

December 13, 2018

**CALL TO ORDER:**

**Mayor Sexton** called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Council members present: Bill Aslett, Joe DeGloria, Rick DeGloria, Edie Edmundson, Chris Loving, Ted Montgomery and James Stavig. Staff present: Shelley Acero, Jennifer Berner, Brad Johnson, Leif Johnson, Jim Rabenstein, Renee Sinclair and Sarah Ward.

**MINUTES:**

A motion was made to approve the minutes of the November 20, 2018 council meeting by **Councilors C. 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 December 13, 2018 in the amount of \$1,603,974.05 and Payroll Expenses for pay period ending November 25, 2018 in the amount of \$604,271.93 All in favor; motion carried.

**PUBLIC COMMENTS:**

Keith Bommer. Commented on progress with Moratorium on Community Action Agency. CAA received request from Rep. Rick Larsen for issues he is concerned about from a federal point of reference.

Lonnie Rasmussen. Wants to know what we are doing with the homeless problem in Skagit County. Wants to know what is being done about it.

**Mayor Sexton** said it's an issue that would require a separate meeting due to the complexity of the issue.

**Councilmember B. Aslett** said it's not a simple fix.

Mr. Rasmussen says he doesn't think what is going on in King County and Seattle is working. He wants to see something done here so we don't end up like that.

**Councilmember B. Aslett** said there is a County Commissioner in the room now and it can be addressed with him as far as what the County is doing. He invited him to come to Homeless Connect which is a program that discusses this. City is trying to do what it can with regards to this.

Mr. Rasmussen wants to know what the citizens can do about this.

**Councilmember B. Aslett** said to get involved and if he can't do it as a citizen run for office to help streamline what can be done. He thanked him for coming to this meeting and addressing it, as it's a start.

**COUNCIL COMMENTS:**

No Council comments

**MAYOR'S UPDATE:**

**Mayor Sexton** stated he received a call from our City Administrator who relayed that he is doing better.

City action days in Olympia; February 13-14, 2019. Stated to let Kristen know if you want to be involved as a City Council member.

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Employee potluck tomorrow in Council Chambers. If you wish to come, wear your ugly sweaters and join the fun.

**PROCLAMATION:**

No proclamation.

**SPECIAL PRESENTATION:**

Kate Anderson from Children's Museum and Board President Paul Nielsen joined her. The Children's Museum applied for Lodging Tax Funds for their relocation to the Outlet Mall. It looked at either closure or relocation as it seemed this was their only two choices. They will be opening in early 2019. They had the Winter Wonderland at the Outlet Mall. Substituted ice for an ice luge instead of snow that they had last year, but it was well attended and it was a lot of fun. There were quite a few folks from outside the County as well. The Burlington Police and Fire Departments even kicked in some helmets for the event. The event was well received.

**COMMITTEE & BOARD REPORTS:**

**Councilor Edmundson** updated Council on the Public Safety Committee. **Edmundson** said that the Fire and Police Departments continue to serve lunches. They are involved in Winter Activities. On the Operations side, both Chiefs are heavily involved in calls for service. They also received certification for ALS services. They acquired medical units which are being detailed now. There will be a Medical dispensing system which will be installed. Assistant Fire Chief Toth and B. Bond are inspecting our new Quint for the Fire Department. The City should expect delivery hopefully by the end of January or early February. The Fire Department EMS Chief testing is now complete. Dan Laine has accepted an appointment. They have received a number of applicants for firefighters. Police Chief Luvera has a new officer that just finished the academy. The Police Department still need to fill 4 police officer positions, however both the Fire and Police Departments are very busy.

**Councilmember B. Aslett** from the Finance Committee talked about the management of the City budget during the 2018 year period. They discussed having a regular standing meeting so that Council can be better equipped to manage the budget in both receiving and giving meaningful information. He suggested perhaps the 3<sup>rd</sup> Thursday of each month.

**Councilmember J. DeGloria** said they could role the Strategic Planning into that meeting time as well.

**OFFICER REPORTS:**

**Library Director Sarah Ward.** Shared the Library had a successful staff day last Friday. They worked on Strategic Plan for Library.

**UNFINISHED BUSINESS:**      **NONE**

**CONSENT AGENDA:**

Consent Agenda approved. Motion made by **C. Loving/J. DeGloria**; motion passed.

**NEW BUSINESS:**

**PUBLIC HEARING 2018 BUDGET AMENDMENT**

**Director of Budget & Accounting Renee Sinclair** proposed an amendment to 2018 for reflecting audited ending fund balances for cash balances. This does not change projections for the 2019 fiscal year. The only impact it will have is on the 2018 budget. The major change was moving the Fire Department out to special fund to account for

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EMS services starting in January. This was primarily a house keeping task. Our objective is to have quarterly budget meetings in order to better recognize budget amendment factors.

