

August 13, 2020

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

**Mayor Steve Sexton** called the meeting to order at 7:01 p.m. with the Pledge of Allegiance. Council members present: Bill Aslett, Keith Chaplin, J. DeGloria, R. DeGloria, Scott Green, and James Stavig. Staff present: Janice Burwash, Geoff Hawes, Leif Johnson, Mike Luvera, Kristen Morrison, Marv Pulst, Joe Stewart, Greg Young, Rob Toth, and Sarah Ward.

A motion was made to excuse **Councilor Loving** by **Councilors Green/J. DeGloria**. All in favor; motion carried.

**MINUTES:**

A motion was made to approve the minutes of the July 23, 2020 Council meeting by **Councilors Chaplin/Aslett**. All in favor; motion carried.

**AUDIT OF BILLS:**

**Councilor Aslett** discussed the amount of the Accounts Payable Invoices, which included an invoice from Lakeside Industries for the Pease Road paving project \$210,000, McClure for work on the clarifier for \$38,000, and NC Machinery for service on City machinery for \$11,000, and stated that the Audit and Finance Committee reviewed the charges on the invoices.

A motion was made by **Councilors Aslett/Green** to approve Accounts Payable invoices to be paid as of August 13, 2020 in the amount of \$541,721.31, and Payroll Expenses for Pay Period Ending July 31, 2020 in the amount of \$463,257.29. All in favor; motion carried.

**PUBLIC COMMENTS:**

**City Attorney Leif Johnson** stated that a public comment 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 by law, hold in-person meetings.

**L. Johnson** recited verbatim the following comment, submitted by **Gunnar Birkeland, Business Agent, Teamsters Local 231—**

August 13, 2020

“To Whom It May Concern,

I wanted to address the council about comments from the July 23<sup>rd</sup> Council meeting regarding the furloughs from the labor perspective. I am a Teamster Business Representative and represent all the employees in Public Works and some in City Hall. They are the ones filling in the potholes, processing the wastewater, and balancing the books. The furloughs that were proposed by the leadership of the City were not mandated. The Teamster represented employees voted to take furloughs so that their coworkers (both represented and non-represented) would not be laid off.

Not all work groups did this.

I am proud to say the Teamsters have been unified and committed in this process and has repeatedly shown flexibility and resilience in making the City successful during this Covid-19 pandemic period. The Teamster employees appreciated the Council’s kind words in the July 23<sup>rd</sup> meeting and it is my hope is the Council will remember this in the future when you have an opportunity to show your appreciation to the work group.

Sincerely,

Gunnar Birkland  
Business Agent  
Teamsters Local 231  
1700 North State St.  
Bellingham, WA 98225.”

**Councilor J. DeGloria** stated that the public comment was loosely related to what he wished to discuss it during the Council Comments portion of the agenda, and would address it at that time.

**COUNCIL COMMENTS:**

**Councilor J. DeGloria** inquired about an announcement in the newspaper regarding the closures, through the year 2020, of City parks and various recreation programs, and requested clarification with relation to whether all programs and events are indeed canceled as the announcement states. **Mayor Sexton** confirmed that all programs are indeed cancelled, as the City relies on the guidance of the County health official, who currently recommends that events be cancelled through the end of the year. Discussion was held on reasons for following the County health official’s recommendation, including limiting the City’s liability. **Councilor J. DeGloria** spoke in opposition of

August 13, 2020

following the recommendations, and instead to have City leadership make decisions autonomously. **Councilor J. DeGloria** asked whether the County health official's recommendations were guidelines or mandates, and whether there would be any input from the public or Council regarding the full closures. **Mayor Sexton** discussed the Recreation staffs furlough, which has been in place since May, discussions which were held with members of the public and several groups who have been in agreement that closure and cancellation were the right thing to do. **Councilor J. DeGloria** further discussed whether the decision could have included Council input; **Mayor Sexton** stated that the decision is regarding operations of the City, so falls within the authority of the Mayor, especially during a pandemic under the declaration of emergency. **City Attorney Leif Johnson** discussed the operational challenges related to the pandemic, and that as the City does not have its own health official, it relies on the County public health official's recommendations, because if the City were to deviate from those recommendations, there is potential for the City to be liable should there be any negative outcomes as a result. **L. Johnson** discussed the Parks Department's adaptations to allow for activities which are deemed safe by the County public health official. **Councilor Aslett** commented that he fully supports all efforts to keep citizens as safe as possible, discussed availing himself to the modified services provided by the Library, and that he believes that the Parks & Recreation staff is working to find ways to modify activities in order for them to be carried out safely. **Councilor Aslett** expressed his appreciation for the adaptations provided by the Library, and asked that other departments be encouraged to make safe adaptations. **Councilor J. DeGloria**, in response to Councilor Aslett's comments, asked Mayor Sexton what the City's plan is for the Recreation department, which at the very soonest, would be opened January 1<sup>st</sup>, what the plan is for funding the department, whether there would be a budget amendment in the future, whether the furloughs would continue, and stated that a plan has not been publicly communicated to Council. **Mayor Sexton** discussed a meeting which occurred with Recreation staff wherein discussion was held for events in 2021, as well as becoming more creative with things like virtual Recreation programs, and that a plan has been developed. **Councilor J. DeGloria** discussed the continuation of the furlough of the Recreation staff, and requested information on the cost of the furloughs. **Mayor Sexton** discussed putting together a report for Council regarding the cost. **Councilor J. DeGloria** spoke in opposition of the current plan outlined by the Mayor, and requested that the plan and budget amendment be laid out for Council. **Mayor Sexton** further discussed furloughs, and the challenges of simply laying employees off. **Councilor J. DeGloria** spoke in favor of having laid employees off, and stated that there are millions of people looking for jobs who could fill the Recreation positions once the department reopens. **City Administrator Greg Young** discussed the communications with the Recreation Department, and the challenges in having safe recreation programs in current conditions. **Councilor J. DeGloria** stated that it is horribly unprofessional of

