

October 12, 2006

CALL TO ORDER: Mayor Pro Tem Loving called the meeting to order at 7:01 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Aslett, Valentine, Straathof and Montgomery. Staff present: Aarstad, Fleek, Martin, Patrick, Sheahan, and Thomas.

APPROVAL OF MINUTES:

A motion was made by **Councilors Doyle/Valentine** to approve the minutes of the September 28, 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 47749 – 47890 in the amount of \$936,749.57. All were in favor. Motion carried.

Current Expense	\$ 60,303.23
Current Expense Cumulative Reserve	5,780.82
City Street	34,157.50
Library	3,912.50
Parks & Recreation	19,198.15
Cemetery Fund	706.56
Stadium Fund	6,881.75
Local Capital Improvement Fund	633,716.29
Parks & Recreation Reserve	103.36
Sewer Fund	36,542.52
Sewer Cumulative Reserve	135,446.89
Total	\$ 936,749.57

PUBLIC COMMENTS:

There were no public comments.

OFFICER REPORTS:

Planning Director Fleek distributed information regarding Temporary Use Permits and Urban Growth Area expansion issues countywide. She suggested that for Temporary Use Permits, the council establish Administrative Rules and see how that works. If need be, council could change the rules at a later date. This suggestion arose out of a complaint about temporary car sales at the Cascade Mall. She noted that the City does receive tax revenue from cars sold at the mall by dealers. She asked for any suggestions to be directed to the Planning Department. This topic will be discussed at an upcoming Planning Commission meeting. **Councilor Aslett** asked how many Special Use Permits are issued by the City. **Planning Director Fleek** stated between 15 and 20 per year. She noted that the City does not regulate events inside of the mall. **Councilor Loving** asked why if the zoning does not allow a certain use in an area, why would the city want to issue special use permits in that same area. Council discussed car sales vs. car shows at the mall. She noted that the Planning Commission considers all requests for Special Use Permits. **Councilor Aslett** asked if requests are published as part of the Planning Commission agenda. **Planning Director Fleek** noted that the agenda is not published, only a notice of the meeting. Council agreed they would like to discuss this issue at greater length. **Councilor Straathof** suggested a workshop prior to the next council meeting. **Councilor Loving** suggested we invite mall officials and perhaps automotive dealership representatives as well.

Planning Director Fleek discussed countywide issues regarding Urban Growth Area Expansion. She noted that the county does not have a clear process or guidelines regarding

October 12, 2006

expansion of Urban Growth Areas. The cities and towns negotiated a very strong position through the adoption of the Countywide Planning Policies. There is also a strong Framework Agreement that keeps cities and towns in the loop for negotiating issues. She asked the council for direction on several questions the County is asking regarding Urban Growth Area rules that may be adopted by the County that will affect the cities and towns.

Planning Director Fleek asked council members if they have any interest in purchase rather than leasing the Burlington Northern Santa Fe property in downtown for parking and for Railroad Park. Under a lease, the City would be allowed to construct buildings on the land but there would be no guarantees that the railroad wouldn't take the land back. She noted that all BNSF leases can be terminated with 30 days notice. Council agreed that the City should look into the possibility of purchase of the land.

Public Works Director/City Engineer Martin stated that he and **City Administrator Aarstad** recently met with a lobbyist who would be available to help the City lobby the 2007 Legislature for funding for the Nevitt Road project. Cost estimates for the SR20/Nevitt Road project have increased nearly four-fold since original projections. He believes that we would recoup the expense of hiring the lobbyist. The funding source for the lobbyist would be out of the Street Fund Professional Services. The contract would begin in November 2006 and run to June 2007. **Councilor Montgomery** asked the probability of success by the lobbyist to obtain funding. **Public Works Director/City Engineer Martin** estimated a 70% probability of success that the City could gain additional funding. He will bring a contract to the Council for approval at a later date.

