

September 28, 2006

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: Aarstad, Cavanaugh, Fleek, Martin, Sheahan, and Cammock.

APPROVAL OF MINUTES:

A motion was made by **Councilors Doyle/Loving** to approve the minutes of the September 14, 2006 Council workshop. All were in favor. Motion carried. A motion was made by **Councilors Loving/Bensen** to approve the minutes of the September 14, 2006 Council meeting. All were in favor. Motion carried.

AUDIT OF BILLS:

Councilor Aslett presented the bills. A motion was made by **Councilors Aslett/Bensen** to approve vouchers 47624 – 47748 in the amount of \$290,791.62. All were in favor. Motion carried.

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| Current Expense | \$ 59,772.03 |
| Current Expense Cumulative Reserve | 6,227.73 |
| Fire Equipment Cumulative Reserve | 15,116.21 |
| City Street | 179,240.58 |
| Library | 355.56 |
| Parks & Recreation | 11,606.66 |
| Cemetery Fund | 289.69 |
| Stadium Fund | 4,788.74 |
| Local Capital Improvement Fund | 11,064.04 |
| Sewer Fund | 316.39 |
| Sewer Cumulative Reserve | 864.00 |
| Storm Drain Utility | 1,149.99 |
| Total | \$ 290,791.62 |

PUBLIC COMMENTS:

Ms. Kristi Cook, 1725 E. Rio Vista Avenue, spoke to council regarding the planned widening and paving of E. Rio Vista to make the street 30 feet wide and removal of the oak trees. She would like the street to be narrower so that the trees can be saved. She believes that by keeping the street narrow the trees could be saved and would save tax payer money. She stated that narrower streets would also keep speeds lower and thus safer for children in the area. **Councilor Loving** noted that the Public Works Committee met last week and discussed this issue. He indicated that the project has been delayed so that a neighborhood meeting can be held to discuss plans for that street. **City Administrator Aarstad** noted that this topic is planned for discussion at the two neighborhood meetings in October.

Mr. Robert Malphrus, 1729 E. Rio Vista, stated that he has been a resident of E. Rio Vista for the last twenty-five years. He noted that the neighborhood residents are very interested in this issue.

Mr. David Asia, Skagit County Human Services, gave an update of progress for the Triage Center located at 201 Lila Lane. A meeting was held on September 21, 2006 for the business owners and residents of Lila Lane. This meeting was to bring them up to date as to the progress regarding the center. Also invited to the meeting were elected officials, police, fire, and health officials. He was sorry to report that only one of the business owners attended the meeting. He plans to continue regular meetings to keep neighbors and businesses owners informed as to the progress of the project.

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Mr. Brad Whaley, Café Burlington, thanked the council for allowing them to close a city street so that they could have their summer barbeque. They had about 150 people show up and were able to raise some funds and publicize the Burlington Library Foundation. He hopes to do it again next year, perhaps on a Saturday night (rather than a Friday).

OFFICER REPORTS:

Planning Director Fleek discussed the temporary auto sales at the mall. She noted the Burlington Municipal Code allows special use permits to allow uses that are allowed in the code and are not allowed in the code. Council directed her to draft an amendment to the municipal code to address the issue of car sales at the mall.

Public Works Director/City Engineer Martin updated the council regarding planned repairs to Hillcrest Drive. On about October 16, 2006, the west entrance will be closed to make repairs to the roadway. He noted that the current road width is 32 feet wide. Planned repairs will reduce the width to 28 feet. The original purpose of the 32 feet was to allow for a bicycle lane. Striping has never been completed to designate a bicycle lane. He does not believe reducing the width will have much impact. This is not a route routinely used by cyclists. The width reduction is necessary as the road will be moved closer to the toe of the hill. **Councilor Aslett** asked if residents would be notified of the road closure prior to work beginning. Mr. Madlung stated that the homeowners association will send a notice to each homeowner and resident to let them know the road will be closed. **Councilor Loving** suggested that signage will be put in place early to notify non-resident users of the planned road closure. **Councilor Aslett** asked how what is the length of the road that will be reduced in width. **City Administrator Aarstad** noted the distance to be about 600 feet. (Following the meeting **Public Works Director/City Engineer Martin** corrected his earlier statement. The road width will be reduced from 29 feet to 26 feet for about 600 feet. For comparison, the typical lane width on interstate highways is 12 feet.)

