

September 22, 2016

CALL TO ORDER:

Mayor Steve Sexton called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Tonya Bieche, Joe DeGloria, Rick DeGloria, Edie Edmundson, Chris Loving, and Ted Montgomery. Staff present: Bryan Harrison, Brittany Johnson, Leif Johnson, Tom Moser, Marv Pulst, Bill Van Wieringen, Sarah Ward, and Levon Yengoyan.

A motion was made to excuse **Councilor Aslett** by **Councilors R. DeGloria/Bieche**. All in favor; motion carried.

MINUTES:

A motion was made to approve the minutes of the September 8, 2016 council meeting by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

AUDIT OF BILLS:

A motion was made by **Councilors R. DeGloria/Loving** to approve Accounts Payable checks numbered 32899 - 33011 in the amount of \$890,832.69; September 15th payroll checks numbered 32873 - 32898 in the amount of \$366,777.41. All in favor; motion carried.

PUBLIC COMMENTS:

There were no Public Comments.

COUNCIL COMMENTS:

There were no Council Comments.

MAYOR'S UPDATE:

There was not a Mayor's Update.

PROCLAMATION:

There was not a Proclamation.

SPECIAL PRESENTATION:

There was not a Special Presentation.

OFFICER'S REPORTS:

Police Chief Bill Van Wieringen announced that a Community Resource Officer had been established. The Community Resource Officer will be Officer Mike Lumpkin and the effective date will be October 17, 2016. He thanked the panel for their participation in the testing process.

City Administrator Bryan Harrison reminded everyone that the Burlington Firefighter Association Pancake Feed will be held on October 1st at the Burlington Fire Department from 6:00 a.m. to 12:00 p.m. There will be a Maiben Park Concept Plan meeting held on October 3rd at 6:00 p.m. and will be held at the Community Center to discuss proposed improvements. There will be an AWC Regional Meeting at the Burlington City Council Chambers on Wednesday, October 19th. Harrison reminded everyone the Harvest Festival will be held this Saturday, September 23rd at Skagit River Park.

UNFINISHED BUSINESS:

There was no Unfinished Business.

CONSENT AGENDA:

There was no Consent Agenda.

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NEW BUSINESS:

PUBLIC HEARING: CONDEMNATION RESOLUTION AND ORDINANCE FOR THE STERLING MOTOR INN

City Attorney Leif Johnson discussed the time limits for the Public Comments during the Public Hearing, introduced outside counsel on this matter, **Kennon Williams. L. Johnson** stated that on August 11, 2016 **Mayor Sexton** made an Executive Determination that the Sterling Motor Inn, located at 854 – 866 Burlington Boulevard, constitutes a threat to the public health, safety, and welfare pursuant to RCW 35.80A.010. The City Council will consider whether or not to adopt a resolution and an ordinance declaring that the acquisition of the Sterling Motor Inn is necessary to eliminate neighborhood blight. **L. Johnson** stated that at the conclusion of the Public Comments the City Council will adjourn to Executive Session before making a decision. **L. Johnson** reviewed the content of RCW 35.80A.010.

Mayor Sexton opened the Public Hearing.

Ken Crockett, Owner, Pizza Factory – 107 Cedar St Burlington, WA – commented that the Sterling Motor Inn negatively affects his business, neighboring businesses, and employees located in the neighborhood. There is illegal activity occurring in the back alley and the parking lot of the Pizza Factory. The tenants of the Sterling Motor Inn have been using his business's restrooms for drug use. There was a shooting at the Sterling Motor Inn last Friday and that was the last straw for him. Due to the illegal activity at the Sterling Motor Inn the Pizza Factory now has to lock their door at 8:00 p.m., employees must walk by two to talk out the garbage due to the illegal activity and traffic in the back alley. Tenants of the Sterling Motor Inn jump off the motel's balcony onto his dumpster to run away from another person. There have been many calls made to the Burlington Police Department regarding the Sterling Motor Inn. **Mr. Crockett** stated that he needed to voice his concerns for the safety of his family, employees, and the others in the neighborhood. The only solution is to eliminate the Sterling Motor Inn.

