

July 14, 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, Public Works Director/City Engineer Garrett, Administrative Assistant Sheahan, Street Supervisor Windsor, Permit Center Manger O’Hara, Attorney Cammock, Library Assistant Conlee.

**APPROVAL OF MINUTES:**

**Councilor Valentine** noted a spelling error on page 3. A motion was made by **Councilors Valentine/Loving** to approve the corrected minutes of the June 23, 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 43870 - 44032 in the amount of \$216,515.41. All were in favor. Motion carried.

Current Expense	\$ 89,778.84
Current Expense Cumulative Reserve	859.23
Fire Equipment Cumulative Reserve	1,762.85
City Street	52,456.57
Library	2,034.69
Parks & Recreation	21,428.16
Cemetery Fund	466.05
Stadium Fund	6,557.83
Park & Recreation Reserve	14,543.95
Sewer Fund	20,781.55
Sewer Cumulative Reserve	5,984.80
Garbage Fund	-139.11
<b>Total</b>	<b>\$ 216,515.41</b>

**PUBLIC COMMENTS:**

Mr. Jim Simmons, Peterson Road, noted a recent news article regarding the “B” on Burlington Hill. He is not in favor of removing the “B” from the hillside as was suggested in the paper. He suggested that the “B” could be made into a permanent structure rather than painted rocks. He does not believe that the parties on the hill have much to do with the “B” on the hill. These are separate issues involving law enforcement.

Mr. Mark Kramer, 506 South Cherry Street, stated his belief that the fireworks ban implemented in the city this year was a success. He enjoyed the quiet of the night.

Ms. Jean Spalding, of the Cedars development, reported that drivers are using the parking lot at Skagit River Park located next to the Cedars as a speedway. She has witnessed many near misses involving pedestrians. She reported that the offenders seem to be little-league parents, and usually women. The speed bumps don’t seem to help reduce speeding.

Mr. Jody Marsh, Memorial Highway, Mt. Vernon, commented that the Burlington Skate Board Park has had a lot of vandalism. He suggested ways to curb the destruction might be to keep the park lighted all night (or from darkness to 4 a.m.); and perhaps surveillance cameras could be installed. He suspects vandals hide in the darkness and leave garbage, vandalize the park, and burn portable toilets. He suggested a curfew for children might also be helpful.

**OFFICER REPORTS:**

**Street Supervisor Windsor** distributed a flyer showing portable reader-boards. He suggested these could be used on the streets for emergencies, street construction, evacuation directions, etc. He would like permission from council to go out to bid for this item. He

July 14, 2005

would like to purchase two at a cost of approximately \$7,500 each. He would like to purchase them prior to road construction that is scheduled to begin August 8, 2005. Other city departments would be allowed to use the signs if the street department didn't already have them scheduled. The power source is 12 volt battery. They weigh about 40 pounds and are small enough to fit in a car trunk. He has funds in his capital budget and hopes to keep it under the CIP limit (\$15,000). A motion was made by **Councilors Bensen/Doyle** to approve the request to go out for bid for two portable signs. All approved. Motion carried.

**Library Assistant Conlee** reported that **Library Director Perkins** is attending a state-wide library conference this week. **Library Assistant Conlee** shared information about this year's successful summer reading program. She noted that the Children's Librarian is busy accommodating children in the Best SELF program and the Beary Special Day Care groups in addition to special program presentations that have been scheduled throughout the summer.

**City Administrator Aarstad** noted that the "B" on Burlington Hill is on private property. He understands that there have been fewer incidents on the hill since the schools raised the issue of illegal parties on the hill and asked for additional assistance from the police department this past fall.

#### **SPECIAL PRESENTATION:**

Ms. Liz Wednor, Executive Director of Skagit Adult Daycare gave an overview of the services offered by Skagit Adult Day Care. She noted that the adult day care has been operating in the city for 14 years and offers assistance to families caring for adults with special needs. She made a request of the city for financial assistance in the 2006 budget. She noted that many of the seniors they serve are not able to participate in activities at the local senior centers or on their own. Funding continues to be an issue. They do receive some funding from United Way, Council on Aging and some grant funding. She requested that some of the money that comes into the city for senior programs be directed to their operation. Dr. Winifred Bradford, President Board of Directors, noted that the Skagit Adult Day Care is an important part of the community and are hopeful that the City Council would consider funding support in 2006.

