

July 9, 2020

**MEETING HELD TELEPHONICALLY DUE TO THE COVID-19 PANDEMIC**

**Mayor Steve Sexton** called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Council members present: Bill Aslett, Keith Chaplin, J. DeGloria, R. DeGloria, Scott Green, Chris Loving, and James Stavig. Staff present: Janice Burwash, Geoff Hawes, Leif Johnson, Mike Luvera, Kristen Morrison, Marv Pulst, Joe Stewart, Rob Toth, Greg Young, and Sarah Ward.

**MINUTES:**

A motion was made to approve the minutes of the May 28, 2020, June 11, 2020, and June 25, 2020 Council meetings by **Councilors Chaplin/R. DeGloria**. All in favor; motion carried.

**AUDIT OF BILLS:**

A motion was made by **Councilors Aslett/Green** to approve Accounts Payable invoices to be paid as of July 9, 2020 in the amount of \$151,333.78, and Payroll Expenses for Pay Period Ending June 30, 2020 in the amount of \$ 471,774.46. All in favor; motion carried.

**PUBLIC COMMENTS:**

**City Attorney Leif Johnson** stated that there is one public comment which has been submitted. **L. Johnson** stated that members of the public may submit comments or questions by mail to City Hall at 833 S. Spruce Street, ATTN: Greg Young or by email to [badministration@burlingtonwa.gov](mailto:badministration@burlingtonwa.gov), as the City still cannot hold in-person meetings.

**L. Johnson** recited verbatim the following comment, submitted by **Edie Edmundson 854 Northview Drive**: "Times are tough but we are all in this together. City staff has taken a pay reduction plus fewer work hours. They understand that we are all in this together. Citizens of Burlington are forgoing some of the services and amenities they have come to expect from the City and are willing to pay a little more in taxes because they understand we are all in this together. The Burlington City Council has had to give up meetings according to committee assignments. The Council has given up face to face Council meetings. The Council has met with conference calls unless the meetings falls too close to a holiday or interferes with a planned vacation. Each Councilmember receives a monthly stipend plus health insurance benefits. I suggest that each Councilmember seriously consider not accepting all or part of the stipend for six months; this would put up to \$33,600 dollars back into the budget. As Councilmembers I know you will do the right thing, because it is the right thing to do. It is time to show the community that you join all of us as we stand together. Thank you."

**Councilor Stavig** discussed the current situation with the City and stated that he wanted to clarify that he is not on the City's health insurance plan, that he has opted to receive 10 percent less of his Council stipend, and that he will consider her comment further.

**COUNCIL COMMENTS:**

**Councilor Chaplin** discussed an emergency operations meeting which he attended earlier during the week. **Chaplin** discussed a need for a concerted effort to wear masks as part of economic recovery.

**Councilor Stavig** discussed a desire to have Councilmembers be forthcoming in their desire to delay agenda items which may require further study or information. **Stavig** discussed Council term limits. **Stavig** discussed transparency in meetings, not having gone over utility tax percentages on an agenda item during the previous meeting, and a need to keep Council discussions in the public forum.

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**Councilor Green** thanked Fire Chief Rob Toth and Fire and EMS for their favorable medical response to a client at Green's workplace. **Councilor Loving** asked whether the individual was billed for the medical response; **Toth** stated that patients do not receive a bill if they are not transported.

**Councilor Aslett** discussed the possibility of having monthly reports for Council committees and requested that this information be given to Council in the future. **Aslett** commented regarding Councilor Stavig's comments, stating that Council is tasked with ensuring services are provided for citizens versus only spending as few dollars as possible. **Mayor Sexton** stated that if Council desires to reinstate some committee meetings via telephone, staff can begin working on that process.

**MAYOR'S UPDATE:**

**Mayor Sexton** discussed the Open Public Meetings act modifications being extended to August 1<sup>st</sup>, and discussed the necessary goals in COVID cases in Skagit County in order to move forward to Phase 3 in the State's reopening plan, and the need to further broadcast the importance of wearing masks. **Mayor Sexton** discussed the recent sales tax revenues, preliminary figures for July being \$29 more than in July of 2019. **Councilor Stavig** discussed the State mandate regarding masks, and whether businesses are turning citizens away for not wearing masks. **Police Chief Luvera** discussed some recent calls regarding masks wearing, efforts in collaborating with other agencies in the County so that considerations regarding mask wearing are consistent in the County, and the challenges in determining legality of enforcing mask wearing.

