

February 25, 2016

**CALL TO ORDER:**

**Mayor Steve Sexton** called the meeting to order at 7:01 p.m., with the Pledge of Allegiance. Council members present: Bill Aslett, Tonya Bieche, Joe DeGloria, Rick DeGloria, Christ Loving, and Ted Montgomery. Staff present: Kelly Blaine, Brian Dempsey, Mike Ganz, Bryan Harrison, Brad Johnson, Brittany Johnson, Leif Johnson, Tom Moser, Marv Pulst, Travis Schwetz, Bill Van Wieringen, Sarah Ward, and Crystil Wooldridge.

A motion was made to excuse **Councilors Edmundson** by **Councilors Aslett/J. DeGloria**. All in favor; motion carried.

**MINUTES:**

A motion was made by **Councilors Loving/R. DeGloria** to approve the minutes of the February 11, 2016 council meeting. All in favor; motion carried.

**AUDIT OF BILLS:**

A motion was made by **Councilors R. DeGloria/J. DeGloria** to approve Accounts Payable checks numbered 30568 – 30702 including electronic payments to Skagit Bank in the amount of \$247,259.28; February 12<sup>th</sup> payroll checks numbered 30550 – 30567 in the amount of \$337,419.12. All in favor; motion carried.

**PUBLIC COMMENTS:**

There were no Public Comments.

**COUNCIL COMMENTS:**

There were no Council Comments.

**MAYOR'S UPDATE:**

**Mayor Sexton** shared a thank you note with council that he received from a constituent thanking the Street Department for fixing her driveway. She noted that the streets crew was very polite and helpful and their work was much appreciated.

**PROCLAMATION:**

There was no proclamation.

**SPECIAL PRESENTATION:**

**Skagit Valley Tulip Festival – Cindy Verge, Executive Director** – stated this year was going to be an early bloom for the tulips, they are expecting blooms before Easter. They are busy getting ready for a busy tulip season. The tulips will most likely be in bloom the first two weeks of April. Ms. Verge presented the 2016 Skagit Valley Tulip Festival poster to **Mayor Sexton**. The artist of the poster is Sandy Haight.

**Waste Management Annual Report – Will Ibershof** – stated that this year Waste Management would like to focus on recycling at two major events for the City of Burlington. The two events would be the August Rush Cup soccer tournament and the Skagit Super Cup both held at Skagit River Park. Waste Management will set up recycling locations with garbage to support the event and keep the City clean. Mr. Ibershof identified different ways to engage the community, informed the council that Waste Management received the 2015 Excellence SWANA Award for their educational program, and shared information regarding the intern program that Waste Management runs.

**OFFICER'S REPORTS:**

**Public Works Director Marv Pulst** thanked **Streets Superintendent Travis Schwetz** along with the entire streets crew for their hard work. **Director Pulst** reported that there is an upcoming grant opportunity and the applications are due on March 18<sup>th</sup>. The grant is the Skagit County Economic Development Grant, there is \$2.5 million dollars available to fund individual projects at \$500,000 each. The first application would be for the

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expansion of the fiber optic system into the commercial/industrial areas. The second application would be for the 5-Way intersection at Fairhaven Ave and Cherry St. The goal is to turn the area into a pedestrian plaza.

**Library Director Sarah Ward** shared information regarding their annual fundraiser, Books, Bites, and Burgundy. The fundraiser will be held on April 16<sup>th</sup>, 2016 from 6:30 p.m. – 9:00 p.m. at the Burlington Public Library. **Director Ward** also reported that they will be unearthing the time capsule that was buried one hundred years ago at the Carnegie Library in celebration of the library's 100<sup>th</sup> Anniversary.

**Finance Director Crystil Wooldridge** requested that council set a workshop before the council meeting on Thursday, March 10<sup>th</sup> at 6:00 p.m. to review the changes that are being made to the procurement policy. Council approved the request for the workshop to be held on March 10<sup>th</sup> at 6:00 p.m.

**City Administrator Bryan Harrison** stated the council approved the Conflict Counsel contract at the last council meeting on February 11<sup>th</sup> at a rate of \$65.00 per hour for services. There has been no interest from attorneys to provide services at the rate of \$65.00 per hour. The discussion with attorneys has been that the rate would need to be \$75.00 to \$100.00 per hour for them to provide services for conflict counsel. **Councilor Aslett** stated that this is an important service and that council should consider an increase in the hourly rate.

