Fund	27.58
Local Capital Improvement Fund	14,342.96
Sewer Fund	9,545.78
Sewer Cumulative Reserve	20,507.69
Storm Drainage Utility	3,773.75
<b>Total</b>	<b>\$ 115,443.37</b>

**PUBLIC COMMENTS:**

Mr. Mark Kramer, 506 South Cherry, noted that the Fire Department has signs up reminding citizens that fireworks are illegal this Fourth of July. He wondered if the City would also be sending out notices to citizens. **City Administrator Aarstad** stated that the informational signs have been placed near bus stops throughout the city.

**OFFICER REPORTS:**

**Fire Chief Anderson** reported that two new full-time Firefighters, Mr. Brad Judy and Mr. Robert Toth, began this week. The department has also hired Mr. Cris Chapman as interim Firefighter to replace Firefighter Smith while he is on medical leave. Brad and Cris have been volunteer firefighters with the City of Burlington and Robert is a volunteer with the Big Lake Fire Department.

**Fire Chief Anderson** reported that the ambulance staff located at the fire station has been working out well for the city, EMS, and citizens.

**Councilmember emeritus Marjorie Westman** greeted the Council and noted that she continues to consider Burlington her home and enjoys coming back for visits.

**SPECIAL REPORT:**

Mr. Dick Irwin, Burlington Chamber of Commerce noted that Berry Dairy Days celebration begins today. He reviewed the many activities scheduled for the celebration. The grand parade will include the Burlington-Edison High School marching band. He noted that Burlington-Edison graduate Danielle Fisher, the youngest woman to scale Mt. Everest, will also be in the parade. She completed her Mt. Everest climb just this past month. Mr. Irwin

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noted that the number of users of the commercial kitchen located at the Chamber site has increased. The kitchen is being used by restaurants preparing catered meals; bakers preparing shortcake for commercial use, training classes and meal events. Over the past year, the Chamber lost 7% of their members but gained 7% new members, so the overall membership is status quo. Financially as of the end of May income has exceeded expenses by 20%, which was forecast. This should carry them through the end of the year. Traditionally, the end of the year they see a decrease in revenue. Visitor Information Center visits include 1409 walk-in visitors, about 1400 phone calls and many email contacts. Walk-in traffic has continued to increase. Visitors are from several countries around the world. This week foreign visitors were from Germany, France and Australia. **Councilor Doyle** asked what brings the people to Burlington. Mr. Irwin noted that usually people are passing through Burlington and will stop for directions (Burlington is not a destination). Most visits are in the early part of the day. The State directional signs are helping bring people to the Chamber office and VIC.

**UNFINISHED BUSINESS:****ORDINANCE INCREASING SALARIES OF ELECTED OFFICIALS JANUARY 1, 2006.**

**City Administrator Aarstad** noted that on June 9, 2005, City Council voted to increase salaries of the elected officials by \$200 per month effective January 1, 2006. State statute requires the City Council to formally approve the increase through an ordinance. A motion was made by **Councilors Valentine/Doyle** to approve the elected officials' compensation ordinance and authorize the Mayor to sign on behalf of the City of Burlington. All approved. Motion carried.

**(Ordinance # 1575)****NEW BUSINESS:****AMENDING BURLINGTON MUNICIPAL CODE CHAPTER 2.56 TO INCLUDE A COMPENSATION PLAN FOR ELECTED OFFICIALS.**

**City Administrator Aarstad** stated that this ordinance provides a section in the Burlington Municipal Code (BMC) to validate and specifically identify the compensation plans for the Mayor and City Councilmembers. A motion was made by **Councilors Valentine/Montgomery** to approve the amendment to Chapter 2.56 of the BMC stipulating the Elected Officials Compensation plan and authorize the Mayor to sign the ordinance on behalf of the City of Burlington. All approved. Motion carried.

