

August 24, 2006

CALL TO ORDER: Mayor Pro-Tem Aslett called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council Members present: Aslett, Doyle, Valentine, Straathof and Montgomery. Staff present: Aarstad, Acero, Anderson, Bowers, Fleek, Harmon, Patrick, Perkins, and Thomas.

A motion was made by **Councilors Montgomery/Straathof** to nominate **Councilor Aslett** as Mayor Pro-Tem for this evening’s meeting. All agreed. Motion carried.

A motion was made by **Councilors Valentine/Doyle** to excuse **Councilor Loving** and **Councilor Bensen** from tonight’s meeting. All agreed. Motion carried.

APPROVAL OF MINUTES:

A motion was made by **Councilors Doyle/Montgomery** to approve the minutes of the August 10, 2006 Council meeting. All were in favor. Motion carried.

AUDIT OF BILLS:

Mayor Pro-Tem Aslett presented the bills. A motion was made by **Councilors Valentine/Montgomery** to approve vouchers 47362 – 47460 in the amount of \$257,598.29. All were in favor. Motion carried.

Current Expense	\$ 35,754.09
Current Expense Cumulative Reserve	2,758.67
Fire Equipment Cumulative Reserve	991.71
City Street	124,895.06
Library	56.58
Parks & Recreation	15,265.63
Cemetery Fund	91.63
Local Capital Improvement Fund	19,777.66
Parks & Recreation Reserve	912.96
Sewer Fund	39,248.62
Sewer Cumulative Reserve	17,845.68
Total	\$ 257,598.29

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

City Administrator Aarstad introduced **Mr. Chal Martin**, who has been hired as the new Public Works Director/City Engineer following the retirement of Rod Garrett. **City Administrator Aarstad** asked him to come forward and give a brief introduction about himself. **Mr. Aarstad** noted that **Mr. Martin** will officially start work on August 28th. **Mr. Martin** acknowledged he’s pleased to be the new Public Works Director for the City of Burlington. He’s worked for Skagit County for more than eight years. He gave a brief background and was welcomed by the Councilmembers.

Library Director Perkins noted the flyer for summer BBQ this Friday night as a benefit for Burlington Library Foundation. The food will be provided by Café Burlington. Owner Brad Whaley will be donating a portion of what he charges for the meals to the Library Foundation Fund.

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Planning Director Fleek gave a brief statement about sending out a flood plain survey. The goal is to collect information regarding homeowners flood insurance. **Mayor Pro-Tem Aslett** asked if there were people reporting that flood insurance was being stopped without notice, etc. **Planning Director Fleek** stated that some citizens are getting strange quotes for flood insurance. She indicated it's very bad to cancel your flood insurance. It's important to have, but it needs to be fairly administered.

City Administrator Aarstad gave a brief update on the two City construction projects. City Hall is currently about 2 weeks ahead of schedule. Next week will begin the process of identifying technology and plumbing. The Library project is a little behind, but will most likely catch up. The supplier for the roof's main trusses has been the reason for falling behind. **City Administrator Aarstad** gave kudos to the construction companies of both sites and said that if anyone sees them, to state that we appreciate how they are handling the building projects for us thus far.

Police Chief Bowers stated there are two new officers in the department (David Goss and Jess Brannon) who graduated last week from the Basic Law Enforcement Academy. They are now on FTO status (Field Training Operation). A third officer Hunter "Jeb" Cates started at the academy last Tuesday and will be in training there for five months.

Mayor Pro-Tem Aslett asked **Police Chief Bowers** if he could ask the new officers to stop by and say hello so that the Councilmembers can get to know them.

Mayor Pro-Tem Aslett announced an Executive Session prior to Unfinished Business for approximately 15 minutes to discuss personnel issues. Mayor Pro-Tem and Council adjourned to Executive Session at 7:17 p.m. Mayor Pro-Tem and Council returned from Executive Session at 7:37 p.m.

UNFINISHED BUSINESS:

ORDINANCE TO AMEND 2006 BUDGET & SALARY ORDINANCE #1585.

Mayor Pro-Tem Aslett opened the public hearing. **Finance Director Patrick** stated that the 2006 Budget & Salary Ordinance needs to be amended to reflect the new salary range for the positions of Public Works Director/City Engineer, the Assistant Public Works Director/Engineer, Sewer Pretreatment Coordinator, and part-time Construction Inspector. Mr. Patrick said that net cash will be brought down to cover the increases. A motion was made by **Councilors Montgomery/Valentine** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Montgomery/Valentine** to amend the 2006 Budget & Salary Ordinance #1585. Voting in favor: Councilors Valentine, Aslett and Montgomery. Voting Against **Councilors Doyle** and **Straathof**. Motion failed.

EXTENSION NO. 3 TO COMCAST CABLE FRANCHISE AGREEMENT.

City Attorney Thomas stated that there would no change to the current contract. It is simply another extension in order to complete negotiations with Comcast. A motion was made by **Councilors Montgomery/Valentine** to approve amendment #3 to the Franchise Agreement between the City of Burlington and Comcast Cable to December 29, 2006. All agreed. Motion carried.

NEW BUSINESS:

REVIEW, APPROVAL AND AUTHORIZATION TO AWARD BID FOR STORAGE BUILDING.

City Administrator Aarstad asked if Council would postpone this item until we have more financial information available. Council agreed to postpone this item to a later date.

DISCUSSION REGARDING A POSSIBLE PUBLIC HEARING REGARDING INITIATIVE 933.