A motion was made to add the Conflict Counsel contract as agenda item #7 by **Councilors Aslett/Bieche**. All in favor; motion carried.

#### **UNFINISHED BUSINESS:**

#### **RASPBERRY RIDGE SEWER CONNECTION AND INFRASTRUCTURE DISCUSSION – CONTINUED FROM FEBRUARY 11<sup>TH</sup>, 2016**

**City Administrator Bryan Harrison** stated this is a continuation of the discussion that was held at the February 11<sup>th</sup> council meeting. Administrator Harrison reviewed the project which is the connection to sewer and the infrastructure proposal from Skagit County. The request is to authorize connection to the sewer for Raspberry Ridge #1, Raspberry Ridge #2, and Raspberry Ridge #3, for a maximum of 125 units being connected to sewer. The total plan is contingent upon the inclusion of the property to the City of Burlington's Urban Growth Area (UGA) and an interlocal agreement with Skagit County regarding the infrastructure improvements. **Mayor Sexton** opened the discussion for Public Comments.

**Michael Brawley – 1420 E Victoria Ave** – stated that he doesn't think this is a good idea for the City of Burlington. There is safe access needed throughout the City and there is not enough room in schools. This could become a large problem for the City and he feels this is a Skagit County issue and it is not necessary for the City to be involved.

**Tana Wood - 1745 Monroe St** – encouraged council to act tonight and to approve the sewer connection because it is the right thing to do and now is the time to do it.

**Mike Fohn – 225 E George Hopper Rd** - stated that this is a residential development similar to his proposed project for the Delahunt property. Mr. Fohn reviewed his experience with the City with Sharon Alder's proposal for the Delahunt property. Mr. Fohn stated that the Housing Authority of Skagit County (HASC) is a developer and should be treated like one. Mr. Fohn stated that he was not treated fairly throughout the process for the Sharon Alder development project which was a similar proposal. Mr. Fohn stated the funding for Raspberry Ridge could be better used. Mr. Fohn reviewed the Burlington Municipal Code and the Growth Management guidelines. Mr. Fohn stated this is not a project that should be supported.

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**Jose Ortiz – 11320 N Skagit St** – reviewed the stats on affordable housing that were presented at the Housing Summit held on January 22<sup>nd</sup>, 2016. He stated this is the time for the project as there is funding available and the communities need to be built. He encouraged council to do the right thing and approve the project.

**Ann Doering – 202 Pioneer Dr** – asked council to consider the impact the construction of the infrastructure for the development will have on Gardner Rd and the impact this project as a whole would have on those within the City limits of Burlington. This is a very busy road. Ms. Doering stated that a three way stop at Gardner Rd and E Fairhaven Ave is needed; she also commented on fire safety, traffic on Gardner Rd, and road conditions within Burlington.

**Lisa Janicki – Skagit County Commissioner** – stated she is in support of the project and the way that City staff and the Housing Authority of Skagit County have worked together to get the work done. Ms. Janicki urged council to envision and problem solve for the future; the past can't be changed. Ms. Janicki asked the council to help share the success of the negotiations with staff. The proposed limit of 125 units will be worked into the interlocal agreement. Ms. Janicki closed with asking the council to support the project.

**Ari Salazar – Housing Authority of Skagit County - 1650 Port Drive** – thanked the City and council for working through the process to get to this point. He urged the council to support this measure and stated we can all be a part of the solution for housing needs in Skagit County.

**Melanie Corey – Housing Authority of Skagit County – 1650 Port Drive** – thanked the Mayor, council, City staff, and the staff and officials from Skagit County for the work on this project. The proposed project offers solutions for health, safety, and environmental concerns. Ms. Corey reviewed the infrastructure proposal from Skagit County to the City of Burlington. Ms. Corey reviewed the sewer revenue that the City when the developments are connected to sewer. Ms. Corey added that the units will be built to permit standards and they will fit the look of the community. Ms. Corey closed by thanking the council and encouraged the council to support this project.

**Gilberto Estrada – Housing Authority of Skagit County – 1650 Port Drive** – stated that we all have a moral obligation to do the right thing which is to connect these units to City sewer. He reviewed his life and how he worked hard to provide better for his children. He gave them a better life. He asked council to fix the situation and be proud of the decision that they make. He asked council to do the right thing and approve the connection.