August 13, 2020

Mayor Sexton for Council to have found out through the newspaper and citizens that the Recreation department is to be closed, without Council input. **Library Director and Interim Recreation Director Sarah Ward** discussed the challenges for the Recreation staff for providing services currently, discussed the plan to provide services in the future, and stated that the Recreation staff is currently eligible to apply for unemployment. **Ward** apologized for not having done an officer's report on the topic of Recreation closures.

**Councilor Chaplin** asked whether **Ward** has been updated on the PROS Plan and whether the Recreation staff could be used to further the RCO grant process. **Ward** stated that the PROS plan has been shared with her, and she is familiarizing herself with it. **Young** stated that the budget process will begin next week, and that various components of the PROS plan will be rolled into the CIP for Council review, and then priorities can be identified for grant opportunities. **Young** detailed the schedule of the State grant programs, and the need to prioritize the projects for grants. **Chaplin** inquired as to the status of the State grant cycle as a result of the pandemic; **Young** stated that he will be looking into the grant schedule, which he believes has been delayed.

**Councilor Aslett** spoke in favor of the City finding innovative ways to utilize Recreation department staff, to create safe recreation programs, and meet the needs of the community by collaborating with schools and the opportunity to show some leadership. **Councilor Stavig** requested a cost analysis of furloughs versus layoffs, and discussed the costs involved with both, which are incurred by the citizens. **Stavig** also requested a cost analysis of the City's 1:1 match of staff leave, and stated that it's the job of the Council to know that taxpayer funds are being spent wisely.

**MAYOR'S UPDATE:**

**Mayor Sexton** discussed a conference call with the Department of Health wherein the success of the drive through testing site was relayed, and detailed the number of tests being performed and the residences, by County of those being tested.

**Mayor Sexton** discussed the August "sneak peek" report of sales tax revenue, provided by the State Department of Revenue, which shows a decrease of 10% in comparison to the August of 2019, which amounts to an \$83,000 decrease. **Mayor Sexton** discussed the potential impact on sales tax revenue of the Canadian border being closed to non-essential travel, and how the reopening might affect sales tax.

**SPECIAL PRESENTATION:**

No Special Presentation.

August 13, 2020

**PROCLAMATION:**

No Proclamation.

**COMMITTEE & BOARD REPORTS:**

No Committee & Board Reports.

**OFFICERS REPORTS:**

No officers reports.

**UNFINISHED BUSINESS:**

No unfinished business.

**NEW BUSINESS:**

**Azavar B&O Services**

**Finance Director Joe Stewart** discussed the cost analysis of a third party administrator versus in-house for the administration of the recently approved B&O tax. **Stewart** discussed the cost savings of the City utilizing the service of third party administrator, Azavar. Discussion was held on the logistics of the services provided by Azavar, including hours of operation for their customer service call center, cost of services, and how disputes and other issues would be resolved.

A motion was made by **Councilors Stavig/Green** to approve the professional services agreement for tax administration of business and occupation tax between the City of Burlington and Azavar. All in favor; motion carried.

**Dark Fiber Use Agreement**

**IT Director Geoff Hawes** discussed the proposed lease with the City of Anacortes, wherein the City of Anacortes desires to lease a portion of dark fiber from the City of Burlington and the City of Mount Vernon in order to complete a fiber communications path from the City of Anacortes to their internet provider, which is located in Burlington within the City of Burlington Police Department. **Councilor Aslett** spoke in favor of further educating Council on fiber, and the possibility of making fiber an enterprise account; the possibility of scheduling a workshop on fiber was discussed. **Councilor Stavig** and **Councilor Chaplin** spoke in favor of the City continuing and expanding the fiber program.

