

CITY COUNCIL AGENDA
City Hall, 833 South Spruce Street
7:00 p.m. December 13, 2018

CALL TO ORDER:

Mayor Sexton

Council Members: Aslett, J. DeGloria, R. DeGloria, Edmundson, Loving, Montgomery, and Stavig
Staff: Berner, Blaine, Dempsey, Erickson, Hampton, Harrison, Hawes, Brad Johnson, Brittany Johnson, L. Johnson, Jongsma, Luvera, Morrison, Moser, Peterson, Pulst, Rabenstein, Schwetz, Sinclair, Toth, Ward, Yengoyan

MINUTES:

[City Council Meeting November 20, 2018](#)

AUDIT OF BILLS:

PUBLIC COMMENTS:

COUNCIL COMMENTS:

MAYOR'S UPDATE:

PROCLAMATION:

SPECIAL PRESENTATION:

COMMITTEE & BOARD REPORTS:

OFFICERS REPORTS: TBD

UNFINISHED BUSINESS:

CONSENT AGENDA:

- 1) [2018 and 2019 Lodging Tax Grant Funding Agreement\(s\) \(Items #1 - #13\)](#)

NEW BUSINESS:

- 1) [Public Hearing: 2018 Budget Amendment](#)
- 2) [Public Hearing: Proposed 2019 Budget](#)
- 3) [Public Hearing: Consideration of zoning and comprehensive plan map amendments proposed by I-5 Burlington LLC](#)
- 4) [Public Hearing: Resolution establishing 2019 wages for City employees and Elected Officials](#)
- 5) [Resolution designating a Legal Publisher for all Legal Notices in 2019](#)
- 6) [Central Valley Ambulance Authority Asset Division Plan](#)
- 7) [State required revision of BMC 5.04](#)
- 8) [2019 Council Committee Assignments and Recommendations](#)
- 9) Appointments to the Parks & Recreation Advisory Board and Historical Board
- 10) [Contract for prosecution services by Kailin James](#)
- 11) [Professional Services Agreement with Lana Reichert of Skagit County Investigations, LLC](#)

FUTURE WORKSHOP:

EXECUTIVE SESSION:

- An Executive Session may be held to discuss Personnel, Litigation, and/or Land Acquisition.

ADJOURNMENT:

MEETINGS:

1) **AUDIT & FINANCE COMMITTEE:**

Thursday **December 13, 2018** 4:00 p.m.

City Hall, 833 S Spruce Street

2) **PUBLIC WORKS COMMITTEE:**

Tuesday **December 18, 2018** 4:00 p.m.

City Hall, 833 S Spruce Street



City offices will be closed December 24th & 25th 2018 and January 1st, 2019 for the Holidays

December 2018

December 2018							January 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	6	7	8	2	3	4	5
9	10	11	12	13	14	8	13	14	15	9	10	11	12
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Nov 25	26	27	28	29	30	Dec 1
11/25 - 30							
	2	3	4	5	6	7	8
12/2 - 7		5:30pm Parks Board (Parks & Rec Dept) - Judy Sheahan	6:00pm Library Board (Library)				
	9	10	11	12	13	14	15
12/9 - 14			4:00pm Public Safety Committee (Public Safety Building)		4:00pm Audit & Finance Committee (6:00pm 7:00pm Council Budget Workshop (C 7:00pm Council Meeti		
	16	17	18	19	20	21	22
12/16 - 21			4:00pm Public Works Committee (Engineering Conf Room)	1:00pm SKAT Board (Burlington City Hall) 5:30pm 7:00pm Planning Commission (Counci			
	23	24	25	26	27	28	29
12/23 - 28		CITY HALL CLOSED	CITY HALL CLOSED	9:00am 10:00am Downtown Burlington Association (Visitor Information Center/	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		
	30	31	Jan 1, 19	2	3	4	5
12/30 - 1/4							