**(Ordinance #1576)****PINE STREET STORM SYSTEM UPGRADE**

**Public Works Director/City Engineer Garrett** noted that plans are to improve some existing drainage problems on Pine Street between Victoria and Washington Street and on Victoria between Cherry and Pine Street. Larger pipes and new catch basins will be installed. The project is scheduled to start July 19, 2005 and end September 20, 2005. Three bids were received on June 14, 2005 for this project. He recommends that the City select SRV Construction for the project as they had the lowest responsive bid at \$94,045.00. (The Engineer's estimate was \$96,820.) A motion was made by **Councilors Aslett/Bensen** to award the bid for the Pine Street storm system upgrade to SRV Construction from Oak Harbor, Washington in the amount of \$94,045.00. All approved. Motion carried.

**2005 STREET IMPROVEMENTS PROJECT.**

**Public Works Director/City Engineer Garrett** stated that this project consists of upgrading two existing streets. Orange Street between Pine and Anacortes Streets will be replaced with a wider street that will allow for parking on both sides with curbs and gutters, drainage and a sidewalk on the north side only. Houses on the south side are pretty close to the public right of way and include significant landscaping. Residents were not in favor of sidewalks on the south side of the street. Simons Street between Koch and Norris Streets is the other street that will be replaced and widened with curbs, gutters and sidewalks on both sides. The two projects are scheduled to start on July 19, 2005 and finish on September 20, 2005. Six bids

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were received on June 14, 2005 for this project. He recommends that the City select Island Construction for the project as they had the lowest responsive bid (with math errors corrected) at \$247,729.00. (The Engineer's estimate was \$232,310.25.) **Councilor Bensen** asked for a definition of "math errors corrected". **Public Works Director/City Engineer Garrett** noted that the bid is based on the itemized calculations in the bid documents, not the bottom line total stated on the bid. The itemizations are checked for mathematical errors and corrected prior to determining lowest bid. **Councilor Doyle** asked why the bids are above the engineers estimate. **Public Works Director/City Engineer Garrett** noted that the engineer does his/her best to estimate what the job will cost based on other similar public works projects. The estimate is not intended to be exact, but rather give a comparison when determining if the bids are reasonable. He doesn't believe it's of concern unless there is a large variance between bids and the estimate. A motion was made by **Councilors Bensen/Aslett** to award the bid for the Simons and Orange Street projects to Island Construction from Oak Harbor, Washington in the amount of \$247,729.00. All approved. Motion carried.

**Councilor Aslett** asked **Public Works Director/City Engineer Garrett** about a sidewalk to be constructed at Fairhaven/Gardner as part of a new project. **Public Works Director/City Engineer Garrett** noted that the contractor will pay the city an amount equal to the construction costs of a sidewalk. The sidewalk will be constructed at a later date as Fairhaven Avenue needs to be lowered first and could not be engineered for construction at this time.

**ORDINANCE ADOPTING A UNIFORM CITY PURCHASING POLICY FOR INCLUSION INTO THE BURLINGTON MUNICIPAL CODE.**

**City Attorney Thomas** stated that the City has received direction from the state auditor to consider establishment of a purchasing ordinance. This ordinance will establish standard policies and procedures for acquiring services, goods, and public works. He reviewed the sections of the policy and how they will affect City business and purchasing procedures. He noted that this ordinance also authorizes the Mayor to delegate responsibilities to enter into contracts to City staff under certain circumstances. Contracts under \$7,500 would not have to come before the Council for approval (if item is identified and funding is provided in current budget). The ordinance distinguishes between goods, services and public works with different criteria for each. The ordinance also contains provisions for vendor lists and a small works roster. **City Administrator Aarstad** stated that nearly all City department heads were involved in the drafting of this policy. **Councilor Aslett** voiced his concern with regard to using a small works roster rather than going through the bidding process for projects. **City Administrator Aarstad** noted that yearly the City would call for additions to the small works roster and the number is not limited. Contractors could also be added to the list at any time throughout the year. The City would still have the option of using the bidding process or the small works roster. **Councilor Bensen** asked if there would be certain criteria that contractors would have to meet prior to being added to the list. **City Attorney Thomas** noted that the City would have to advertise once per year that the list is being compiled and the City can categorize the list by trades, etc. The contractors would have to be licensed by the State and carry insurance. The City would be required to equitably distribute the work between those on the list. Generally those asking to be on the roster will be local contractors rather than contractors from out of the area or on the east side of the state. **City Administrator Aarstad** noted that the vendor lists would be updated every six months. **Councilor Aslett** noted his concern that the council would give up responsibility and oversight by adopting the ordinance. **Councilor Doyle** suggested that the ordinance and policy be adopted. **Councilor Loving** stated that there are safeguards in the ordinance to make sure the processes would be fair. A motion was made by **Councilors Valentine/Loving** to adopt the proposed purchasing ordinance. Voting in favor; **Councilors Bensen, Loving, Valentine, Doyle, Straathof, and Montgomery**. Voting against; **Councilor Aslett**. Motion carried.