**SPECIAL PRESENTATION:**

No Special Presentation.

**PROCLAMATION:**

No Proclamation.

**COMMITTEE & BOARD REPORTS:**

No Committee & Board Reports.

**OFFICERS REPORTS:**

**Fire Chief Rob Toth** thanked Councilor Green for his feedback on the Department's service. **Toth** discussed the recent change in the Skagit County EMS model, with the approved request of a trial basis for a tiered BLS and ALS transport system. **Toth** discussed the potential benefits of the new system and thanked Mayor Sexton and Council for their support.

**Police Chief Mike Luvera** discussed the retirement of Assistant Chief Tom Moser, and his service to the City. **Luvera** reviewed a Department of Justice grant, which has been awarded to the City, wherein funding would be provided to the City to allow for two Police Department positions for three years, with the City required to fund the fourth year. **Luvera** discussed his request of the Department of Justice to delay the funding of this grant due to the City's current COVID related budgetary challenges, and if that's not possible, to supplant positions that currently exist. **Luvera** stated that he will update Council once a response to the request has been received.

**IT Director Geoff Hawes** updated Council on fiber optics, including the procurement of new clients. Hawes discussed a contract proposal, which will come before Council at a later date, and is regarding an agreement with the City of Anacortes for dark fiber lease—a joint co-circuit with the City of Mount Vernon. **Hawes** discussed changes at the Port of Skagit County, and an agreement with the Port that will need to be updated.

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**Councilor Stavig** requested additional information on dark fiber; **Hawes** explained the nature of dark fiber, which gives more bandwidth, and is a point to point piece of fiber, which requires an internet service provider. Further discussion was held on the nature of and use of dark fiber. **Councilor Aslett** requested information on the content of the agreement with the Port of Skagit County; **Hawes** discussed the three party agreement between the City, City of Mount Vernon, and Port of Skagit County, which relates the use of trunks of fiber. **City Administrator Greg Young** discussed the sales tax .09 rebate from the State, to be used for economic development, which has helped to put the fiber backbone in the City, and the City's efforts, including applying for a grant, to supply fiber to businesses. Councilor Chaplin spoke in favor of the efforts to supply fiber optics to Burlington businesses.

**Public Works Director Marv Pulst** discussed the Department's paving project for the summer, including the paving project schedule on Pease Road, which will begin on July 20 will take approximately one week. **Pulst** discussed the Street crew, which has provided much of the prep work for paving, which has resulted in favorable bids for paving projects.

**UNFINISHED BUSINESS:**

**Ordinance Establishing a Business and Occupation Tax**

**City Administrator Greg Young** discussed the proposed ordinance which contains the imposition of a B&O tax, which is the State model ordinance. **Young** discussed the categories, rates, exemptions, and administration of a B&O tax. **Finance Director Joe Stewart** discussed his research of administrative considerations with regard to a B&O tax, and considerations regarding staffing or outsourcing administering the B&O tax. **Stewart** discussed correspondence with Azavar, which is a full service administrator of a B&O tax, and can provide the service for a fraction of the cost of what that City can accomplish "in-house". **Councilor Stavig** spoke in favor of outsourcing the administering of a B&O tax. **Stewart** discussed Asavar's proposal, which was negotiated at a discounted rate. **Councilor Green** spoke in favor of implementing a B&O tax.

A motion was made by **Councilor Green** to adopt the ordinance including only retail at the rate of .002 and authorize the Mayor's signature. **Councilor Stavig** spoke in opposition of a maximum rate, discussed the City budget, expenditures, revenues, the future of business in Burlington, and potential for Burlington to be less competitive for new retail businesses, should it impose a B&O tax. **Councilor J. DeGloria** discussed businesses which provide jobs, sales tax, and give back to the community. **Mayor Sexton** stated that there is a motion on the floor. Without a second, the motion will not be considered. **Councilor Aslett** spoke in opposition of going for the maximum rate, and discussed the City's providing services, including fiber and roads to accommodate businesses. **Councilor Chaplin** spoke in favor of Councilor Aslett's comments, and spoke in favor of a .001 B&O tax.