**Josefina Beecher – 7134 Steelhead Lane** – commented that she hopes the council will move forward with this proposal. She works closely with the immigrant community and many of them would love to live in Raspberry Ridge and they deserve a right to decent health conditions. She stated that she appreciates the work that has been done and she hopes that council moves forward on the project.

**Rufina Jimenez – 3700 E College Way** – introduced herself as a farmworker. She stated that the people living in farmworker housing have raised great families and they are the people that bring the products of Skagit County to the tables. She stated she appreciates the work that has been done and hopes the project can move forward.

**Manuel Juerta – Hispanic Commission** – stated that he has been both a farmworker and a farmer. There is a need for affordable housing and that safety and health are important and that the City should work with the community to resolve the situation.

**Jose Manuel – Los Aztecas Soccer League** – stated that his organization rents the soccer fields at Skagit River Park even though the fields in Mount Vernon are less

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expensive. He stated they rent these fields because the location fits the needs of a majority of his soccer players who live at Raspberry Ridge.

**Councilor Bieche** stated that she agrees the past shouldn't be relived and that this plan needs to be the right plan for everyone in the community. She stated that she feels there are other locations throughout Skagit County that fit the housing needs more appropriately. **Bieche** stated that everyone is aware of the problems and issues that currently exist with Raspberry Ridge and that the development will continue even if the Burlington City Council does not approve the project. **Bieche** stated there is funding available for the project to be built, but she has hope that in the future mixed income housing will be built and that multiple types of individuals who are need of affordable housing will be able to reside there. **Bieche** thanked the farmworkers for their honorable work. **Bieche** stated that the City Council's job isn't to build houses, but to provide for the residents of Burlington.

**Councilor Aslett** thanked the council for continuing the discussion as he was unable to attend the February 11<sup>th</sup> council meeting. He thanked the staff of both the city and the county for the hard work on this project. Aslett stated that the development needs to be in line with the needs of City development requirements. Aslett stated that the cap of 125 units needs to be ensured and that future developments match overall long term planning and infrastructure.

**Councilor R. DeGloria** asked for clarification of the sales tax that was proposed to pay for infrastructure.

**Commissioner Lisa Janicki** stated that at a recent meeting that was organized by Joan Penney at the Burlington Public Library there was discussion regarding sales tax increase to help pay for infrastructure, but clarified that was discussion only and no action was taken.

**Councilor R. DeGloria** stated that he agreed with Councilor Aslett. He thanked the staff for the work on the proposal and stated that he would support the project if there was a cap of 125 units within the interlocal agreement.

**Councilor Loving** stated that this is a sewer issue and that the Public Works Department has prior work to prepare for this and that the connection to sewer needs to be done.

A motion was made to authorize the City to enter into agreement with the county regarding the proposed infrastructure and with the addition of a hard cap of 125 units and authorize the sewer connection with the understanding that any changes made regarding the project be brought back to council for approval by **Councilors Aslett/Loving, Councilors Bieche/R. DeGloria/Montgomery** in favor; **Councilor J. DeGloria** opposed; motion carried.

**CONSENT AGENDA:**

There was no Consent Agenda.

**NEW BUSINESS:**

**Councilor Loving** recused himself from agenda item #1.

**REVIEW OF THE RECOMMENDATION FROM THE BURLINGTON PLANNING COMMISSION REGARDING ZONING FOR MARIJUANA RELATED ACTIVITIES**

**City Administrator Bryan Harrison** stated that council is being presented with the recommendation from the Burlington Planning Commission to reduce setbacks required in BMC Title 17.42 (M-1 Industrial) and Title 17.43 (Business Park) to the state minimums as pertains to siting and operating medical marijuana collective gardens and recreational marijuana processors, producers, and retail stores, and defining "playground" to include Skagit River Park for setback purposes. **Administrator Harrison** reviewed

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the process that had taken place by Planning Commission and the timeline that took place for this process. The recommendation from Planning Commission is to retain the 1,000 foot setback from marijuana related uses to elementary and secondary schools and playgrounds (and to define playgrounds to include Skagit River Park). The other setbacks (to a recreation center or facility, child care center, public park, public transit center, library, or arcade, and single-family residential zone) are recommended to be reduced to the state minimum of 100'. The recommendation is also to eliminate the 1,000' setback between any two marijuana related facilities. **Administrator Harrison** stated that council needs to decide their preference for timing for the change; council can either put this into effect with an ordinance now or wait until adoption of the Comprehensive Plan later this year when other zoning decisions are made. **Mayor Sexton** opened the discussion for Public Comment.