**Mayor Sexton** opened the public hearing.

A motion was made by **Councilors B. Aslett/C. Loving** to close the public hearing. All in favor; motion carried.

**E. Edmundson/R. DeGloria** in support of motion. Motion carried.

**PUBLIC HEARING:**

**PROPOSED 2019 BUDGET**

**Director of Budget & Accounting Renee Sinclair** stated this is the corrected and revised budget. After our full workshops the Council has directed staff to go to an allocation of 10% of sales tax to go to the Street Fund and also allocate \$15,000 to go to Community Action.

**Mayor Sexton** opened the public hearing.

A motion was made by **Councilors B. Aslett/T. Montgomery** to close the public hearing. All in favor; motion carried.

**Councilor Aslett** said he appreciates the staff working on this budget. **Councilor Stavig** said we are all here for the good of the City and we've made great progress and has appreciated all the workshops. A motion was made by **Councilors B. Aslett/ T. Montgomery** to approve the 2019 Budget. Six (6) Councilors were in favor, **C. Loving** opposed; motion carried.

**PUBLIC HEARING:**

**CONSIDERATION OF ZONING AND COMPREHENSIVE PLAN MAP AMENDMENTS  
PROPOSED BY I-5 BURLINGTON LLC:**

**Senior Planner Brad Johnson** discussed the zoning map and comp plan. The zoning map is more specific and the City's Comp Plan is more general. The City has to consider the request for a change first by adding it to the docket, and then that follows with a proposal. The Group I-5 Burlington LLC is proposing a C1 to a C2 designation. They received comments regarding this proposal all the way through the close of business today.

**Mayor Sexton** opened the public hearing.

John Ravnik spoke in favor of rezone from C1 to C2. He stated that the property located on Westside of Goldenrod. At present it is a field. He stated he was also represented by others in favor of this project. Mr. Schlossberg and other business neighbors.

He stated that change is necessary to accommodate Apache Camping. They can expand current business and provide exceptional exposure to the West Side of I-5. They have

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been working on it for two years now. He stressed they are not creating a new entity in neighborhood. He stated that the Planning Commission approved but were concerned about the noise and the road access. He stated there would be no access to Andis Road. The noise level would be very quiet due to the nature of the business.

Kevin Baker spoke in favor of the project. He is the President of Apache Camping. They have four (4) locations. He believes they bring business that most communities would like to have. It's an ideal location for their business. He stated it would bring approximately thirty (30) paying jobs to the area. He also emphasized that the repair work is done inside.

Mr. Schlossberg spoke in favor of the project. He has owned the property for thirteen (13) years now. He believes that Apache Camping is an ideal business for this site. He feels that the use is consistent with businesses already there. Having it designated as C2 zoning would have less impact than the current C1 zoning if a restaurant came in which would be an allowed use at this time. He stated that the Planning staff recommended it be changed to a C2.

John McKenna spoke in favor of the project. He is a neighbor to this property so would like to see the property developed.

Thomas Fowler spoke as to a discrepancy of the paperwork that has been filed. He spoke to disturbance of homes it would create in the neighborhood. He believes they would have to remove some of the residents that are living very close to the proposed property.

Steve Crider spoke regarding the Markwood addition. He stated that part of it belongs in the County and part belongs in the City of Burlington. There is a petition that was circulated with 55 signatures of people who reside there who have a problem with the proposed project. He provided materials to Council. He believes that the traffic access would be a problem. He is not against development in general, but is concerned about possible problems to changing zoning from C1 to C2. He believes better process should have been done. There was a time delay to the folks in the community as to the getting the proposed changes in zoning. He stated that the Planning Commission did not submit approval to the Council. He stressed that the Community should have had better notification.

Another person spoke against this project. He has owned this property for 14 years in this neighborhood. His property borders this project on two sides. He stated he was told that the City's noise ordinance cannot be enforced even though this is City code. If the zoning change happens and then Apache Camping decides they don't want to go through with the project, then someone else could move onto that property with a different project which could create a substantial amount of impact to his property.

David Svaren spoke regarding concern to mapping of area. C2 zoning does not permit single family residential. Multi-family residential is only under certain circumstances. He

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does not want to have it changed from a currently established residential area to zoning where businesses can change the neighborhood.

