

June 14, 2018

CALL TO ORDER:

Mayor Steve Sexton called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Council members present: Bill Aslett, Rick DeGloria, Edie Edmundson, Chris Loving, and James Stavig. Staff present: Jennifer Berner, Bryan Harrison, Geoff Hawes, Brittany Johnson, Leif Johnson, Christi Kinney, Mike Luvera, Kristen Morrison, Marv Pulst, Eddie Rogge, Renee Sinclair, Sarah Stoner, Sarah Ward, Levon Yengoyan.

A motion was made to excuse **Councilors Joe DeGloria** and **Ted Montgomery** from the meeting by **Councilors Bill Aslett/ Chris Loving**. All in favor; motion carried.

MINUTES:

A motion was made to approve the minutes of the May 24, 2018 council meeting by **Councilors Loving/R. DeGloria**. All in favor; motion carried.

AUDIT OF BILLS:

A motion was made by **Councilors R. DeGloria/Aslett** to approve Accounts Payable invoices to be paid as reviewed on June 14, 2018 in the amount of \$556,100.30, and Payroll expenses for pay period ending June 10, 2018 in the amount of \$421,756.24. All in favor; motion carried.

PUBLIC COMMENTS:

No public comments.

COUNCIL COMMENTS:

Councilor Stavig discussed his meeting this week with Community Action wherein he toured their facility and discussed the moratorium. **Councilor Stavig** thanked all for their attendance of the Council meeting, and discussed the upcoming Berry Dairy Days event.

Councilor Aslett discussed the Audit & Finance Committee meeting wherein the job vacancy in the Finance department was discussed, and that the process is going well, but the department is still facing the challenges related to that staffing issue.

MAYOR'S UPDATE:

No Mayor's update.

PROCLAMATION:

No proclamation.

SPECIAL PRESENTATION:

No special presentation.

COMMITTEE & BOARD REPORTS:

No committee & board reports.

OFFICER REPORTS:

Parks & Recreation Director Jennifer Berner discussed the department's summer programs, including this weekend's Berry Dairy Days events. **Berner** introduced Western Washington University student, Lexie Westling, who is interning for the Parks Department this summer.

Recreation Coordinator Christi Kinney discussed the Recreation department's summer activities, events, and programs, including Kid Quest, tennis, lacrosse, golf, and soccer camps; the Pop-Up program, Summer Nights, and various classes. **Councilor Aslett** praised the Pop-Up program as an innovative idea that brings Parks and Rec. activities to people who don't normally utilize nor have access to these services.

Parks & Recreation Receptionist Sarah Stoner discussed the department's marketing campaigns, which include the Summer Events postcard, was widely distributed; and the focus on expanding outreach programs to reach new populations.

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Police Chief Mike Luvera reintroduced Eddie Rogge as **Commander Edie Rogge**, and described **Rogge's** career progression and leadership skills. **Luvera** and Councilmembers congratulated **Rogge**; **Rogge** thanked his family their support, and thanked Council for the opportunity to serve in this capacity.

UNFINISHED BUSINESS:

PARKING LOT LEASE WITH CHINN MEI FONG

City Administrator Bryan Harrison discussed the changes made to the agreement since it was approved by Council on April 26, 2018; modifications are that the agreement fixes the lease payment of \$1,500 per month for a period of one year, and a reduction of the termination notice period from ninety days to no less than fourteen days in case of sale of the property.

A motion was made by **Councilors Loving/R. DeGloria** to approve the parking lot lease agreement with Chinn Mei Fong and authorize the Mayor to sign. All in favor; motion carried.

CONSENT AGENDA:

No Consent Agenda.