Public Works Director/City Engineer Martin noted that he is working with Broadview Farms to submit a grant application for fencing to keep trespassers out of the Dynes Farm property. Foot traffic is crossing the railroad tracks and the Dynes property as a short cut. The fence would direct foot traffic towards a street. The cost for a fence along the entire area is too expensive, so the plan will be to place fence only in strategic areas.

Public Works Director/City Engineer Martin stated that a meeting was held this afternoon with regards to plans for road repair on Burlington Hill. The road will be closed beginning October 16, 2006 and he is hopeful that work can be completed by mid December. **City Administrator Aarstad** noted that he will have an agreement for road repairs between the property owners and the City at the next council meeting.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

PROPOSED ANNUAL UPDATE OF THE CAPITAL IMPROVEMENT PLAN 2007-2012.

Planning Director Fleek stated The Planning Commission conducted a public hearing at their regular meeting on September 20, 2006 and made a recommendation to adopt the proposed Capital Improvement Plan 2007-2012. A motion was made by **Councilors Valentine/Aslett** to adopt the Capital Improvement Plan 2007-2012 by Resolution. All agreed. Motion carried.

(Resolution #16-2006)

PROPOSED ORDINANCE TO CORRECT ERROR ON ZONING MAP AT THE SITE OF THE TELECOMMUNICATION TOWERS ON BURLINGTON HILL.

Planning Director Fleek stated that a mapping error was identified when an inquiry was made into locating an additional telecommunications tower on the site. The site contains an existing telecommunication tower and a location for an additional tower, if permits are applied for and obtained from the City Council in the future. The error occurred at the time the site was annexed into the City. A public hearing is not required to correct a scrivener's

October 12, 2006

error. A motion was made by **Councilors Aslett/Valentine** to adopt the ordinance correcting the mapping error. All agreed. Motion carried.
(Ordinance # 1612)

PROPOSED CONDITONAL USE PERMIT FOR A DAY CARE CENTER TO BE LOCATED AT 1216 S. SPRUCE STREET. APPLICANT IS KARLA NUNEZ.

Planning Director Fleek stated that the Planning Commission held a public hearing at their regular meeting on September 20, 2006 and made a recommendation to deny the proposed conditional use permit for a day care center. **Councilors Valentine** and **Straathof** stated their opinion that there would be too much traffic with the proposed number of children at the day care. A motion was made by **Councilors Valentine/Doyle** to deny the request for a Conditional Use Permit. All agreed. Motion carried.

INTERLOCAL AGREEMENT BETWEEN CITY OF SEDRO-WOOLLEY AND CITY OF BURLINGTON TO PROVIDE CLERK SERVICES TO SEDRO-WOOLLEY MUNICIPAL COURT AS NEEDED FOR VACATION AND SICK LEAVE COVERAGE.

City Attorney Thomas stated that the City of Sedro-Woolley has a small staff for the municipal court and at times are in need of clerk services for the continued operations of the court. This agreement outlines compensation to the City of Burlington. He noted that the City of Burlington has been providing this service for some time, and this is formalization and allow payment for such services. **Finance Director Patrick** asked if the Finance Department or Municipal Court would prepare the invoices. **City Attorney Thomas** stated that was unknown at this time. A motion was made by **Councilors Aslett/Montgomery** to approve the interlocal agreement between City of Sedro-Woolley and City of Burlington to provide clerk services on an occasional basis. All agreed. Motion carried.

PUBLIC DEFENDER SERVICES FOR 2007-2008.

City Administrator Aarstad noted that the current public defender contract expires at the end of 2006. Notices were published in the newspaper and sent to the Skagit County Bar Association announcing that bids would be accepted for Public Defender services for 2007-2008. Only one bid was received; from Morgan Witt and Richard Sybrandy. The bid is \$63,600 for each year, which is the same amount paid by the City for 2006. A motion was made by **Councilors Aslett/Bensen** to award the public defender contract for 2007-2008 to Morgan Witt and Richard Sybrandy for \$63,600 each year. All agreed. Motion carried.