**Jason Kitzman – 20654 Prairie Road** – stated that he is was a recipient of the 502 licenses for the cities of Burlington and Anacortes. He currently has a location in Anacortes that has been very successful and there has been no crime at that location. **Mr. Kitzman** reviewed the statistics regarding sales at this Anacortes location. **Mr. Kitzman** stated that the sites recommended to council by the Planning Commission will not work for retail locations. The north part of town, Burlington Business Park, is perfect for manufacturing, but that location does not fit the needs of a retail location as the visitor count is much larger for retail stores. **Mr. Kitzman** stated that the area west of I-5 next to the car dealerships would be appropriate for retail locations. **Mr. Kitzman** stated he has worked hard with the City Council and Planning Commission and the proposed sites are not appropriate for retail locations. **Mr. Kitzman** stated the he has the option to issue the license at a location that is not approved by the City; if he did that he would not be opening a store, but he would do it to get his license and secure it. **Mr. Kitzman** stated that they just purchased another license in Tacoma for \$400,000 and that is what these licenses are worth. **Mr. Kitzman** said he would like to work with the City and find a location that works for everyone and the best place location would be west of I-5, which is the best place to keep the locations away from residential areas.

**Dennis Ruschman – 15238 N Wall St** – stated that he is a graduate of Burlington Edison High School and that the marijuana industry will bring good jobs to the City of Burlington. **Mr. Ruschman** reviewed the strains of marijuana, medical uses available, and that the product is desired by large companies such as Fred Hutchison Cancer Research. **Mr. Ruschman** reviewed the products that his business would produce and how marijuana can be used to help and manage diseases. **Mr. Ruschman** stated that the oils of marijuana are very effective alternative medicines and they do not get a person high. **Mr. Ruschman** stated that that this business would be very beneficial for Burlington.

**Mark Breckenridge – 7219 Farm to Market Rd** – stated that the north side of Burlington Hill is a desired location. **Mr. Breckenridge** added that he and his partner are local people. **Mr. Breckenridge** stated that there is lots of security required for these businesses and that there is not a lot of crime associated with the business.

**Tony Mayo – 518 55<sup>th</sup> St** – stated that he supports the project. These businesses will create jobs within Burlington. **Mr. Mayo** stated that opening marijuana locations within Burlington will regulate the black market marijuana industry by opening up retail and manufacturing businesses the production of marijuana will be regulated and tested. **Mr. Mayo** added that these businesses will create safe products for consumers.

**Manuel Juerta – Ferndale, WA** – stated that he does not support marijuana in Burlington for the sake of the children in the community. He stated that he is a war veteran who has suffered with PTSD and he does not agree that marijuana should be used for medical purposes and that the use of marijuana is not appropriate.

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**Councilor R. DeGloria** stated that he appreciates that Planning Commission has had multiple meetings on this topic. The Council was provided with a lot of information and he would like more time to review the information and that he would like to come to a resolution in the future. **Councilor R. DeGloria** said that he is thankful for the Planning Commission and the work that they do.

**Councilor Aslett** stated that he would like to see the zoning be done with the comprehensive plan so that the effects of the change on other areas could be considered. Councilor Aslett stated that his opinion would be to do it all together with the comprehensive plan.

**Councilor J. DeGloria** stated that he supports looking over this item with the comprehensive plan later in the year.

**Councilor Montgomery** said that he would like to proceed with the ordinance and make the change sooner rather than later. **Councilor Montgomery** asked what the timeline would be if council choses to change with an ordinance. **Administrator Harrison** answered that an ordinance could be brought to the next council meeting for council review.

Discussion ensued regarding an ordinance, what the proper advertising would be for this ordinance and that there is a need to pursue further input.

**Councilor Aslett** stated that he would not like to take action on an ordinance.

A motion was made to consider these ordinance/zoning amendments as parts of the update of the Comprehensive Plan and Development Regulations (including zoning) that is due later in 2016 by **Councilors Bieche/J. DeGloria**. **Councilors Aslett/R. DeGloria** in favor; **Councilor Montgomery** opposed. Motion carried.

#### **AGREEMENT WITH ROLAND RESOURCES FOR REAL ESTATE SERVICES**

**Public Works Director Marv Pulst** stated that this real estate and right of way acquisition contract with Roland Resources will provide the necessary expertise needed in order to acquire property for engineering projects budgeted for 2016. Roland Resources was chosen from the MRSC roster based upon their qualifications.