NEW BUSINESS:

RESOLUTION TO AUTHORIZE THE CITY TO CHARGE FOR PROVIDING COPIES OF ELECTRONICALLY PRODUCED RECORDS

City Attorney Leif Johnson discussed Washington State Legislature's recently passed HB 1595, which grants authorization to governmental agencies, including cities, to charge fees for electronic public records requests; adopting the proposed resolution would allow the City to charge reasonable fees for electronic public records requests, which because of evolving technology, are the manner in which records are requested by and responded to. **Councilor Aslett** asked whether it would change the regulations regarding those individuals who make a "hobby" of making public records requests; **L. Johnson** explained that the bill does not change authority in that manner; it simply allows the City to recoup some costs associated with electronically produced records.

A motion was made by **Councilors Edmundson/Aslett** to adopt the proposed resolution authorizing the City to charge for providing copies of electronically produced records, and authorize the Mayor's signature. All in favor; motion carried.

***NOTE:** An error was made in the order in which agenda items were presented: item shown as agenda item number three (Revised 2018 Salary Schedule—Creating position of Evidence Technician within the Police Department) was presented prior to the presentation of item number two (Amend Fee Resolution).*

REVISED 2018 SALARY SCHEDULE – CREATING THE POSITION OF EVIDENCE TECHNICIAN WITHIN THE POLICE DEPARTMENT

Police Chief Mike Luvera discussed the reasons for creating the position of Evidence Technician, as a vital function of a Police Department and in the proper retention and storage of evidence. **Luvera** discussed the title Records Clerk as not being the correct title for the position that oversees the evidence operation. Further discussion was held regarding an Evidence Technician's job functions within a Police Department.

A motion was made by **Councilors Aslett/R. DeGloria** to approve the position of Evidence Technician within the Burlington Police Department and authorize the Mayor's signature on revised 2018 Salary Resolution. All in favor; motion carried.

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FIBER REPAIR CONTRACTOR

IT Manager Geoff Hawes discussed the need for the City to have an alternate fiber repair contractor—one with the ability to be on-call at all hours and day, as City staff cannot sustain that level of service with the current staff. **Hawes** discussed how NWTEL, a company located in Burlington, fulfills the off-hours emergency response and timely installations required by Burlington businesses. Discussion was held on whether there was a need to abide by any State bidding laws for this contract; **City Administrator Bryan Harrison** explained that there are no State bidding laws or requirements for this type of service, and that the contractor is on the MRSC.

A motion was made by **Councilors Stavig/Loving** to authorize the Mayor to sign the Professional Services Fiber Emergency Install and Repair Agreement with NWTEL. All in favor; motion carried.

PURCHASE ALUMINUM TRENCH BOX

Public Works Director Marv Pulst discussed the Streets Department's need for an Aluminum Trench Box, which provides the necessary protection for crews when installing storm piping. **Pulst** stated that of the three quotes received, Allwest Underground Inc. was the lowest price.

A motion was made by Councilors R. DeGloria/Aslett to authorize procurement of Aluminum Trench Box. All in favor; motion carried.

AMEND FEE RESOLUTIONS

City Administrator Bryan Harrison discussed the proposed fee resolution, which would establish fees to implement the Hearings Examiner review process, amend the methodology to establish fees for the cemetery, recreation programs, and the rental of the new Maiben House park facility; and implement a fee for provision of electronic public records requests.

A motion was made by **Councilors Aslett/Loving** to approve the attached amended fee resolution and authorize the Mayor to sign. All in favor; motion carried.

SIX MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING OR MAINTENANCE OF A DAY CENTER HUMAN SERVICES FACILITIES

City Administrator Bryan Harrison gave a staff report and explained the reasons for the Public Hearing and discussed the contents of the moratorium found in Ordinance 1860. **Harrison** discussed that at the next Council meeting on June 28, Council will be considering adopting a recommendation from the Planning Commission to establish a public engagement process for the Comprehensive Plan and an update schedule for the Comprehensive Plan and development regulations. **Harrison** explained that if the moratorium were to be maintained, the analysis and development of zoning regulations to address Day Center Human Services Facilities would be integrated into that process, with a goal of completion of that review to be the end of 2018. **Harrison** further discussed the comprehensive review process and pertinent considerations, as well as issues related to and needs for homeless services. **Harrison** stated that in staff's view, the moratorium should not be viewed as prohibitive of Community Action's moving of their general office space services, as the proposed site is zone C-1—commercial office use. **Harrison** further discussed the proposed site's land use issues and services definitions, as well as the contact staff has had with representatives of Community Action since the moratorium has been put in place. **Harrison** discussed the zoning code and processes regarding land use.