January 2019

January 2019							February 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Dec 30	31	Jan 1, 19	2	3	4	5
Dec 30 - Jan 5			CITY HALL CLOSED 6:00pm CANCELLED: Library Board				
	6	7	8	9	10	11	12
Jan 6 - 12		5:30pm Parks Board (Parks & Rec Dept) - Judy Sheahan	2:00pm 3:00pm Historical Preservation Board (4:00pm Public Safety Committee (Public Safety Building)		4:00pm Audit & Finance Committee (City Hall) 7:00pm Council Meeting		
	13	14	15	16	17	18	19
Jan 13 - 19			4:00pm Public Works Committee (Engineering Conf Room)	1:00pm SKAT Board (Burlington City Hall) 5:30pm 7:00pm Planning Commission (Council Chambers)			
	20	21	22	23	24	25	26
Jan 20 - 26				9:00am 10:00am Downtown Burlington Association (Visitor Information Center/Chamber of	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		
	27	28	29	30	31	Feb 1	2
Jan 27 - Feb 2							



CONSENT AGENDA – December 13, 2018

1. [Agreement with Children’s Museum of Skagit County – Facility relocation \(2018 funds\):\\$150,000](#)
2. [Agreement with Children’s Museum of Skagit County – Marketing of the museum: \\$35,000](#)
3. [Agreement with Children’s Museum of Skagit County – 4th Annual Winter Wonderland: \\$50,000](#)
4. [Agreement with Children’s Museum of Skagit County – Skagit County Museum Passports: \\$3,000](#)
5. [Agreement with Celtic Arts Foundation – Marketing of Highland Games & Celtic Festival: \\$7,500](#)
6. [Agreement with Skagit Valley Tulip Festival - Printing, marketing, and distribution of the 2019 Official Skagit Valley Tulip Festival Brochure: \\$6,500](#)
7. [Agreement with Burlington Chamber of Commerce – Berry Dairy Days Festival marketing: \\$16,000](#)
8. [Agreement with Burlington Chamber of Commerce – Operation of the Burlington Visitor’s Information Center: \\$125,000](#)
9. [Agreement with Lincoln Theatre Foundation – Marketing of events: \\$8,000](#)
10. [Agreement with McIntyre Hall Performing Arts Center – Marketing of McIntyre Hall and Events Center: \\$16,000](#)
11. [Agreement with Skagit River Bald Eagle Awareness Team – Marketing of Skagit River Bald Eagle Festival & Interpretive Center: \\$5,000](#)
12. [Agreement with Skagit River Salmon Festival – Marketing of the 2019 Skagit River Salmon Festival - \\$5,000](#)
13. [Agreement with Pacific Premier FC DBA Rush Cup – Increasing Scope & Duration of Annual Soccer Tournament - \\$20,200](#)

RECOMMENDATION

Motion to approve Consent Agenda items #1-13 and authorize the Mayor’s signature on appropriate documents.



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [2018 Budget Amendment](#)

Renee Sinclair, Director of Budget &

Accounting

Attachments: Proposed Ordinance: Budget Amendment Public Hearing Required: YES (X) NO ()

2018 Amended Budget Changes Details

SUMMARY

Due to the implementation of EMS services effective January 1, 2019, requiring the setup of a special revenue fund to properly account for EMS transactions, the Fire Department budget needs to be re-allocated to Fund 150 EMS – Fire. Audited beginning and resulting unappropriated ending fund balances have been included in this budget amendment. The 2018 Amended Budget Changes Details lists any specific changes to the specific funds affected

RECOMMENDATION

Move to approve the amendment to the budget appropriations as presented in the proposed Ordinance.



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [Public Hearing: Proposed 2019 Budget](#)

Renee Sinclair, Director of Budget &

Accounting

Attachments: Proposed Budget Ordinance Public Hearing Required: YES (X) NO ()

SUMMARY

This is the first reading and Public Hearing to consider the 2019 Budget.

RECOMMENDATION

1. Motion to approve the proposed 2019 budget ordinance and adopt the 2018 budget and authorize the Mayor's signature on the budget ordinance; – or –
2. Take no action on the proposed 2019 budget ordinance and request a continuation of the public hearing to the next regular City Council meeting on Thursday, December 27, 2018.