A motion was made to approve the agreement with Roland Resources for real estate acquisition services and to authorize the Mayor's signature by **Councilors R. DeGloria/Montgomery**. All in favor; motion carried.

#### **LAND DONATION FROM THE BURLINGTON PARKS FOUNDATION**

**City Administrator Bryan Harrison** stated that recently the Burlington Parks Foundation accepted donation of a 7.2 acre parcel of land. The property was donated to the foundation by the heirs of Mr. Mayer Baron. **Administrator Harrison** reviewed the details of the property and the benefits the property would provide for the City of Burlington. **Administrator Harrison** stated that he has contacted Land Title for information on the property and the deed to transfer the property.

A motion was made to recognize and approve the donation of Assessor's Parcel No. P120644 by the Burlington Parks Foundation to the City of Burlington and authorize the appropriate city officials to sign the applicable deeds and documents to effectuate said transfer of title by **Councilors R. DeGloria/Aslett**. All in favor; motion carried.

#### **BID AWARD – MINI EXCAVATOR AND QUOTE FOR TRAILER TO HAUL MINI EXCAVATOR**

**Public Works Director Marv Pulst** stated that bids were open for the purchase of a mini-excavator for the Streets Department and quotes were obtained for the trailer to haul the mini excavator. **Pulst** reviewed the reasons that an excavator needs to be purchased

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for the Streets Department. **Pulst** stated that excavator was budgeted for 2016 in the ER&R fund.

A motion was made to award the bid and approve the purchase of the mini excavator to Van’s Equipment and authorize procurement of the trailer from Fab Tech by **Councilors Montgomery/J. DeGloria**. All in favor; motion carried.

**Councilor Loving** stated he was happy to see the purchases are being made in Burlington.

**AUTHORIZE PROCUREMENT OF FLOORING FOR PARTIAL REPLACEMENT IN THE PUBLIC SAFETY BUILDING**

**Assistant Public Works Director Brian Dempsey** stated that this project will replace the flooring for the hallways and various rooms in the Public Safety Building. \$55,000 has been budgeted for this project in 2016 in the Buildings & Grounds facility improvements capital fund. Great Floors provided the bid which is in accordance with KCDA a purchasing cooperative that provides procurement services to school districts and public agencies. **Dempsey** added that the initial amount increased due to the moisture issue and the bid includes adding a vapor barrier to the floor to help with moisture.

A motion was made to authorize the Finance Department to issue a Purchase Order for the procurement of flooring for replacement in the Public Safety Building by **Councilors Aslett/J. DeGloria**. All in favor; motion carried.

**GRAY & OSBORNE CONTRACT AMENDMENT FOR DESIGN OF SEWER PUMP STATION #6**

**Public Works Director Marv Pulst** stated that this contract was approved at the February 11<sup>th</sup> council meeting. Subsequent review by the Legal Department has prompted a contract amendment regarding the insurance language, specifically the indemnification agreement.

A motion was made to approve the amended contract with Gray & Osborne and authorize the Mayor’s signature by **Councilors J. DeGloria/Bieche**. All in favor; motion carried.

**CONFLICT COUNSEL AGREEMENT AMENDMENT – HOURLY RATE**

**City Administrator Bryan Harrison** stated the council approved the Conflict Counsel contract at the last council meeting on February 11<sup>th</sup> at a rate of \$65.00 per hour for services. There has been no interest from attorneys to provide services at the rate of \$65.00 per hour. The discussion with attorneys has been that the rate would need to be \$75.00 to \$100.00 per hour for them to provide services for conflict counsel. **Harrison** stated that as of next Tuesday we will not have any conflict counsel available if we do not increase the hourly rate. **Harrison** stated his suggestion would be to increase the hourly rate to \$85.00 per hour for conflict counsel attorneys.

A motion was made amend the conflict counsel agreement to reflect the increased hourly rate of \$85.00 per hour and to authorize the Mayor’s signature on the agreements by **Councilors Aslett/Montgomery**. All in favor; motion carried.

**EXECUTIVE SESSION**

There was not an Executive Session held.

**ADJOURNMENT:**

**Mayor Sexton** adjourned the meeting at 9:03 p.m.

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Crystil Wooldridge  
Finance Director

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Steve Sexton  
Mayor