August 13, 2020

A motion was made by **Councilors Chaplin/Stavig** to approve the dark fiber use agreement and authorize the Mayor to sign the agreement. All in favor; motion carried.

### **Fiber Final Foot County Grant**

**City Administrator Greg Young** discussed the City's fiber backbone, and the award of the grant from Skagit County in the amount of \$250,000, which would require a 10 percent match from the City, and would be used to connect new customers to the City's fiber system. **Young** described the average cost of the connection, which is \$5,000, and often prohibitive to those customers who might like to utilize the system, but that there are a number of businesses who have expressed interest in fiber internet. Discussion was held on the cost versus potential revenue increase for businesses who connect to fiber. **Councilor Chaplin** asked how the process might work in terms of how the City will determine which businesses would receive the installation; **Young** stated that each installation is allotted up to \$5,000, that it would be advertised to businesses, and would likely be awarded on a first come, first serve basis. **IT Director Geoff Hawes** discussed the costs of installation, and work done with internet service providers to make the process affordable to the business. **Councilor Aslett** discussed the need to create a plan on administering this grant, and the need for Council discussion on the plan. **Councilor J. DeGloria** spoke in favor of Council discussion, but was unclear on the plan for distribution of the grant, and on the information in the grant. **J. DeGloria** cautioned on gifting of public funds, including with grants, and reviewed and questioned the projected stimulus of jobs created by these fiber connections. **Young** discussed the goal of connecting 100 businesses, the estimation process in determining jobs created and retained as a result of fiber connection. **Young** discussed the need for a Council workshop on fiber in order to answer questions, and bring more detail to the administrative aspect of the grant and the fiber program in general. **J. DeGloria** discussed the numbers related to estimation of jobs created by fiber, and the accuracy of the projections. **Young** discussed the need to retain businesses, and the best efforts made to promote the value of connecting high speed fiber to businesses. **J. DeGloria** requested additional information on fiber connection in general, and the cost versus return for a business. **Mayor Sexton** discussed the rate of return to the City, versus a business's rate of return, as well as the generating of these grant funds as a means to retain and create jobs. **Councilor Aslett** spoke in favor of accepting the grant, and having

August 13, 2020

a plan informed by Council to determine how the funds will be utilized and the program implemented.

A motion was made by **Councilors Green/Stavig** to accept the grant and accept staff to begin advertising and implementing this program. **Councilors Aslett/Chaplin/R. DeGloria/Green/Stavig** in favor, **Councilor J. DeGloria** opposed; motion carried.

#### **Canton Parking Lot Lease Renewal**

**City Administrator Greg Young** discussed the terms of the current Canton parking lot lease, and the negotiation with the owners to lower the rate for the next twelve months from \$1,600 to \$1,000 monthly due to the decreased utilization as a result of COVID. **Councilor Chaplin** spoke in opposition of renewing the lease. **Councilor Aslett** asked whether there is any input from downtown business owners related to the current use of the lot. **Councilor J. DeGloria** discussed the benefits of the lot to downtown businesses, the change in volume of cars in the lot, and spoke in support of a reduced rate, shorter term lease. **Councilor Green** spoke in favor of a month-to-month lease, but also expressed hesitation in entering a lease.

A motion was made by **Councilors Chaplin/Green** to discontinue the lease. **Councilors Aslett/Chaplin/Green/Stavig** in favor, **Councilors J. DeGloria/R. DeGloria** opposed; motion carried.

#### **DOJ Cops Hiring Grant Opportunity**

**Police Chief Mike Luvera** discussed his goals during his tenure at the City of Burlington, the challenges faced in recruiting and retaining police officers, and the lack of staffing available to serve the community appropriately. **Luvera** discussed the U.S. Department of Justice COPS Hiring grant, which has been awarded to the City in the amount of \$250,000 to be used for two police officer positions over a three year period of time, with City funding required for the fourth year. **Luvera** discussed how adding additional officers would be proactive, allow for increased service and resources for the citizens, and would increase officer employment retention. **Councilor J. DeGloria** congratulated **Officer Dodds** for his thirty-six years of service to the community and looks forward to when it's possible to honor both him and Officer Moser for their service. Discussion was held on the number of officers currently authorized, the City's current financial situation, and **Councilor J. DeGloria** questioned whether it was appropriate to authorize