ITEM #: 3

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [Consideration of zoning and comprehensive plan map amendments proposed by I-5 Burlington LLC.](#)

Attachments: 1- Staff Report and Recommendation Public Hearing Required: YES (X) NO ()
2- Planning Commission Recommendation
3- Project Documents (complete file available for review in Planning Department)
4- Ordinance with exhibit (exhibit "A")

SUMMARY

On October 20, 2017 the City of Burlington received an application from I-5 Burlington LLC requesting that the zoning of a site located on the west side of I-5 be changed from C-1 (General Commercial) to C-2 (Heavy Commercial). In accordance with Washington State law (RCW 36.70A.070 and WAC 365-196-640(1)), the City's zoning and comprehensive plan maps must be consistent with one another. Because the C-1 and C-2 zones are associated with different comprehensive plan designations this request also requires a corresponding amendment to the comprehensive plan map. Accordingly, the applicant is also requesting that the comprehensive plan map designations applicable to their property be changed from C-B (Commercial Business) to HC-I (Heavy Commercial Industrial) in order to ensure the zoning and comprehensive plan maps are consistent with one another.

The Planning Commission reviewed the proposal at a Public Hearing on November 21, 2018. The Planning Commission received testimony from surrounding property owners concerning a lack of public notice, noise from heavy vehicle "back-up beepers" and public address speakers. The Planning Commission declined to make a recommendation on the proposal.

RECOMMENDATION

As detailed in the attached staff report, the Community Development department finds no reason to reject the applicant's request and recommends that Council approve the proposed amendments to the City's zoning and comprehensive plan maps.



ITEM #: 4

CHECK ONE:

NEW BUS. _____

OLD BUS. X

AGENDA ITEM

Council Date: December 13, 2018 Subject: [Resolution establishing 2019 wages for City employees and Elected Officials](#)
Renee Sinclair, Director of Budget &
Accounting

Attachments: Proposed 2019 Salary Resolution Public Hearing Required: YES (X) NO ()

SUMMARY

Following the adoption of the 2019 Budget it is necessary to designate the salary schedule for the employees and elected officials of the City of Burlington. The salaries are shown per position on the attached resolution.

RECOMMENDATION

Move to adopt the 2019 Salary Resolution establishing wages for City employees and Elected Officials and authorize the Mayor's signature.



ITEM #: 5

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [Resolution designating a Legal Publisher for all Legal Notices in 2019](#)
Leif Johnson, City Attorney

Attachments: Proposed Resolution Public Hearing Required: YES () NO (**X**)

SUMMARY

Skagit Publishing owns and publishes the Skagit Valley Herald, the Argus, Courier Times, and the Anacortes American. The rate for 2019 is \$10.76 per column inch.

RECOMMENDATION

Move to approve the resolution designating Skagit Publishing as the Legal Publisher for all Legal Notices in 2019 and authorize the Mayor's signature.



ITEM #: 6

CHECK ONE:

NEW BUS. X

OLD BUS.

AGENDA ITEM

Council Date: December 13, 2018 Subject: [CVAA Asset Division Plan](#)
Levon Yengoyan, Fire Chief

Attachments: Asset Division Plan Public Hearing Required: YES () NO (**X**)
Skagit County Resolution Directing Disposition of
CVAA Assets

SUMMARY

As part of the EMS transition in 2019, the City of Burlington will be receiving a variety of assets from Central Valley Ambulance Authority (CVAA). To comply with the ordinance for dissolution of the existing service, CVAA has developed the attached asset division plan. A detailed list of assets to be transferred to the City of Burlington is included in this plan as Exhibit A. The signing of this plan formalizes the asset transfer to the City.

RECOMMENDATION

Motion to approve the Asset Division Plan with CVAA and authorize the Mayor to sign.



ITEM #: 7

CHECK ONE:

NEW BUS. X

OLD BUS.

AGENDA ITEM

Council Date: December 13, 2018 Subject: [State Required Revision of BMC 5.04](#)

Renee Sinclair, Budget & Acct. Director

Attachments: Amended Title 5 Burlington Municipal Code (Business License and Regulations) Public Hearing Required: YES () NO (X)

License and Regulations)

Municipal Code Revision Explanation Index

Ordinance 1861 (Previously adopted 9-27-18)

Dept. of Revenue Business Licensing Service App.