Councilor Loving questioned whether there is a conflict with the City supporting Community Action financially. **Harrison** and **City Attorney Leif Johnson** explained that because all of Council supports Community Action financially via the City's contract, there is no conflict. Further discussion was held regarding the services and the City's funding of Community Action.

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Councilor Aslett declared that he is on the board of United Way, which supports Community Action.

Mayor Sexton asked that all who wish to speak during the public hearing be signed up, and stated that there will be a three minute time limit for each speaker. **Councilor Edmundson** requested a five minute break before beginning the public hearing; there was no objection from Council. A five minute intermission was held.

Mayor Sexton opened the Public Hearing.

Keith Palmer spoke in opposition of the moratorium.

Bill Henkel, Executive Director of Community Action spoke in opposition of the moratorium. **Henkel** discussed some of the services provided by Community Action, the planning of the relocation of their facility, and efforts toward communication with the City regarding said relocation. **Henkel** discussed the definition of a “Day” Center vs. “Drop In” Center, the language of the moratorium, and explained that the proposed hygiene center would not be a homeless day shelter, as well as what a hygiene center would include, if funding can be secured, and reasons for it. **Henkel** discussed the willingness to work with staff, Council, and Mayor to study models, and asked that Council continue to build on open and positive communication.

Tom Moser, Attorney—1204 Cleveland Avenue, Mount Vernon, WA – spoke in opposition of the moratorium. **Moser** discussed his observations on the use of free electricity for charging cell phones at a local coffee shop, and stated that such activity is illegal in Burlington under the moratorium. **Moser** discussed using his email in the coffee shop, which he stated is also illegal under the moratorium, as the prohibition of mail services, whether snail mail, email, or both, is not defined in the moratorium. **Moser** discussed personal utilization of and described services provided by United Services Organization (USO), including telephone services, which he stated the moratorium would prohibit. **Moser** stated that Community Action is confronted with a zoning moratorium, that has legal and policy implications which have come without notice, at a critical time during the moving of their facility. **Moser** discussed his being hired by Community Action to give legal advice, and assistance in understanding the moratorium. **Moser** discussed the language of the ordinance, the legality of the language and its implications, in regard to the Constitution, and asked that Council reconsider the moratorium.

Karen Westra, Co-Owner, Riverside Health Club – 1121 N. 16th Street, Mount Vernon, WA – spoke in opposition of the moratorium. **Westra** detailed some services of, and the positive relationship her organization has had with Community Action as its neighbor.

Katie Stevens, Housing Program Manager, Community Action – spoke in opposition of the moratorium. **Stevens** discussed information on the Housing Resource Center, Coordinated Entry, and the processes of housing assistance. **Stevens** stated that 103 Burlington households have utilized the organization’s critical needs services; seventy five percent were renters, and five percent were homeless. **Stevens** stated that some of the services provided would be put into question by the broadness of the language of the moratorium.

Susan Lange – read a prepared, written statement, written by **Diane Bobko**; the statement was in opposition of the moratorium. **Bobko’s** statement detailed her community involvement, thoughts on working together in the City of Burlington, and potential positive economic impact of the relocation of Community Action, versus potential negative implications.

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Lynn Christofersen, Community Services Director, Community Action—1119 North Forest Street Bellingham, WA – spoke in opposition of the moratorium. **Christofersen** discussed the services, and future plans of Community Action; the process of selecting the building in Burlington, as well as what services would be offered, and why these services help build stronger communities.

