

October 26, 2006

**CALL TO ORDER:** Mayor Pro-Tempore Loving called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council Members present: Bensen, Doyle, Valentine, Straathof and Montgomery. Staff present: Aarstad, Fleek, Martin, Patrick, Perkins, Sheahan, Thomas and Lambert.

**APPROVAL OF MINUTES:**

A motion was made by Councilors Doyle/Bensen to approve the minutes of the October 12, 2006 Council meeting. All were in favor. Motion carried.

A motion was made by Councilors Bensen/Montgomery to excuse Councilor Aslett from tonight's meeting. All approved. Motion carried.

**AUDIT OF BILLS:**

Councilor Bensen presented the bills. A motion was made by Councilors Bensen/Montgomery to approve vouchers 47891 – 47970 in the amount of \$196,785.39. All were in favor. Motion carried.

Current Expense	\$ 72,685.41
Current Expense Cumulative Reserve	1,780.92
Fire Equipment Cumulative Reserve	2,188.91
City Street	54,709.30
Library	415.09
Parks & Recreation	8,109.04
Cemetery Fund	411.62
Local Capital Improvement Fund	24,951.39
Sewer Fund	30,483.71
Sewer Cumulative Reserve	1,050.00
<b>Total</b>	<b>\$ 196,785.39</b>

**PUBLIC COMMENTS:**

There were no public comments.

**OFFICER REPORTS:**

**Planning Director Fleek** announced that the new FEMA elevation maps will be presented to county and cities staff members next week in Mount Vernon.

**Public Works Director Martin** stated that the Engineering staff would like to move forward with the concept of a "round-about" on Burlington Boulevard (near the high school). If council is in agreement he will move forward with the public outreach component and value engineering study. He would bring the issue back to the council after the first of the year for further consideration. Council members were in favor of the concept and encouraged him to move forward.

**Library Director Perkins** noted that Governor Gregoire has created Washington Learns to encourage early learning. Library staff in the county has been working with ESD 189 on this project.

**Library Director Perkins** reported that circulation and visitation statistics for to date in 2006 have exceeded all of 2005. She expects an overall increase of 15% for the year.

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The Library Foundation and local service clubs have raised over \$80,000 for the recently established Burlington Library Foundation.

Library Director Perkins noted that brick started going up on the southeast portion of the new library building. She invited council members to give her a call if they would like a personal tour of the construction.

City Administrator Aarstad distributed the 2007 Cost per Call calculations for Fire District #6. He reviewed the calculation and noted this document will go to Fire District 6 for their review and approval.

City Administrator Aarstad informed council that Public Works Director/City Engineer Martin wrote a letter to the Skagit Valley Herald as a private citizen yet the Skagit Valley Herald printed his letter using his current title (City of Burlington Public Works Director). The paper regrets this error and printed a correction in a subsequent issue.

City Administrator Aarstad stated that the Skagit County Health Department is holding a community planning session regarding the possibility of a Pandemic Influenza and how would businesses and government continue to provide services to the public. Public Works Director/City Engineer Martin and he will be attending this meeting.

**PROCLAMATION:**

Mayor Pro Tempore Loving read a proclamation proclaiming November 11, 2006 as Veterans Day in the City of Burlington.

City Administrator Aarstad announced the Veteran's Day parade at 11 a.m. on Saturday November 11, 2006. The parade will be on Fairhaven Avenue.

**UNFINISHED BUSINESS:**

**CONTINUED PUBLIC HEARING ON PROPOSED NORTH SKAGIT STREET ANNEXATION.**

Mayor Pro Tempore Loving announced that this is a continuation of the Public Hearing on the proposed north Skagit Street Annexation. Planning Director Fleek stated that the Skagit County Assessor's office has revalued the Burlington-Edison School District and provided that data to the City as part of finalizing the Petition area. With this information, a map has been distributed that represents the area that can be annexed. The legal description is being prepared and when completed the petition and legal description will be submitted for certification to the County Assessor. If the Council approves the annexation at this meeting the next step will be submittal to the Boundary Review Board to start the 45 day appeal period. Following this, the Boundary Review Board will hold public hearings regarding this annexation. If the Board of County Commissioners invokes the Boundary Review Board to straighten out the irregular boundaries and if the area to be annexed is increased, the City would have to review the zoning of the entire annexation area. The final annexation would have to be approved by the City Council.

Ms. Judy Jaderlund, 647 N. Skagit Street voiced her concerns regarding the zoning along North Skagit Street. She doesn't believe the street can handle more traffic that would be generated by the proposed annexation.

Mr. Jim Sanders, 19945 Hill Vue Place, encouraged the council to annex a larger area that proposed. He suggested annexing the area all the way to Peacock Lane, to create an even boundary for the city limits.

