

May 13, 2021

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, Rick DeGloria, Scott Green and James Stavig. Staff present: Janice Burwash, Don Erickson, Geoff Hawes, Brad Johnson, Leif Johnson, Sandy Kottke, Mike Luvera, Katie Olafson, Marv Pulst, Jim Rabenstein, Steve Riggs, Joe Stewart, Travis Schwetz, Rob Toth, Sarah Ward and Greg Young.

A motion was made by **Councilors R. DeGloria/Loving** to excuse **Councilor Joe DeGloria** from the meeting. All in favor; motion carried.

MINUTES:

A motion was made by **Councilors R. DeGloria/Green** to approve the minutes of the April 22, 2021 City Council meeting. All in favor; motion carried.

AUDIT OF BILLS:

A motion was made by **Councilors Loving/Chaplin** to approve Accounts Payable invoices to be paid as of May 13, 2021 in the amount of \$571,207.31, and Payroll Expenses for Pay Period ending April 30, 2021 in the amount of \$539,796.97. All in favor; motion carried.

PUBLIC COMMENTS:

City Attorney Leif 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, as the City still cannot by law, hold in-person meetings.

COUNCIL COMMENTS:

Councilor Keith Chaplin shared the CDC mask update for fully vaccinated individuals and suggested putting messages on the City reader boards about getting fully vaccinated.

Councilor Bill Aslett shared EDASC will be hosting a live chat with Skagit Public Health to come up with innovated ways to partner with local business to encourage people to get vaccinated. **Chaplin** shared small business were greatly affected by this pandemic and spoke in favor of supporting partnerships.

Councilor James Stavig shared next week if filing week for anyone interested in running for office and encouraged people to sign up.

May 13, 2021

MAYOR'S UPDATE:

Mayor Sexton shared the Governor update about the State fully reopening by June 30th and how crucial it is for vaccination numbers to increase. **Mayor Sexton** also announce all City buildings will open on Monday May 17, 2021 except for the library which will open on June 1, 2021. **Mayor Sexton** and **City Administrator Greg Young** have had conversations about resuming in person City Council meetings. Both were hopeful this goal could be met as early as next month. **Mayor Sexton** also updated Council on the Skagit First Step Center opening on May 15th and sharing his thanks to the hard work put in by City Staff to get the center up and running in 30 working days.

SPECIAL PRESENTATION:

No Special Presentation.

PROCLAMATION:

No Proclamation.

COMMITTEE & BOARD REPORTS:

Councilor Keith Chaplin shared updates from several Committee and Board meetings. The Public Safety Committee meeting was held and discussed the Police Department being almost up to full staff with the addition of several new hires. The Fire Department has potential buyer interest in the ladder truck and **Chief Rob Toth** shared a brief update about a special award received by several crew members for action taken on a lifesaving call. **Councilor Chaplin** shared this was a huge testament to the City and thanked all staff that were involved. **Mayor Sexton** shared his thanks to the Fire Department stating the level of service and care the crew members made were above and beyond. **Police Chief Mike Luvera** shared he will be bringing an update to council in the near future about new legislation passed in the State of Washington directly affecting policing regulations.

Chaplin shared an update from the Parks and Recreation Board meeting about new signage that will be presented to council later in the meeting as well as a dog park being implanted soon.

OFFICERS REPORTS:

IT & Fiber Director Geoff Hawes gave a brief update of fiber expansion to many areas throughout the City including several businesses. **Councilor Bill Aslett** asked about the process of getting fiber available to the citizens as well as businesses. **Hawes** shared he would present suggestions and ideas to council in a future council meeting. **Councilor**

May 13, 2021

James Stavig asked if any of the new apartment buildings will receive fiber. **Hawes** shared City fiber has been implemented into some of the new buildings and has received positive feedback. **City Administrator Greg Young** shared one of the allowable uses for the American Rescue Plan dollars the City will receive is regarding fiber, staff will be looking into ways to offer fiber throughout the City.

City Attorney Leif Johnson shared Community Court is going well and is seeing many participants. **L. Johnson** offered his thanks to partners at the County. **L. Johnson** also shared he will be coming back to Council with an update on resuming court hearings as the State reopening date approaches.

UNFINISHED BUSINESS:

No Unfinished Business.

CONSENT AGENDA

No Consent Agenda

NEW BUSINESS:

Resolution Opposing the Imperial Mining Proposal for Exploratory Mining Operations in British Columbia

City Administrator Greg Young explained Imperial Mining has filed a proposal to conduct exploratory mining up in British Columbia in an area referred to as the “Donut Hole”. This area is within the headwaters of the Skagit River and there is a general concern that this mining operation could send pollutants into the headwaters of the Skagit River – this adversely effecting Skagit County and the City of Burlington. Many other local governments have recently passed similar resolutions calling on the BC government to deny its mining application and take steps to work with Washington State to prevent future mining operations.