#### **UNFINISHED BUSINESS:**

#### **PUBLIC HEARING TO CONSIDER A PROPOSED UNLAWFUL CAMPING ORDINANCE.**

**Mayor Tjeerdsma** opened the public hearing. **City Administrator Aarstad** reminded those in the audience that speakers will be allowed three (3) minutes to speak. Persons wanting to speak a second time can do so after all speakers have spoken at least once. Second round speakers will be limited to two minutes each.

Ms. Stacy Miller, Skagit County Community Action Agency, stated that a recent study to determine the number of homes in Skagit County revealed about 1,500 homeless. This number includes many children. Homeless can include those living in RV's; some recently laid off from their work with no savings to carry them to their next job. She voiced her concern that the ordinance would affect homeless folks that are looking for work and trying to get on their feet.

Mr. Chris Hoke, 201 N. Pine, recently moved from San Francisco California to Burlington. He came to work in a ministry in Skagit Valley. He sees the proposed ordinance as being too harsh. It would criminalize nice people and seems unlike the Burlington he has come to know. He is concerned about the homeless in our city.

Ms. Nancy Williams, Skagit County Community Action, has lived in Skagit County more than 25 years County resident. She does not want to see the homeless made to be criminals and is afraid that this ordinance would do just that. She believes that there is a better alternative that could be found to address homelessness.

July 14, 2005

Mr. Zack Joy, a volunteer at Tierra Nueva 201 N. Pine, noted that homelessness is often not a choice, but often becomes a penalty. He offered to volunteer to help work out a solution to this problem.

Mr. Tom Smithcom, Viet Nam Veteran living in a 24 foot motor home in Mount Vernon, stated that this ordinance will not solve the problem and may make it worse. Many people who live on the edge of financial stability, are employed locally. If the ordinance is adopted, residents will not be able to camp in their own yard for more than two days during warm summer weather. He voiced his objection to the ordinance.

Mr. Ken Pike, Pike's Automotive of Burlington, voiced his support of an ordinance (not necessarily the draft ordinance before council). He has witnessed people living in their vehicles, bathing and urinating in public. He believes the city needs a tool to police these problems. He is in favor of an ordinance.

Ms. Elizabeth Turman, 102 N. Pine, Tierra Nueva Ministry, noted that she understands the concerns raised by the city concerning health and safety issues. She is concerned that the proposed ordinance is too heavy to address the problems. She suggested sitting together to come up with an ordinance to address the issues. She handed out a list of suggested alternatives to the ordinance language.

Mr. Nick Bryant, 102 N. Pine Street, recently graduated from UPS in Tacoma. Prior to his departure for the Peace Corps he is working at Tierra Nueva. He believes the current language in the ordinance cuts too wide a swath. He suggests working with local agencies to draft a better ordinance. **Councilor Doyle** asked Mr. Bryant where he sleeps at night. He responded that he sleeps in his car as he can't afford housing on part-time wages.

Mr. Roger Capron, works at 102 N. Pine – Terra Nueva. He asked that the council consider what the others who spoke tonight had to say and draft an ordinance that considers homelessness. The current draft ordinance appears to outlaw homelessness. He and his wife lived in Burlington for ten years up until a couple of years ago.

Mr. Jim Simmons, Peterson Road, suggested that the draft ordinance be modified. He noted that many folks in Burlington might have friends and relatives visiting in RV's or tents that would visit for longer than the two day limit of this ordinance. Issues of excessive noise, garbage, etc. should be addressed through law enforcement and perhaps through current laws.

Mr. Mark Kramer, 506 South Cherry, noted that most residents think of camping as going to the country or a park for camping and then returning home. The issue being addressed seems to be squatting – not camping. He suggests an ordinance with a narrow scope that will address the problems. The city should be concerned about health and safety issues. The homelessness issues needs to be taken care of as a separate issue.

Ms. Stacy Miller, Skagit County Community Action, noted that Tierra Nueva cannot open their building to overnight residents based on laws and regulations. There are laws on the books regarding public nudity that could take care of those problems. The issue is people living in cars, tents and RV's. She does not believe this ordinance will help this issue.

Mr. Tom Smithcom doesn't believe this issue can be dealt with in one meeting. The issue is homelessness, not camping and there probably are health & safety problems. An ordinance is needed, but needs to be narrower than the proposed ordinance.