Ron Wesen, Chair, Community Action board—spoke in opposition of the moratorium. **Wesen** discussed the goals of Community Action, the crowding of the current facilities, and the need and desire to move to the facility in Burlington. **Wesen** discussed partnerships of non-profits and the City in addressing issues related to homelessness.

Pastor Rand, Mount Vernon, WA—spoke in opposition of the moratorium. **Rand** discussed topics related to honor and leadership, and asked that in place of the moratorium, Council set aside time to sit together and listen and study the issues.

Melissa Self, Division Director, Community Action—23124 Boyd Road, Mount Vernon – spoke in opposition of the moratorium. **Self** discussed some services and processes which are included in providing assistance for those who are at risk for becoming, or are homeless.

Joan Penney —spoke in opposition of the moratorium. **Penney** discussed the economic impact moratorium has had on Community Action, the negative issues faced in trying to secure grant funding and opportunities, and the potential length of time of the relocation being tied into a comprehensive plan. **Penney** stated that resources are being used for the hiring of legal counsel to navigate the broad language of the moratorium, rather than using those resources to continue fundraising. **Penney** urged Council to consider study sessions and further communication, and research.

Valeri McCormack, Volunteer, Community Action – Skagit County resident—spoke in opposition of the moratorium. **McCormack** discussed the lack of affordable housing, her past personal experience with homelessness, and the resources and services offered by Community Action.

Scott Holley, Mount Vernon resident—President, Eddyline Kayaks, 11977 Westar Lane, Burlington— spoke in opposition of the moratorium. **Holley** described his business, and spoke of his experience on the Board of Directors of Community Action. **Holley** thanked **Mayor Sexton** and **City Attorney Leif Johnson** for their previous service to the Board of Community Action. **Holley** discussed the services provided by Community Action, the communication between Community Action and the City; the impacts of the moratorium, and the need for a hygiene center.

Steven Simmons, west Big Lake resident—spoke in opposition of the moratorium. **Simmons** spoke of his past personal experience with addiction and homelessness, the services provided to him by Community Action, and the positive impacts those resources have for him.

Lauren Vance, Stanwood, WA resident—spoke in opposition of the moratorium. **Vance** stated that he was at one time a pastor at a church in Burlington, discussed his work with Family Promises, and spoke about impacts of giving people dignity by offering hygiene services.

Sister Susan Wells, employee of Catholic Community Services, DeCater Circle, Burlington – spoke in opposition of the moratorium. **Sister Wells** discussed the language used in the moratorium, fears and myths surrounding homelessness, the need for hygiene services, and asked that Council work with Community Action and other agencies to solve this issue.

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Elizabeth Jennings, Bellingham, WA resident, Community Action employee—spoke in opposition of the moratorium. **Jennings** discussed the lack of affordable housing, of citizen involvement, and policy solutions. **Jennings** discussed the language of the moratorium, the impacts of services for homeless people, and the desire to increase communication with all parties involved, or potentially involved in the moratorium. **Jennings** thanked Council for their financial support, and stated that 3,400 Burlington residents utilized Community Action’s services last year, which equates to \$3.88 per person, and therefore Community Action is subsidizing the funding provided by the City.

Damon Schwetz, Burlington resident—spoke in favor of the moratorium. **Schwetz** stated Council needs to study the potential impacts of a day facility, and spoke of his personal experiences with the impacts of increasing the presence of homeless individuals due to the trail that goes under Interstate 5.

Neil Davis, 311 North Cherry St. – spoke in opposition of the moratorium. **Davis** spoke of the positive impacts of Community Action’s services in his personal life, and the need for hygiene services.

Mark Mizer, Burlington resident – spoke in favor of the moratorium. **Mizer** discussed homeless encampments, and potential negative impacts of a day center.

Dan Mitzel, 1237 Eagle Drive, Burlington, Cascade Professional Building owner—spoke in opposition of the moratorium. **Mitzel** discussed a text message in which his daughter—a tenant of the proposed Community Action relocation site—details her personal interaction with a homeless individual who camped near the entry to her business, and that it was her sole encounter with a homeless individual in her ten years of tenancy. **Mitzel** discussed the language used in, and the potential restrictions created by the moratorium.