A motion was made by **Councilors Stavig/Chaplin** to adopt the resolution in opposition to Imperial Mining’s exploratory mining application with the Canada Ministry of Energy, Mine, and Petroleum Resources and authorize the Mayor to sign. All in favor; motion carried.

Comprehensive Plan Update – Preliminary Approval of Proposed Changes to MUC – 1 (Formerly B – 1) and MUC – 2 (Formerly C – 1) Zones

Community Development Director Brad Johnson shared in order to comply with Washington State Growth Management requirements, ensure the City’s comprehensive plan and development regulations are consistent, and to ensure the City’s development

May 13, 2021

regulations are sufficient to accommodate projected population and employment growth, the Planning Commission has determined that significant revisions must be made to the City's development regulations. The Planning Commission requested the City's Planning Department break the development regulation update project into manageable components. The Planning Commission has reviewed the third group code for the City's "MUC – 1" "MUC – 2" (Mixed Use Commercial) zones. The Planning Commission recommends these changes be adopted by the City Council.

A motion was made by **Councilors Stavig/Green** to accept the Planning Commission's recommendation dated April 21, 2021 and authorize the Mayor to sign the attached resolution. All in favor; motion carried.

Comprehensive Plan Update – Preliminary Approval of Proposed Changes to MUC – 2 (Formerly C – 1) Zone to Allow Retail Marijuana Sales

Community Development Director Brad Johnson explained in 2019, the Planning Commission held three public hearings for the purpose of soliciting public comments on the comprehensive plan update. During these hearings, the Planning Commission considered comments requesting that the City's zoning regulations be amended to allow retail marijuana sales in one or more of the City's commercial zones. Based on these comments the Planning Commission directed the Planning Department to develop several options for permitting retail marijuana sales in commercial areas. At public meetings on March 17, 2021 and April 21, 2021 the Planning Commission considered the options prepared by the Planning Department. The Planning Commission voted to recommend an option allowing marijuana retailers in the MUC -2 (formerly the C -1) zone subject to the minimum buffers authorized by the State of Washington.

A motion was made by **Councilors Loving/R. DeGloria** to accept the Planning Commission's recommendation dated April 21, 2021 and authorize the Mayor to sign the attached resolution. **Councilors Loving, R. DeGloria, Green** and **Chaplin** in favor; **Councilors Stavig** and **Aslett** opposed. Motion carried.

Agreement with Gray and Osborne, Inc. For an Update to the Sanitary Sewer Comprehensive Plan

Sewer Supervisor Don Erickson shared the department used the MRSC Roster to solicit interest from engineering firms to provide professional engineering services, to update

May 13, 2021

the existing 2011 Sanitary Sewer Comprehensive Plan and prepare a condition assessment/ life cycle analysis of the existing structures and equipment at the WWTP. A response was received from four firms and the selection committee selected Gray and Osborn, Inc. This agreement defines the scope of work, schedule, and budget for preparing an update of the existing Sanitary Sewer Comprehensive Plan. This plan will identify improvements that are needed to collect and treat wastewater in the sewer service area and provide a Capital Improvement Plan to implement the improvements for the next 20 years.

A motion was made by **Councilors Stavig/Aslett** to approve the Agreement with Gray and Osborne, Inc. and authorize the Mayor's signature. All in favor; motion carried.

Park Entry Signs

Parks Supervisor Jim Rabenstein shared the Parks and Recreation Department's current park entry signs are nearly 20 years old and have been deteriorating for years. Some of the wood pieces are missing and/or rotten. Several of the signs require frequent maintenance, and the main body of the signs are faded and damaged. Staff prepared a Request for Proposals inviting proposals from qualified contractors for supply of new park entry signs. Four proposals were received, and the various designs were presented to the Parks Board. Vacker Signs was selected. **Councilors Aslett** and **Stavig** spoke in favor of the new signs and expressed excitement for the new designs.

A motion was made by **Councilors Chaplin/R. DeGloria** to approve the purchase of new park entry signs from Vacker Signs and authorize the Mayor to sign the purchase agreement. All in favor; motion carried.

City Right-of Way Procedures

Public Works Director Marv Pulst explained when there is federal funding on any phase of a project, Right-of-Way (ROW) must be acquired in accordance with Washington State Department of Transportation (WSDOT) Local Agency Guidelines. WSDOT requires local governments to establish ROW Procedures as prescribed by their guidelines. In accordance with the WSDOT Local Agency Guidelines manual, Staff have developed the required procedures. The procedures define the responsibilities of Staff and WSDOT in acquisition of ROW.