Mr. Larry Brown, 19914 Hill Court, encouraged the city to not invoke the jurisdiction of the Boundary Review Board. He complained that his neighborhood was not included in the petition for annexation; they weren't asked. He also doesn't believe the city has the 60% required based on the proposed annexation area shown on the map. He is sure the impact to

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the streets will be great if the annexation is approved. He believes that the only ones in favor of the annexation is the developer who owns most of the property in the proposed annexation.

Ms. Terrie Ketchum, 10904 Peacock Lane, asked the council to say "no" to this annexation. She noted this is not in the best interest of the residents who are in the annexation area. Those who will be most impacted were not asked to be a part of this. She would like the council to consider this annexation at a later date. Mayor Pro Tem Loving informed Ms. Ketchum that she had gone beyond her three minutes and would not be allowed to continue.

Ms. Elliott, 10916 Peacock Lane read the remaining portion of Ms. Ketchum's prepared statement. She read that the school district has indicated they are not tied up with the developer for additional property. If the annexation is not approved, the school district indicated to her that they could build a school on the property they currently own. Ms. Elliott noted she and her husband are also apposed to this annexation as they would be greatly affected by the increased traffic.

Councilor Doyle voiced her concern that there is a large audience this evening but only five persons spoke. Councilor Bensen asked for clarification regarding notification of annexation petitions to surrounding properties. Planning Director Fleek stated in the past, although not required to, her office sent notification to the area residents of a proposed annexation. Her office no longer sends such notices. The only legal requirement is that a notice be published in the newspaper and posted on three placards in the annexation area. She noted that mailed notices are sent regarding possible zoning changes, but not for potential annexations. If the Council wishes, she would send notices informing all area residents when the Boundary Review Board will hold public hearings regarding this annexation. She could send notices to the entire neighborhood that might possibly be included in the annexation.

Mr. Jim Sanders, 19945 Hill Vue Place, stated that he asked the Burlington-Edison School District Superintendent if the district is still in favor of building at this location even though the recent bond issue failed. He said that Superintendent Jones indicated the district board has not met to determine what they will do.

A motion was made by Councilors Bensen/Doyle to close the public hearing. All agreed. Motion carried. A motion was made by Councilors Valentine/Doyle to annex the petition area and to ask the Board of County Commissioners to invoke the Washington State Boundary Review Board for Skagit County to expand the area to be annexed in order to straighten out irregular boundaries. Voting in favor: Councilors Bensen, Valentine, Loving, Doyle, and Straathof. Voting against: Councilor Montgomery. Motion carried.

#### **ORDINANCE TO SET PROPOERTY TAX LEVY RATE FOR 2007.**

Finance Director Patrick asked that the council please consider the options for property tax levied in 2006 to be collected in 2007. He noted that the City Council held a public hearing on this issue October 12, 2006. The options range from a 0% increase to 5.57% increase. He noted that with any of the choices the estimated levy rate would decrease from the prior year. This is due in part to 2006 estimates of tax on new construction. An additional \$18,881 of property tax revenue will be collected for every 1% increase. A motion was made by Councilors Bensen/Valentine to approve Option #4, increasing last years levy by 3% and collecting an additional \$56,642 of property tax revenue for 2007. All agreed. Motion carried.

(Ordinance #1613)

#### **NEW BUSINESS:**

##### **LOBBYING SERVICES CONTRACT FOR NEVITT ROAD FUNDING.**

Public Works Director/City Engineer Martin presented a contract with MWW Group to provide public affairs services on behalf of the City, specifically transportation budget appropriations. He noted the contract, not to exceed \$12,000, will provide lobbying services to acquire additional State funding for the City's Nevitt Road project. The City is committed to jointly construct this project in conjunction with Washington State's State Route 20

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improvement project. Since the State will be asking the legislature to fund its shortfall for the SR-20 project, we believe the City should also be a part of the overall request. A motion was made by Councilors Valentine/Montgomery to approve the contract with MWW Group for lobbying services to acquire additional funding for the Nevitt Road project. All agreed. Motion carried.

**EXECUTIVE SESSION:**

The Mayor Pro Tempore and Council members adjourned to Executive Session at 7:38 p.m. to discuss personnel and litigation. The Mayor Pro Tempore and Council members returned from Executive Session at 7:50 p.m.

**AGREEMENT WITH PROPERTY INVESTORS, LLC REGARDING REPAIRS TO HILLCREST DRIVE.**

A motion was made by Councilors Bensen/Doyle to approve an agreement for reconstruction of the north side of Hillcrest Drive (on Burlington Hill). The City share of the construction will be 49%, Property Investors, LLC share will be 51%. City Attorney Thomas noted this agreement will remove potential litigation between all parties. All were in favor. Motion carried.

**ADJOURNMENT:**

A motion was made by Councilors Doyle/Straathof to adjourn the meeting at 7:53 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