Parks and Recreation Director Cavanaugh announced the ribbon cutting at the new building in Skagit River Park last Friday was a successful event. He thanked all who attended. He reported that on the following Monday his staff found vandalism at the old city shop and in the new restrooms at Skagit River Park. Last night, there was also vandalism at the Jason Boerner Memorial Park. Trees were cut down as well as some other damage. He noted that when vandalism occurs, the costs come out of the Repair and Maintenance budget category. He suggested the city might create a new line item for vandalism as repair and maintenance can be projected for the year, but vandalism cannot.

Councilor Loving noted that the monthly meetings of the Skagit Transit Board, SCOG, RTPO and MPO have been moved to Skagit Station in downtown Mount Vernon.

City Administrator Aarstad reminded the Mayor and Council members that the AWC regional meetings are scheduled for Tuesday October 17 in Mount Vernon. He needs to know very soon who will be attending so that reservations can be made.

UNFINISHED BUSINESS:

PUBLIC HEARING ON PROPOSED ANNEXATION EXTENDING ALONG N. SKAGIT STREET TO THE NORTHERLY EDGE OF THE URBAN GROWTH AREA AND EAST TO PEACOCK LANE AS MAPPED.

Mayor Tjeerdsma opened the public Hearing. **Planning Director Fleek** stated that this proposal is to annex approximately 70 acres of land located along both sides of North Skagit Street and including land located north of the dead end of North Skagit Street, extending from Burlington Hill east to Peacock Lane to the end of the street. She noted that the Skagit County Assessor's office has left three questions unanswered that are critical for determining the boundaries of the annexation based on the 60% petition. Will the assessed value of school district property be considered? Will the full value of land that has reduced taxes be considered? When will the data base be updated to reflect current values based on sales? Because of the need for that information in order to finalize the reports and the scope of the proposal down to the last detail, staff is asking that testimony be taken and that the public

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hearing be continued pending receipt of information from the county assessor. She noted that she met earlier this week with the Board of County Commissioners regarding possible invocation of the Boundary Review Board.

Mr. Larry Brown, 19914 Hill Court, Burlington, stated that he believes residents of Huff Road and Apostolic Way should have been given a choice or vote as to being part of the annexation. Those residents were made a part of this annexation request. He spoke with the Superintendent of Schools who admitted that the school can be built on the property with septic systems – no need to hook to the sewer.

Ms. Ketchem, Peacock Lane, gave a brief history of the annexation area. She believes that the annexation should include all of Peacock Lane rather than piece meal. She thinks this current annexation is happening “through the back door.” She distributed pictures showing some of the drainage problems in the area.

Mr. Mike Loughlin, 19903 Hill Vue Place, attended the Planning Commission meeting regarding this issue and noted that three of the voting members had an affiliation with Landmark Homes. He wondered if this might be considered a conflict and should they have refrained from voting on this issue. He stated that there is much unknown information regarding development of the 200 homes and a school (location of sewer lines, placement of roads, impact to Highway 20, etc.). He asked if the area residents will be notified of future hearings regarding this annexation. **Planning Director Fleek** stated that the notification list will be increased to be more comprehensive. She will attempt to notify area residents of future hearings. She believes there will be several hearings on this issue.

Mr. Jim Saunders, 19945 Hill Vue Place, Burlington, attended the Planning Commission meeting and was surprised that the school district was asking for smaller lots. He wasn't sure why the school district would care about the size of building lots. He agreed with the woman who spoke previously that the annexation should include everyone on Peacock Lane rather than a partial annexation. He noted that another annexation is planned for the area of the Seventh Day Adventists Church. He again suggested the city annex the entire area all at once rather than piecemeal.

A motion was made by **Councilors Bensen/Loving** to continue the public hearing until final information is available from the County Assessor. All approved. Motion carried.

NEW BUSINESS:

PUBLIC HEARING ON I-933 TO LISTEN TO THE PROS AND CONS OF THE PROPOSAL.