Ms. Nancy Williams, Skagit County Community Action, noted that this is a complicated issue. Homelessness is not a small issue. Skagit County had the highest count of homeless per capita in the state this year. She encouraged all interested parties to get together to come up with a comprehensive plan.

Mr. Chris Hoke, 102 N. Pine, is hopeful that the conversation could continue with more notice ahead of time.

July 14, 2005

Ms. Brenda Spencer, 102 N. Pine, noted that she has been living in a camper since her home burned down in Seattle several years ago. She considers herself on a journey, not homeless. She has been working in a garden behind Tierra Nueva. She believes that "homeless" is a label that has become a bad label. She's concerned that her camper has stirred up this issue.

Mr. Ron Maskell, 813 Cascade Highway, (across from Lion's Park) noted that for the past 20 years, the 24 hour camping and RV dump site across from his home has been an annoyance. He hopes that the city will pass an ordinance restricting camping in the city to protect Burlington citizens.

Mr. Chad Clark, recently homeless, contacted Community Action and found they have nothing to offer for sleeping as Friendship House is full, there are no motel vouchers. He noted that it is a "Catch 22" to try to climb out of the pit, to make your life better. He would like council to reconsider the ordinance so that it doesn't penalize the homeless.

A motion was made by **Councilors Valentine/Doyle** to close the public hearing. All approved. Motion carried. A motion was made by **Councilor Loving/Valentine** to consider this issue further. **City Administrator Aarstad** asked council to provide input and thoughts to assist with drafting of an ordinance. **Councilor Aslett** suggested people, agencies and organizations work together to address the issue of homelessness. Government can't always do everything.

#### **PROJECT UPDATE FOR NEW CITY LIBRARY AND NEW CITY HALL.**

**City Administrator Aarstad** stated that the new library project is moving along well. He displayed the most recent floor plan for the Library. He noted that the architect is about ready to move along with the mechanical and electrical plans. \$6,100,000 is the estimated total cost (permits, furniture, architects, and construction) for the new Library. He displayed a site plan that included the current city hall building and proposed library. He noted that the intersection of Holly & Washington will have a special intersection that will make it easier for persons with disabilities to maneuver through. He displayed a site plan for the new city hall with the building at the south-east portion of the property (along the streets). Another design with the building further away from the corner will be reviewed by the City Hall committee at their next meeting. He then displayed suggested a floor plan for the new two-story city hall. The Finance department will be in the center on the first floor. On the second floor will be the Legal Department, Offices of the Mayor and City Administrator and conference rooms. Council chambers would be on the first floor. He's found that the biggest problem with city hall buildings constructed in the past ten years have been that they did not include enough space for records storage. The Building and Planning Departments will have the greatest need for storage of documents. Costs have not yet been estimated for City Hall.

#### **NEW BUSINESS:**

##### **AWARD OF BID FOR BURLINGTON BOULEVARD ASPHALT OVERLAY.**

**Public Works Director/City Engineer Garrett** stated that bids were opened on July 6, 2005. The city received three (3) bids for this project. He recommended the bid go to the lowest bidder, Lakeside Industries from Anacortes, Washington. The project will improve Burlington Boulevard from George Hopper Road to Rio Vista Avenue with a 2 1/2" asphalt overlay. Work will be done between the hours of 8 p.m. to 8 a.m. Preparation work has already begun. All work being done at night and should take about two weeks. The grindings will be used (recycled) by our Street Department for alleyways, etc. A motion was made by **Councilors Bensen/Aslett** to award the bid to Lakeside Industries in the amount of \$352,418.50. All approved. Motion carried.

##### **YARD OF THE MONTH WINNERS FOR JUNE 2005.**

**Permit Center Manager O'Hara** announced the winners for June. The residential awards were: the Wright family at 210 Judy Avenue; the Gallahar family at 926 E. Rio Vista Avenue; the Ogdon family at 1150 Homestead Drive; the Stroh family at 794 Southview Drive; the Vogel/Haven Family of 853 Northview Drive. The business award winners were Hagen's Food & Pharmacy and Terminal Freezers.