PUBLIC HEARING – 2007 ESTIMATED REVENUE SOURCES INCLUDING CONSIDERATION OF POSSIBLE INCREASES IN PROPERTY TAX REVENUES.

Finance Director Patrick presented information regarding revenue sources and amounts over the past several years. He noted a trend upward in most categories with declines in areas of building permits, plan checks, etc. He reviewed current expense revenue history 1999 – 2006 and estimates for 2007. He noted that the city can raise the levy up to the “banked” amount of 5.57%. Raising the levy this amount would result in a levy rate in 2007 that is less than in 2006. This is due in part to new construction in 2006. He reviewed property tax information for all towns and cities in the county showing valuation, levy rate and total tax revenue. He also presented information for total tax rate (per thousand assessed value) for each city. He also displayed information showing 2006 estimates for new construction. **Mayor Pro Tem Loving** opened the Public Hearing. Mr. Mark Kramer, 506 South Cherry, asked how long can the city “bank”. **Councilor Bensen** asked if the city uses their entire bank (5.57%) would we then go back to a maximum increase of 1% in each future year. **Finance Director Patrick** confirmed that if we used 5.57%, the city could then only increase by 1% each year. Mr. Kramer suggested we keep the “bank” for the future. He also noted that his tax assessment for next year indicated that his home value increased by 30%, so he believes that even if the city didn’t increase the levy his taxes would still increase. A motion was made by **Councilors Bensen/Doyle** to close the public hearing. All agreed. Motion carried.

October 12, 2006

LODGING TAX ADVISORY COMMITTEE RECOMMENDATION FOR 2007 FUNDING.

City Administrator Aarstad reviewed the lodging tax fund requests noting that there were fifteen requests amounting to \$152,051. The committee has recommended funding 12 of the projects for a total amount of \$113,000. The committee also recommends allowing the Burlington Float and Band project to carry-over the unspent funds from 2006 into 2007. A motion was made by **Councilors Aslett/Valentine** to approve the recommendation of the lodging tax advisory committee for 2007 funding. All agreed. Motion carried.

REQUEST TO CARRYOVER LODGING TAX FUNDS FROM 2006 PARKS BROCHURE PROJECT TO 2007.

City Administrator Aarstad noted that the Parks & Recreation Department was allocated \$16,111 from the 2006 lodging tax funds for design, publication and distribution of a Parks brochure. Due to delays in the printing and distribution, the project will not be complete in 2006. This request is to carryover the \$5,000 remaining for the project completion into 2007. **Councilor Doyle** asked for clarification of allocated funds. **City Administrator Aarstad** noted the initial allocation was \$10,000 with \$6,111 added at a later date. A motion was made by **Councilors Bensen/Valentine** to approve the carryover of funds remaining from 2006 into 2007 for the parks brochure project. All agreed. Motion carried.

EXTENSION OF AGREEMENT WITH CRAIG CAMMOCK TO PROVIDE PROSECUTION SERVICES FOR THE CITY IN 2007 AND 2008.

City Administrator Aarstad stated that Mr. Cammock has provided the City with prosecution services since January 2005. Staff is recommending that the agreement be extended for two additional years. Compensation would be \$5,300 per month for 2007 and \$5,600 per month in 2008. A motion was made by **Councilors Bensen/Montgomery** to approve the extension of the agreement with Mr. Craig Cammock to provide prosecution services for the city in 2007 and 2008. All agreed. Motion carried.

EXECUTIVE SESSION:

The Mayor Pro Tem and Council Members adjourned to Executive Session at 7:54 p.m. to discuss personnel. The Mayor Pro Tem and Council Members returned from Executive Session at 8:10 p.m.

ADJOURNMENT:

A motion was made by **Councilors Bensen/Doyle** to adjourn the meeting at 8:12 p.m. All were in favor. Motion carried.

Richard A. Patrick
Finance Director / City Clerk

Chris Loving
Mayor Pro Tem