May 13, 2021

A motion was made by **Councilors Stavig/Green** to authorize the Mayor to sign the Right-of-Way Procedures as recommended by WSDOT and as written by staff. All in favor; motion carried.

Bid and Contract Award – 2021 Overlay Project

Public Works Director Marv Pulst shared bids were opened April 20, 2020 for City Overlay Project. The low, responsive bidder was Lakeside Industries of Anacortes, WA for the amount of \$378,920. The project consists of pavement overlay for segments of Norris St, Fairhaven Ave, and Gardner Rd. Washington State Transportation Board (TIB) is funding 100% of the total contract cost with Lakeside Industries. City Staff time designing and managing the project will cover the City required match. The Engineer's estimate for this project was \$425,000, so bids were less than expected.

A motion was made by **Councilors Stavig/Loving** to award bid and authorize Mayor to sign agreement with Lakeside Industries for 2021 Overlay Project. All in favor; motion carried.

ZIPLY/FRONTIER POLE ATTACHMENT AGREEMENT

IT & Fiber Director Geoff Hawes shared Ziplly (previously Frontier previously Verizon) owns and maintains numerous poles within Burlington. As the City does not have a pole access agreement some of these poles are barriers in deploying fiber to businesses and some of the poles would make deploying fiber much easier, as often the Ziplly poles are where PSE is not. **Councilor James Stavig** asked if City Staff would be performing the attachments. **Hawes** shared the City would hire out to preform attachments.

A motion was made by **Councilors Green/Aslett** to authorize moving forward with a Ziplly Fiber – City of Burlington Pole Attachment Agreement and approve the Mayor's signature. All in favor; motion carried.

Interagency Agreement with the State of Washington State Patrol

Assistant Fire Chief Steve Riggs shared when an organization needs assistance from the State Patrol, the state adopted mobilization plan is put into play. The plan allows for agencies that are under the interagency agreement the opportunity to respond through regional coordination of the emergency. Organizations that are a part of the interagency agreement are not required to respond to requests but can respond if available.

May 13, 2021

Currently, the Burlington Fire Department does not have an interlocal with the State of Washington and therefore not eligible to respond where an organization has requested state assistance to combat an emergency.

A motion was made by **Councilors Green/Chaplin** to approve and allow the Mayor to sign the interagency agreement with the State of Washington, State Patrol allowing for participation during a state mobilization. All in favor; motion carried.

DNR Inter-local Agreement

Assistant Fire Chief Steve Riggs explained the Burlington Fire Department through Mutual Aid and Automatic aid agreements will respond to neighboring fire departments when called for assistance. Sometimes the call location will be on state land protected by the Department of Natural Resources (DNR). When this occurs, DNR will assume command and control of the fire, and reimburse agencies for personnel and apparatus cost based on the Washington State All Hazard Mobilization Plan. In addition to being eligible for reimbursement for assisting DNR, organizations with a current inter-local agreement are eligible for grants.

A motion was made by **Councilors R. DeGloria/Stavig** to approve and allow the Mayor to sign the inter-local agreement with the Department of Natural Resources (DNR) that allows for mutual aid and reimbursement of our equipment and personnel. All in favor; motion carried.

DISCUSSION

Use of Whitmarsh House

City Administrator Greg Young shared the City owns a single-family home at the Skagit River Park (SRP) on Whitmarsh Road that has been rented to various individuals and city employees over the years. The eventual build-out of SRP include the removal of the home. The home is in reasonable shape as the City has maintained it to allow for its rental. Administration wanted to start a discussion with council as to the short and mid-term use of the property. **Councilor Keith Chaplin** asked the current state of the home and suggested scheduling an inspection, sharing this property is a great asset to the City if in good repair. **Young** explained the home is older and has undergone several repairs. **Parks Supervisor Jim Rabenstien** shared with the council an extensive list of repairs the home has received over the years as well as sharing repairs still needed including a new

May 13, 2021

roof, new siding and replacement of the current deck. **Mayor Sexton** shared the house has been a helpful recruiting tool used by the Police Department. **Police Chief Mike Luvera** spoke in favor of keeping the house. The Council as a whole spoke in favor of keeping the house. **Young**, shared City Staff would work on a policy regarding retention of the house to present for Council to consider at a future meeting.

EXECUTIVE SESSION:

No Executive Session.

ADJOURNMENT:

Mayor Sexton adjourned the meeting at 9:13p.m.

Joe Stewart
Finance Director

Steve Sexton
Mayor