July 14, 2005

**APPEAL OF PLANNING COMMISSION ACTION ON A FENCE LOCATED IN THE FRONT YARD SETBACK AT 401 S. SECTION STREET BY GARLAND WILKERSON.**

**Permit Center Manager O'Hara** stated that Mr. and Mrs. Hughes (401 S. Section) had a fence constructed in their front yard (six-foot wide panels, each six feet high) all the way to the front property line. Mr. and Mrs. Hughes were unaware of the city fence codes; the fence was installed by professional installer. Upon noticing the new fence, **Code Compliance Officer Carlson** asked Mr. & Mrs. Hughes to remove at least one six-foot wide panel nearest the right-of-way and to request a variance from the Planning Commission regarding the remaining fence. The Planning Commission reviewed the request of Robert and Amy Hughes for a taller fence in the front yard setback on June 21, 2005. The Planning Commission made a decision to grant a variance to allow the fence to remain within the 20-foot set-back area but require the removal of one additional six-foot panel or lower that panel to three feet in height. The adjacent property owner, Mr. Garland Wilkerson, 427 South Section Street, filed an appeal requesting that the fence be removed to the 20-foot set back to comply with the Burlington Municipal Code. **Permit Center Manager O'Hara** reviewed the code (size/set-back) and the appeal process. Mr. Wilkerson stated that he would like the fence built to code and not be allowed to be located on city right of way or within the twenty-foot set-back area. **Councilor Doyle** and **Councilor Straathof** asked questions to clarify their understanding of the photographs presented. **Councilor Loving** voiced his concern about having taller (six-foot) fences within 20 feet of the front property line. Council members discussed where the property line is located in relation to where the fence was constructed. Ms. Amy Hughes, 401 S. Section Street, stated that she believes this is an issue of lifestyles. Mr. Wilkerson wants a view of the street. She needs her sleep as she rises at 4 a.m. to drive to Seattle 4 days/week. The fence was constructed to restrict noise and lights in the evening. She thought her reason for the fence is just as important as Mr. Wilkerson's. **Councilor Loving** suggested removal and/or lowering of certain sections of the fence to meet the City code. A motion was made by **Councilors Loving/Doyle** to grant the appeal to not allow a variance. All approved. Motion carried.

**Permit Center Manager O'Hara** suggested the Burlington Municipal Code could be changed to require that neighbors must be notified prior to construction of a fence. **Councilor Aslett** suggested we contact the fence installers to make them aware of the city fence code. **City Administrator Aarstad** noted the three-foot maximum limit is important because of visibility concerns at corners and driveways.

**PUBLIC HEARING ON PROPOSED EXTENSION OF INTERIM CONTROLS ESTABLISHING THE DIKE SETBACK LINE THROUGH THE THREE BRIDGE CORRIDOR.**

**Mayor Tjeerdsma** opened the public hearing. Mr. Mark Kramer asked when the dike setback construction will begin. **City Administrator Aarstad** noted that the studies on flood hazard mitigation are continuing with Skagit County and the Army Corps of Engineers and the City needs to keep these interim controls in place. The dike construction won't begin until after the Dike District has acquired all necessary properties. A motion was made by **Councilors Aslett/Loving** to close the public hearing. All approved. Motion carried. A motion was made by **Councilors Montgomery/Aslett** to approve the ordinance extending the interim controls. All approved. Motion carried.  
**(Ordinance # 1578)**

**RESOLUTION APPOINTING THE CITY ADMINISTRATOR AS POINT OF CONTACT FOR PUBLIC DISCLOSURE REQUESTS.**

**City Administrator Aarstad** noted that the 2005 state legislature amended the Public Records Act with passage of SSHB 1758. Effective July 24, 2005 the law requires that each city appoint and maintain an individual to serve as the point of contact for members of the public requesting disclosure of public records and to oversee compliance with all disclosure requirements. After discussion with staff and the City Attorney it was determined that the City Administrator position would be the most appropriate for this appointment. A motion was made by **Councilors Aslett/Bensen** to approve the resolution appointing the City

July 14, 2005

Administrator as the point of contact for public records requests for the City of Burlington.  
All approved Motion carried.

**(Resolution # 6-2005)**

**Councilor Valentine** noted the 4<sup>th</sup> of July was very nice in Burlington. It was a quiet celebration and free from worries about fireworks.

**EXECUTIVE SESSION:**

There was not an Executive Session.

**ADJOURNMENT:**

A motion was made by **Councilors Doyle/Valentine** to adjourn the meeting at 9:10 p.m. All were in favor. Motion carried.

---

Richard A. Patrick  
Finance Director / City Clerk

---

Roger "Gus" Tjeerdsma  
Mayor