Joel Zetiker stated that he has lived in neighborhood for approximately 60 years. He has witnessed change in neighborhood to accommodate multi-family housing which was a change from single family residential. Development has already changed the community and had impact to the neighborhood. He stated that there is already noise that impacts the neighborhood. Andis Road is already a traffic challenged area. He stated to Council that if you are going allow it to change to C2 zoning, then just make no access to Andis Road.

Mr. Sirilo Soria spoke regarding to the possibility of the company possibly leaving after a short time being located there. His back yard has two different easements. He stated you won't be able to stop development, but the noise will impact the neighborhood. They haven't had enough notice to be able to address this. They should have been given better notice. He feels he will have trouble selling his property due to the development coming to the neighborhood.

Another person stated that she needs to have a better understanding of what the changes from C1 to C2 means.

Another person spoke to living in this neighborhood for 37 years. She was concerned that an RV Business might have parties like the Harley Davidson business does. There are little kids that are on those streets and she doesn't want to see them get hurt.

Mr. Zetiker spoke about uses generating noise. The ordinance says it can be generated until 9 p.m. This is a no brainer not to allow this.

Another person spoke about the property being in the flood plain. There would have to be grading and filling done and discussed how would that would impact the surrounding properties. It is going to impact his ability to rent his duplexes due to the noise.

Mr. Ravnik spoke about appreciating the folks who came and spoke. He provided City Council with an aerial photograph of the area that he is proposing change zoning from C1 to C2. The property proposed will only be accessed from Goldenrod. He does not control the Planning Department's zoning.

**Councilors C. Loving/ B. Aslett** closed the public hearing.

**Senior Planner Brad Johnson** stated that this was a proposal to change zoning and it is not regarding a particular development. It is a decision on the change of zoning only. There was information provided to Council with regards to specific changes between those zone changes.

He further stated that this is not a consideration of changes to the road impacts, etc. right now as we are not considering a site specific use right now.

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As to the timing of the notice, it was done in accordance to the same notice provisions as any other action that is required. They followed the project notice as is required. This past summer notice was published in the Skagit Valley Herald. There were public hearings on this subject and there was notice provided for those as required as well.

**City Attorney Leif Johnson** suggested that Council identify if they have had any ex parte communication they could speak to that issue. No Councilor identified that they had.

**Councilor J. Stavig** asked about the notice and **Senior Planner Brad Johnson** said they usually send out notice sooner, and this was delayed, but there is not a specific time as to when they must notify.

**Councilor B. Aslett** asked about time and opportunity for conversation as to the impacts to the neighborhood. He noted that perhaps a lack of understanding as to the zoning changes might be part of the problem.

**Senior Planner Brad Johnson** said he was not aware of any significant concern until the 600 foot notification went out and their Planning Commission meeting was so well attended. The Planning Department tried to provide any information and clarification as best as they could. The zoning codes are not the easiest to understand.

The zoning map and the comprehensive plan map show the differences in such that the zoning map is much more specific where the comprehensive plan is more general. You cannot change the zoning unless you also update the comprehensive plan.

**Councilor J. Stavig** said that he appreciates all the folks that came out to discuss this issue. He proposed to wait until the next council meeting and bring it up for vote then.

**Councilor E. Edmundson** stated that there was a lot to digest on this issue. She felt that it sounds like a good business opportunity for the City, and she also says that she represents the citizens of the City of Burlington. She understands how the neighborhood could change if there were zoning changes to C2. She has no problem postponing this project until the next council meeting.

**Senior Planner Brad Johnson** said that these comp plans changes can only be adopted once each year. The City, under State law, can only change the comp plan once each year, so that it why it is done at the end of the year so that they can have the entire year to make those changes. If we delay action on this item past 2018, it would have to wait until the end of next year. This is the only change to be made this year. These changes must be made within the calendar year.

**Councilor C. Loving** said that a lot of these changes have been good for the City of Burlington. One thing that was brought up quite a bit tonight was a potential for noise impact. He would hope that if a business were brought in he hopes that the noise level would be mitigated.

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**Councilor R. DeGloria** stated that it would be fine to allow a little more time to digest the information that has been presented tonight. He understands the noise issue, but he is respectful of the neighbors who took the time to show up tonight and to speak to City Council.

**Attorney L. Johnson** says that this is bordering on a quasi-judicial issue. He warns about any ex parte contact with any proponent or those against the project, it is imperative that notice is made to the public regarding contact.

**Councilor B. Aslett** stated that the information presented to Council doesn't come to them way ahead of time either. It is brought before Council in a timely fashion, but wants to be sure that the folks that came tonight are heard and is in favor of delaying a decision until the next council meeting.

**Councilor T. Montgomery** states he is in favor of waiting to take a vote to delay.

**Councilors B. Aslett/T. Montgomery** motion to wait until the next City Council meeting to make a decision and to extend the public hearing until that time; motion approved.