Joe Bowen, Attorney for Sterling Motor Inn, 102 N 5th St, Mount Vernon, WA – commented that he was moved by the Pledge of Allegiance, pledge to the Republic and liberty and justice for all. **Mr. Bowen** stated that there is a time in every community where a majority will find a common cause and vote against a minority. Everyone has had the experience of the outside looking in. **Mr. Bowen** reviewed his thoughts on the roles of elected officials, specifically the City Council, that they are to apply reason and to follow the law. They have to make tough decisions that no one else wants to make. **Mr. Bowen** stated that no one can have more influence over the community than the City Council. **Mr. Bowen** asked that the City Council review the packet and be judicious when making their decision. Ask themselves does the dwelling constitute a threat, structure constitute a threat, the building is not abandoned or falling apart. There is no evidence that this building is associated with the alleged problems. This is a neighborhood issue, not just the Sterling Motor Inn. **Mr. Bowen** stated that his clients have invested over \$1.8 million dollars into this community hoping for protection of this community. There is nothing that his clients have done to cause this. They are asking for help in making this stop. They have installed security cameras, extra lights, more fire alarms, installed secure doors and windows, improved the screening process, and have implemented policies against visitors conducting illicit activities. **Mr. Bowen** stated that his clients are willing to have inspections and make further changes. His clients will take any information that experts can give to protect their investment. Anything that you hear on the record tonight are activities that have been done to his clients as well. **Mr. Bowen** stated there is a duty to refuse what is being requested tonight as it does not invoke the law.

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Adam McCoy, Owner, 105 Cedar St Burlington, WA – commented that he owns the building that is home to two businesses, Hidden Wave and Cedar Creek Printing. **Mr. McCoy** stated that the Sterling Motor Inn brings drug addicts, drug use, prostitutes, pimps, and homeless people into and around his building. He is not comfortable in his own business and carries a loaded weapon for his protection. He has been physically threatened by someone performing illegal activity at the Sterling Motor Inn. He stated that if needed he will move his business out of Burlington, he doesn't want to do that, but he is not willing to risk his own life to run a business in Burlington.

Will Bauder, Night Management, Burlington Haggen – stated that he has encountered hundreds of situations relating to the Sterling Motor Inn during his ten year employment at Haggen. There have been assaults, threats, drug use, and stealing. Last Monday an individual from the Sterling Motor Inn attempted to punch him when he approached him for stealing. The individual was unable to punch him, but took out his frustration physically on the seventeen year old courtesy clerk working that night. There have been many other situations that have occurred similar to this at Haggen in relation to individuals staying at the Sterling Motor Inn. If the issue with the Sterling does not get addressed the problem will continue so spread and frighten the community of Burlington. This needs to be taken care of.

Amanda Cavanaugh, Owner, Hidden Wave, 105 Cedar St, Burlington, WA – stated that she has recently purchased the business from Adam McCoy. She and her husband have gone from loving the business to dreading it. She state that she recognizes that both business owners and the motel owners are victims. **Ms. McCoy** stated that she feels unsafe at her own business and does not feel comfortable or safe staying past 3:00 p.m. When she arrives at her business she has to be very aware of her surroundings. She stated that Hidden Wave was recently broken into and the leads led that police to a transient that was living at the Sterling Motor Inn. She hopes that the council takes the time to think and make the right decision.

A motion was made to close the Public Hearing by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

City Attorney Leif Johnson stated that an Executive Session will be held Per RCW 42.30.110 to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The executive session should take approximately thirty minutes and action is expected as a result of the executive session. Council and city staff adjourned for Executive Session at 7:37 p.m.

City staff returned from Executive Session at 8:07 p.m.

City Attorney Leif Johnson thanked the City Council and stated that if the council wishes to make a motion please make two motions, one for the resolution and one for the ordinance that recognizes the fund.

A motion was made to adopt a resolution declaring the acquisition of the Sterling Motor Inn is necessary to eliminate neighborhood blight and authorize the Mayor's signature on applicable documents by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

A motion was made to adopt an ordinance declaring the acquisition of the Sterling Motor Inn is necessary to eliminate neighborhood blight and authorize the Mayor's

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signature on applicable documents and to recognize the funding source to be the General Fund by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

WASHINGTON STATE DEPARTMENT OF ARCHEALOGY AND HISTORIC PRESERVATION GRANT AGREEMENT NO. FY-17-61017-02 TO COMPLETE A BURLINGTON HISTORIC BUILDING RECONNAISSANCE SURVEY

City Administrator Bryan Harrison stated that this is a \$10,000 grant with a \$2,000 city indirect match consisting of city staff time. The reconnaissance survey will be performed by a contractor approved by the state to perform surveys of historic buildings in keeping with state guidelines and procedures. The survey will be conducted within the historic downtown Burlington neighborhood bordered by Burlington Boulevard on the west, SR20 on the north, Skagit Street on the east, and Sharon Avenue on the south. A preliminary survey has identified approximately 100 residences and commercial structures that could potentially meet the criteria for being recognized as historic, built more than 50 years ago.

A motion was made to approve the proposed grant agreement and authorize the Mayor’s signature by **Councilors J. DeGloria/Edmundson**. All in favor; motion carried.

ADJOURNMENT:

Mayor Sexton adjourned the meeting at 8:12 p.m.

Renee Sinclair
Director of Budget & Accounting

Steve Sexton
Mayor