A motion was made by **Councilors Chaplin/Aslett** to adopt the ordinance as written and authorize the Mayor's signature at .001, retail only. Councilor Stavig discussed approving a rate of .005. **Councilors Aslett/Chaplin/Green/Loving** in favor. **Councilors J. DeGloria/R. DeGloria/Stavig** opposed. Motion carried.

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**NEW BUSINESS:**

**Edison Sewer Treatment Facility**

**City Administrator Greg Young** discussed the proposed agreement wherein the City would provide Skagit County with the use of an Operator for the town of Edison. **Young** stated that for full disclosure, he has served for the last twenty years as secretary for the volunteer board for the Edison sewer system. **Public Works Director Marv Pulst** discussed aspects of the proposed agreement, including the new requirements placed upon the County by NPDES, which includes a plant Operator to give oversight to the system. **Pulst** discussed the particular duties required for oversight, which would be completed by City Sewer Department Supervisor Don Erickson. **Councilor Aslett** expressed concerns related to the City taking on responsibilities of other entities sewer systems with the intent of annexation; **Pulst** stated that there are not currently plans for annexation. Further discussion was held on the capacity, services, and boundaries of the sewer system of Edison, which would preclude annexation or expansion of their system.

A motion was made by **Councilors R. DeGloria/Aslett** to approve the interlocal agreement with Skagit County to provide a sewer plant operator for the Edison treatment facility and authorize the Mayor to sign the agreement. All in favor; motion carried.

**Interlocal Agreement with Skagit Valley College for Internship for EMT Students**

**EMS Division Chief Dan Laine** discussed the proposed agreement, which was brought to the Safety Committee in March for review. **Laine** discussed how this program for EMT students was previously administered by Skagit County EMS, but is now contracted with Skagit Valley College, and as municipalities have taken on responsibilities of EMS, all cities will be providing EMT students with the required hands-on training experience. **Councilor J. DeGloria** spoke in favor of students gaining the training and oversight which the agreement would provide. **Councilor Loving** asked whether the City would be compensated for the services in the agreement; **Laine** stated that historically, no entity in the County has been compensated, and the contract does not provide for monetary compensation.

A motion was made by **Councilors Chaplin/Green** to accept and have the mayor sign the Interlocal Agreement between the City of Burlington and Skagit Valley College for Internship for EMT Students. All in favor; motion carried.

**Discussion**

**Sewer Late Fees**

**City Administrator Greg Young** discussed the COVID-related waiver of late fees. **Finance Director Joe Stewart** discussed the number of citizens who have availed themselves to the waiver of the late fees; **Stewart** stated that there have only been six citizens whose late fees have been waived, and that much of payment practices have remained the same. **Stewart** asked whether Council would like to extend the waiver of late fees; discussion was held on the parameters of late fees. **Councilors Aslett, J. DeGloria, and Stavig** spoke in favor of extending the waiving of late fees for an additional six months.

**Canton Parking Lot Lease**

**City Administrator Greg Young** discussed the lease of the Canton Parking lot, the changes in the use of the parking lot, given the current COVID situation, and the potential to modify the lease. **Councilor Chaplin** discussed renegotiating the contract, or terminating the lease. **Councilors Green and Stavig** spoke in favor of renegotiating the lease for a lesser rate, or severing the lease. **Councilor Aslett** discussed the parameters

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of terminating the contract, that the lot was being heavily used, and that the Downtown Association should have a chance to weigh in before a decision is made. **Mayor Sexton** discussed the potential impacts on downtown businesses, should the lease be terminated. **Councilors R. DeGloria** and **J. DeGloria** spoke in favor of discussing a new rate for the lease versus a termination.

**EXECUTIVE SESSION:**

No Executive Session.

**ADJOURNMENT:**

Discussion was held on whether there will be a Council workshop on July 16. It was the consensus that no workshop will be held on July 16, but there will be a Council workshop on July 30.

**Mayor Sexton** adjourned the meeting at 8:48p.m.

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Joe Stewart  
Finance Director

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Steve Sexton  
Mayor