August 13, 2020

further expenditures, when the current authorized roster has not been filled. **Luvera** discussed aspects of job satisfaction which relate to employee turnover due to increased workload for current officers as a result of inadequate staffing. Discussion was held on filling the authorized positions, staffing levels, lack of upward mobility within the Department, and the specifics of the funding disbursement and requirements of the grant. **Councilor J. DeGloria** spoke in opposition of increasing expenditures as a result of the grant. **City Administrator Greg Young** further discussed the parameters of the grant and the funds required from the City. **Councilor Aslett** discussed thoughts toward different forms of policing and whether the funds could be used for something like a Community Resource Officer; **Luvera** stated that the funds must be used for a commissioned police officer. **Councilor Chaplin** spoke in opposition of adding to the number of police officers, but spoke in favor of adding a Community Resource position, counselor, or homeless specialist, especially in the current political climate. **Councilor Stavig** requested a layout of how the police force works, reports on crimes and call volumes, information on why there is a need for so many levels of authority within the police department, and stated that the timing of this grant is poor. **Luvera** discussed desired plans to implement new programs and retain existing programs. **Councilor Green** spoke in favor of hiring additional officers. **Young** outlined the City's financial encumbrance associated with the grant. Police Department staffing levels and scope of the work done by commissioned officers were further discussed.

A motion was made by **Councilors Green/Aslett** to approve and authorize the acceptance of the Department of Justice COPS Grant in the amount of \$250,000. **Councilors Green/Aslett** in favor, **Councilors Chaplin/J. DeGloria/R. DeGloria/Stavig** opposed; motion failed.

#### **Reject Bids for Sewer CIPP Project**

**Public Works Director Marv Pulst** discussed the Cured in Place Process project, for which the one bid response was unsatisfactory. **Pulst** discussed his recommendation to reject the bid, modify the specifications, and his intent to advertise for bids again in the fall.

A motion was made by **Councilors Stavig/R. DeGloria** to reject all bids for repair of the sanitary sewer line and associated manholes between Skagit and Section Street. All in favor; motion carried.

August 13, 2020

**Facilities Maintenance John Deere 2025 Tractor Trade-in**

**Public Works Director Marv Pulst** discussed the realignment of staffing and operations within the Public Works Department. **Pulst** described the need to add efficiency to align with the changes in the Department by trading in a compact tractor on two mowers.

**Councilor J. DeGloria** questioned why a tractor which was purchased in 2019 is now being traded in for a loss and why the tractor was very recently touted by the Department as the most efficient option. **Pulst** described the changes in the staffing and framework of the Department, which have shifted greatly in the last year for a variety of reasons. **Mayor Sexton** described the reorganization of the Public Works Department, the efficiencies gained as a result, and the possibility of additional similar items coming before Council as one of the effects of merging the Utility I employees and equipment. **Councilor Stavig** discussed the need for additional conversation and evaluation of equipment purchases in the future.

A motion was made by **Councilors Aslett/R. DeGloria** to approve the trade-in of the 2019 John Deere 2025 Tractor to Washington Tractor and authorize the Mayor to sign the pertinent documents. All in favor; motion carried.

**Confirmation of Appointment to Tourism Promotion Area Advisory Board**

**Mayor Sexton** discussed the qualifications of his appointee, Peter Browning to the Tourism Promotion Area Advisory Board. **Mayor Sexton** discussed the experience of Browning as CEO of the Burlington Chamber of Commerce and his being instrumental in forming the TPA, and therefore needed on the advisory board especially in the beginning. **Councilor J. DeGloria** discussed a desire for this role to be held by a Councilmember to maintain the Council's authority, as well as improved communication between Council and Mayor. **Councilors Aslett** and **Stavig** spoke in favor of confirming Peter Browning to the TPA.

A motion was made by **Councilors Chaplin/Aslett** to confirm the Mayor's appointment of Peter Browning to the Skagit County Tourism Promotion Area Advisory Board. **Councilors Aslett/Chaplin/Green/R. DeGloria/Stavig** in favor, **Councilor J. DeGloria** opposed; motion carried.

**Discussion**

August 13, 2020

No discussion.

**EXECUTIVE SESSION:**

**Mayor Sexton** discussed the process for the Executive Session, wherein Council will remain on the line for the discussion.

**City Attorney Leif Johnson** recited the following: pursuant to RCW 4230110 an executive session will be held 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. **L. Johnson** stated there will be an approximately five to seven minute break, and stated that the executive session will last thirty minutes, and end at 11:00 PM. **L. Johnson** stated that no decision is expected at the conclusion of the Executive Session. Council and city staff adjourned for Executive Session at 10:21 p.m.

**ADJOURNMENT:**

**Mayor Sexton** adjourned the meeting at 11:00 p.m.

---

Joe Stewart  
Finance Director

---

Steve Sexton  
Mayor