#### **PUBLIC HEARING**

#### **RESOLUTION ESTABLISHING 2019 WAGES FOR CITY EMPLOYEES AND ELECTED OFFICIALS**

**Director of Budget & Accounting Renee Sinclair** states that this represents the Collective Bargaining Units as well as a Cost of Living Adjustment to the non-represented.

**Mayor Sexton** opened the public hearing.

A motion was made by **Councilors T. Montgomery/B. Aslett** to adopt the 2019 Salary Resolution establishing wages for City employees and Elected Officials and authorize the Mayors signature. All in favor; motion carried.

#### **RESOLUTION DESIGNATING A LEGAL PUBLISHER FOR ALL LEGAL PUBLISHER FOR ALL LEGAL NOTICES IN 2019**

**City Attorney Leif Johnson** discussed the requirement for legal publications for legal notices in Herald. This is in compliance with the law.

**Councilor J. Stavig** asked about other avenues for publishing hearings, notices, etc.

**Councilor J. DeGloria** stated times and dates can change and then it becomes confusing.

**City Attorney Leif Johnson** stated we frequently go above and beyond what is legally required for the City to make published events available to folks via Facebook pages, our City Website, etc.

**Councilor B. Aslett** stated there are ways in which we can send out messages and sometimes folks just become numb to them, but we can try to do a better job of this.

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**Mayor Sexton** stated that the City website will be advanced to allow better functions to be able to improve communications to citizens.

**A motion was made by Councilors B. Aslett/J. DeGloria** to approve the resolution designating Skagit Publishing as the legal Publisher for all Legal notices in 2019 and authorize the Mayor to sign. All in favor; motion carried.

#### **CENTRAL VALLEY AMBULANCE AUTHORITY ASSET DIVISION PLAN**

**Fire Chief Levon Yengoyan** presented the final asset transfer plan from Central Valley Ambulance Authority for acceptance by Council. The plan is consistent with agreed upon assets from EMS Interlocal Agreement.

A motion was made by **Councilors B. Aslett/R. DeGloria** to approve the Asset Division Plan with CVAA and authorize the Mayor to sign. All in favor; motion carried.

#### **STATE REQUIRED REVISION OF BMC 5.04**

**City Attorney Leif Johnson** discussed the options that were presented earlier in November that are in accordance with State law regarding requiring cities with business licenses to administer their business license through the States Business Licensing System.

A motion was made by **Councilors J. Stavig/T. Montgomery** to recommend amending BMC Section 5.04 in accordance with RCW 35.90. All in favor; motion carried.

#### **2019 COUNCIL COMMITTEE ASSIGNMENTS AND RECOMMENDATIONS**

**Mayor Steve Sexton** discussed the assignments. No action required; for discussion and to be acted upon at the January 10, 2019 City Council meeting.

#### **APPOINTMENTS TO THE PARKS & RECREATION ADVISORY BOARD AND HISTORICAL BOARD**

A motion was made by **Councilors C. Loving/B. Aslett** to approve the appointment of Jeffrey Ottesen and Keith Chaplin to the Parks Advisory Board, and to confirm the appointment of Christine Cooper for the Historical Board effective January 1, 2019. All in favor; motion carried.

#### **CONTRACT FOR PROSECUTION SERVICES FOR KAILIN JAMES**

**City Attorney Leif Johnson** stated there have been no changes to Ms. James contract this year. Ms. James has been operating under this contract for approximately three (3) years now. This contract is for the year 2019.

A motion was made by **Councilors B. Aslett/C. Loving** to approve the Agreement for Legal Services between the City of Burlington and Kailin James and authorize the Mayor to sign the Agreement. All in favor; motion carried.

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**PROFESSIONAL SERVICES AGREEMENT WITH LANA REICHERT OF SKAGIT COUNTY INVESTIGATIONS, LLS**

**City Attorney Leif Johnson** stated that there have been no changes to this contract. Ms. Reichert has been providing services to the City for background checks for approximately three (3) years now. This contract is for 2019.

A motion was made by **Councilors J. DeGloria/T. Montgomery** to approve the agreement with Lana Reichert of Skagit County Investigations LLC and authorize the Mayor's signature. All in favor; motion carried.

**EXECUTIVE SESSION:**

**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 twenty minutes and action is expected as a result of the executive session. Council and city staff adjourned for Executive Session at 9:16 p.m.

**ADJOURNMENT:**

**Mayor Sexton** adjourned the meeting at 9:36 p.m.

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Renee Sinclair  
Director of Budget & Accounting

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Steve Sexton  
Mayor