(Ordinance # 1577)

**RESOLUTION ADOPTING REVISED DRUG AND ALCOHOL TESTING PROCEDURES FOR EMPLOYEES REQUIRED TO HAVE AND MAINTAIN A COMMERCIAL DRIVERS LICENSE (CDL).**

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**City Administrator Aarstad** noted that recent federal laws have been added to the CDL testing policy that need to be incorporated into our current policy that was adopted in 1996. This policy would replace the 1996 policy. A motion was made by **Councilors Bensen/Montgomery** to adopt the changes to the CDL Drug and Alcohol Testing policy and authorize the Mayor to sign the resolution on behalf of the City of Burlington. All approved. Motion carried.

(Resolution # 5-2005)

**DISCUSSION REGARDING CAMPING REGULATIONS WITHIN THE CITY OF BURLINGTON.**

**City Administrator Aarstad** stated that the City has had inquiries about camping in parking lots that do not provide adequate sanitation facilities and extended overnight camping in private and public parking lots. Currently there are no City codes that address the issue of overnight camping, sanitation requirements and facility permitting. Staff is requesting comments regarding overnight camping in the City and the adoption of such a code to assist the enforcement of unlawful camping in public and private parking lots. It is recommended that the City Council hold a public hearing on this issue to make certain all citizens have an opportunity to speak to this issue and offer input. Burlington Northern Santa Fe Railroad, the malls, some businesses and residents have voiced concerns regarding no sanitary facilities for campers, and encroachment on private property. There is also the concern for meeting County Health Department regulations. **Councilor Bensen** had question about proposed ordinance noting that camping could be approved at particular City parks by the Parks & Recreation Director. **Councilor Valentine** suggested a public hearing be held to consider this issue. **City Administrator Aarstad** noted that county and state regulations will be required as part of a City camping ordinance that will protect the health and safety of citizens. He suggested that a public hearing be held on July 14 and an ordinance drafted following the hearing. The ordinance would be presented at the July 28<sup>th</sup> Council meeting. **Councilor Aslett** reminded citizens that there will be a time limit for speaking. They might also consider putting their thoughts in writing for Council to consider.

**DISCUSSION REGARDING THE FUTURE USE OF CITY HALL FOR A COMMUNITY RECREATION CENTER.**

**City Administrator Aarstad** noted that during the City Hall feasibility study conducted by Lewis Architects there were several conversations regarding the future use of City Hall which suggested a recommendation to use this building for a community recreation center. During the development of the new City Hall design a proposal was also made to locate the Parks and Recreation Department at the new City Hall facility. We have now placed the Architect in a dilemma. Should we plan for the Parks and Recreation Department to be located in the new City Hall? Or, is it the Mayor's and Council's desire to set aside the existing City Hall at 900 East Fairhaven Avenue for a Community Recreation Center and locate the Parks and Recreation Department at this facility? A motion was made by **Councilors Valentine/Doyle** to locate the Parks and Recreation Department at the (old) City hall site, 900 East Fairhaven Avenue. All approved. Motion carried.

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

A motion was made by **Councilors Doyle/Montgomery** to adjourn the meeting at 8:19 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