Mayor Sexton entertained a motion to close the public hearing. A motion was made by **Councilors Loving/Aslett** to close the public hearing. All in favor; motion carried.

City Attorney Leif Johnson reviewed the process of the requirements under the statutes of the moratorium, which was previously adopted by Council. **L. Johnson** reviewed the potential actions which could be taken by Council as a result of the public hearing having taken place, and stated that the moratorium in its current form will expire on November 24. **L. Johnson** discussed the logistics of the moratorium, impacts, and suggested Council adopt a timeline if the moratorium were to proceed.

Councilor Stavig discussed his concerns with the moratorium, and his interactions with and meeting with Community Action. **Stavig** spoke of his concerns on how moratorium has affected Community Action’s fundraising, of potential legal implications of the language of the moratorium, and his dislike of not reaching out to Community Action before the moratorium was presented to Council. **Stavig** suggested reaching out to neighboring businesses regarding the hygiene facilities, but that Community Action is not immediately planning on offering these facilities. **Stavig** encouraged further communication with Community Action.

A motion was made by **Councilor Stavig** to rescind the moratorium. Motion dies for lack of a second.

Councilor Aslett thanked all who were in attendance of the meeting, discussed the need to solve the issue of homelessness, and encouraged increased efforts toward creating solutions. **Aslett** discussed his concerns with the proposed Community Action facility, related to not

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knowing specifically the plans and services being provided in an area that is not zoned for such. **Aslett** praised Community Action for all their efforts and services, called for combined efforts through multiple agencies to provide solutions for homelessness, and discussed Council's need for time for additional research of the impacts of a day services facility.

Councilor Stavig discussed his disappointment with potentially disrupting the fundraising abilities of Community Action. **Councilor Edmundson** discussed **Stavig** having made the motion to put the moratorium in place, and that if he does not have enough information, he may abstain. **Edmundson** expressed concern over those who spoke in opposition, very few of whom were from Burlington, and that she feels the need to stand up for, and protect the interests of the citizens of Burlington. **Edmundson** praised Community Action for their efforts in the community, and stated that Council needs more time to become fully informed of the potential impacts of the day services facility. **Councilor Loving** discussed his desire for Council to follow the process of keeping the moratorium in order to further study all potential issues related to a day services facility. **Councilor R. DeGloria** discussed his perspective in favor of the moratorium and his role on Council. **Mayor Sexton** suggested Council consider scheduling study sessions. **Councilor Aslett** called for other agencies, County-wide to be involved in and collaborate in these study sessions.

L. Johnson requested Council give staff feedback on creating a schedule for study sessions.

Councilor Edmundson stated she would like to see staff doing some work toward to creating a schedule, to give Council ideas, and have a collaborative discussion.

Councilor R. DeGloria asked whether the moratorium had financial impacts on Community Actions. **Joan Penney** addressed Council, stated that the moratorium hurts fundraising and discussed the impacts the moratorium has had on obtaining potential grant money, and the process thereof. **Councilor Edmundson** requested clarification from staff on whether it is the moratorium on the day center that is preventing Community Action from securing funding. **Joan Penney** requested further communication with the City, discussed the language used in the moratorium, and asked for further study sessions.

L. Johnson reviewed options for continuing with the moratorium, as there was no action necessary on this item, as it was not rescinded.

2019 BUDGET CALENDAR AND CALENDAR OF COUNCIL SUMMER 2018 BUDGET WORKSHOPS

City Administrator Bryan Harrison recommended Council continue this item to the next Council meeting, which will be next Thursdays Budget and Finance Workshop; there was no objection from Councilmembers.

EXECUTIVE SESSION:

No Executive Session.

ADJOURNMENT:

Mayor Steve Sexton adjourned the meeting at 10:01 p.m.

Renee Sinclair
Director of Budget & Accounting

Steve Sexton
Mayor