Planning Director Fleek stated that Initiative 933 is a significant issue and if the City Council wishes to adopt a resolution regarding I-933, they must first hold a public hearing to

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hear both sides of the issues. She suggested a public hearing be held in September as the election is November 7, 2006. **Mayor Pro-Tem Aslett** asked if this was in opposition or support of this issue and asked if we normally take a position. **City Administrator Aarstad** pointed out that it was important to read the information on this issue. Passage of this Initiative could have a large impact on the City of Burlington. **City Attorney Thomas** stated that each side would be offered an equal opportunity to present their views during the public hearing. It was asked if it could be done in a workshop forum. City Administrator Aarstad stated that this would have to be done during a Council Meeting. **City Attorney Thomas** agreed, noting it needs to be done in a public meeting. He suggested a time limit for those speaking on each side for discussion.

Mayor Pro-Tem Aslett stated we would need to publish a notice of the public meeting which could include the mechanics of the meeting. **City Administrator Aarstad** stated there could be a 10 minute presentation for pro and con and then it would be opened up for public comment with a three-minute time limit for each speaker. **Planning Director Fleek** will arrange for the key people to speak for and against and make the general comments. **City Attorney Thomas** cautioned that City staff must remain completely neutral. **Mayor Pro-Tem Aslett** asked that a memo go out so that City staff is informed of this requirement. A motion was made by **Councilors Valentine/Doyle** to set a date of September 28, 2006 to hold a public hearing on Initiative I-933. All agreed. Motion carried.

PROPOSED CITY COUNCIL AUTHORIZATION OF APPLICATION FOR LEASE OF RAILROAD PROPERTY BEHIND STOWE'S FOR DOWNTOWN PARKING.

Planning Director Fleek stated that city council authorization is required to proceed with filing an application to lease land from Burlington Northern Santa Fe Railroad that is located behind Stowe's in the area where railroad tracks used to be. This would be an excellent location for additional downtown parking, and it would be in close proximity to Railroad Park, which is planned as a location for many future events. The costs of the lease are based on 12.5% of fair market value, and information will be presented to BNSF by the City on comparable sites. If the Railroad decides to lease the property to the City, final action and precise numbers will come to the Council for a final vote. At this time, she is requesting authorization to proceed with the application. **Planning Director Fleek** asked **Mayor Pro-Tem Aslett** for permission to contract with Mr. Clay Learned to be sure that lease rates are comparable. A motion was made by **Councilors Montgomery/Valentine** to approve the agreement with Learned Commercial, Inc. to determine the value for lease and work with the City Attorney and Staubach Company for a lease from BNSF. All agreed. Motion carried.

LIBRARY OPENING DAY COLLECTION VENDOR SELECTION.

Library Director Perkins stated that six proposals were received from national vendors for the Opening Day Collection RFP. One vendor will be selected to provide services to help select, purchase, catalog, process, store, and ship library materials including books, audio books, and videos for the new library by Opening Day 2007. Each vendor requires a minimum of nine months (with 12 or more preferred) to prepare an Opening Day Collection, so it is essential that we move forward in this process. She recommended that Council award the Opening Day Collection project to Book Wholesalers Incorporated (BWI). BWI is a full-service wholesaler whose focus is the public library market. They have extensive experience providing Opening Day Collection services and their online database features the largest selection of currently available titles found anywhere. Library staff has checked several references and feel confident the BWI will do an excellent job providing us with a shelf-ready Opening Day Collection. Pricing is better than what they are currently experiencing. Budget is \$250,000.00 for this Opening Day Collection. A motion was made by **Councilors Valentine/Straathof** to award the Opening Day Collection project to Book Wholesalers Incorporated. All agreed. Motion carried.

City Administrator Aarstad asked permission to add the two following items to tonight's agenda.

REQUEST FROM FIBREX COMPANY TO USE CITY PROPERTY FOR ADDITIONAL PARKING.

The FIBREX Company would like to know what Council would like to see with regards to parking recommendations. FIBREX will work with **Assistant Public Works Director/City**

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Engineer Harmon to be sure sizing is correct and make sure that where the entrance to turn is be done correctly. He distributed a map showing some of the suggested parking configurations on the property. The company is looking for support from the Council to continue forward with this project. **City Administrator Aarstad** indicated they have talked about some type of landscaping to bring in some greenery to the area. **Assistant Public Works Director/City Engineer Harmon** said that there are many issues that need to be addressed. This is one of the worst areas for traffic in the city. We should not make any exceptions for FIBREX. They will need to work with both Planning Department and the Engineering Department. Council gave encouragement for the project to move forward.

PUBLIC DEFENDER AND PROSECUTOR CONTRACTS.

City Administrator Aarstad noted that our contract with the Public Defender expires at the end of this year. He asked if Council was interested in continuing with the same Public Defender or request proposals for Public Defender Services for the Municipal Court for 2007-2008. **Mayor Pro-Tem Aslett** asked for authority to move forward on bid process for Public Defender. Council indicated they would like to move forward with requesting proposals for 2007-2008 services.

City Administrator Aarstad noted that **Mayor Tjeerdsma** supports rolling over the contract with the City Prosecutor to keep Mr. Craig Cammock as City Prosecutor for 2007. Mr. Cammock sent the City a letter indicating his desire to continue to Prosecute for the City and has indicated that there would be no increase in fees for 2007.

EXECUTIVE SESSION:

The Mayor and Councilmembers adjourned to Executive Session at 8:10 p.m. to discuss litigation. Mayor Pro-Tem and Council returned from Executive Session at 8:42 p.m.

ADJOURNMENT:

A motion was made by **Councilors Montgomery/Straathof** to adjourn the meeting at 8:43 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Roger "Gus" Tjeerdsma
Mayor