Mayor Tjeerdsma opened the public hearing. Mr. Lloyd Loop, Field Road, Bow, gave a brief history of the U.S. Constitution. He noted property rights were so important to our founding fathers that they are mentioned three different times in the Constitution. He believes that the State of Washington is not adhering to the Constitution regarding citizen property rights. He believes property rights need to be given back to the people by voting yes for I-933. Mr. David Hedlin, 1027 Valley Road, LaConner, spoke in opposition to I-933. He understands the desire to protect land. He noted that if a 200 foot buffer is imposed on his farmland it would take 42% of the family farm out of production. He believes Initiative 933 is poorly written legislation and would not be an advantage to the citizens. He distributed a paper published by Skagitonians to Protect Farmland and a copy of an article from the Seattle Times regarding I-933. Mr. Mark Kramer, 506 S. Cherry, spoke against I-933. He would like the council members to consider I-933 and take a stand as individuals rather than as a city council. He encouraged them to make individual statements rather than taking a unified position by resolution. A motion was made by **Councilors Aslett/Doyle** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Bensen/Doyle** to take no action at this time. All agreed. Motion carried.

PROPOSAL TO INITIATE THE ANNEXATION PROCESS FOR PROPERTY LOCATED SOUTH OF GAGES SLOUGH AND NORTH OF SR 20 BETWEEN THE 7TH DAY ADVENTIST CHURCH AND GARDNER ROAD.

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Planning Director Fleek stated that this request is to initiate the annexation process for the property located along SR 20 south of Gages Slough extending from the 7th Day Adventist Church to Gardner Road. The church has acquired the site to expand the school facilities and signed the Notice of Intent. The land is located in the Burlington Urban Growth Area. She noted that annexation of a larger area would only be considered by the Boundary Review Board. It may take up to six months for action on this annexation. There will be at least two public hearings prior to a decision. A motion was made by **Councilors Aslett/Doyle** to commence the annexation process, subject to complying with the City's Comprehensive Plan for the area and subject to assumption of all or part of the existing City indebtedness by the area to be annexed. All agreed. Motion carried.

PUBLIC HEARING REGARDING PROPOSED EXTENTION OF INTERIM CONTROLS FOR THE DIKE SETBACK ALONG THE THREE BRIDGE CORRIDOR FOR ONE YEAR. (PUBLIC HEARING).

Mayor Tjeerdsma opened the public hearing. **Planning Director Fleek** stated that this is a proposal to extend the Interim Controls for the planned dike setback through the three bridge corridor along the Skagit River. Because this is a long range program, the goal of interim controls is to allow the property owners to not lose value for their land while land acquisition occurs. **Councilor Loving** asked how long we will be looking at interim controls. **Planning Director Fleek** noted that the Dike District is aggressive in acquiring land in the area; but she has no idea how long this may continue. She noted that continuing interim controls rather than re-zoning the area allows property owners to get full value for their land in this corridor. Interim controls can be extended for only one year at a time. A motion was made by **Councilors Aslett/Bensen** to close the public hearing. All agreed. Motion carried. A motion was made by **Councilors Bensen/Aslett** to adopt the ordinance extending the interim controls for the dike setback along the three bridge corridor for one year. All agreed. Motion carried.

(Ordinance 1611)

ORDINANCE TO AMEND BURLINGTON MUNICIPAL CODE 2.72.040 REGARDING DOGS IN CITY PARKS.

Parks & Recreation Director Cavanaugh stated that discussions have been held this week to take public hearing regarding this issue, thus bring it back at a later council meeting after publishing notice of public hearing. He noted his concern regarding issues involving dogs interfering on the field of play and injuring some children. He only wishes to prohibit dogs during the five tournament events during the year. He would plan to bring this back for a public hearing at the October 28th council meeting. Council members were in favor of a public hearing October 28, 2006.

EXECUTIVE SESSION:

The Mayor and Council members adjourned to Executive Session at 8:11 p.m. to discuss personnel. The Mayor and Council members returned from Executive Session at 8:49 p.m.

ADJOURNMENT:

A motion was made by **Councilors Doyle/Montgomery** to adjourn the meeting at 8:50 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Chris Loving
Mayor Pro Tem