SUMMARY

In the 2017 session, EHB 2005 (RCW 35.90) passed requiring three actions by cities with business licenses and local B&O taxes. The law:

1. Requires cities with business licenses to establish a workgroup to create a model business license with a licensing threshold by July 2018 for adoption by all business license cities by January 1, 2019;
2. Requires all cities with business license to administer their business license through the state's Business Licensing System (BLS) by 2022 or File Local by 2020; and
3. Establishes a task force on local B&O tax service apportionment under RCW 35.102.130 to report to the Legislature by October 2018.

The City is required to adopt language for businesses under a certain threshold that do not maintain a place of business in the City. City staff has determined that a business license exemption for any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 is consistent with the City's needs and resources. An ordinance was proposed to reflect that change, and was adopted September 27, 2018.

Additionally, section 5.04 of the Burlington Municipal Code must be amended to allow the City to utilize the State's Business Licensing Service (BLS) as required or pursuant to the needs of the finance department, which is attached..

RECOMMENDATION

Motion to recommend amending BMC Section 5.04 in accordance with RCW 35.90.



ITEM #: 8

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [2019 Council Committee Assignments and Recommendations](#)
Steve Sexton, Mayor

Attachments: Proposed 2019 Council Committee Assignments Public Hearing Required: YES () NO (X)

SUMMARY

The Mayor appoints Councilmembers to the following committees:

- Audit & Finance
- Public Works
- Public Safety
- Parks & Recreation Advisory Board & Cemetery Board
- Traffic Safety
- Board of Trustees of the Volunteer Firefighter's Relief & Compensation Fund
- Land Use
- Americans with Disabilities
- Downtown Burlington Association

The Mayor recommends Councilmembers appointments to the following committees:

- Lodging Tax
- Emergency Service Council
- Historical Preservation Board
- Skagit Transit Board
- SCOG

RECOMMENDATION

No action required; for discussion and to be acted upon at the January 10, 2019 Council Meeting



ITEM #: 9

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: Appointments to the Parks & Recreation Advisory Board and Historical Board

Attachments: _____ Public Hearing Required: YES () NO (**X**)

SUMMARY

The following individuals have been recommended by Mayor Sexton to continue filling the positions on the Parks Board:

- Jeffrey Ottesen – Member At-Large
- Keith Chaplin – Citizen Representative

The following individual has been recommended by Mayor Sexton to continue filling a position on the Historical Board:

- Christine Cooper

RECOMMENDATION

Motion to confirm the appointment of Jeffrey Ottesen and Keith Chaplin to the Parks & Recreation Advisory Board and to confirm the appointment of Christine Cooper to the Historical Board effective January 1, 2019.



ITEM #: 10

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [Contract for prosecution services by Kailin James](#)

Mayor Steve Sexton

Leif Johnson, City Attorney

Attachments: Proposed contract Public Hearing Required: YES () NO (X)

SUMMARY

The City of Burlington has contracted with Kailin James to provide criminal prosecution services on a yearly basis since approximately 2014. Ms. James and City Attorney Leif Johnson divide criminal prosecution duties based on a variety of factors that may fluctuate in any given week. Since 2015, the number of municipal court calendar days and potential trials per month has generally increased, and the City continues to be under public defense review.

The proposed contract, attached, is identical to the contract from 2018. It is important that Ms. James is available for public defense access as much as necessary, and this contract should continue to support that goal. City Attorney Leif Johnson plans to continue to participate in criminal prosecution at the same level that was exercised in 2018.

PROPOSED MOTION

Motion to approve the Agreement for Legal Services between City of Burlington and Kailin James and authorize the Mayor to sign the Agreement.



ITEM #: 11

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 13, 2018 Subject: [Professional Services Agreement with Lana Reichert of Skagit County Investigations, LLC](#)

Attachments: Agreement with Lana Reichert of Skagit County Investigations, LLC Public Hearing Required: YES () NO (**X**)

SUMMARY

This agreement is for individual background investigations for candidates under consideration of employment with the City of Burlington Civil Service and other city needs. The City has previously contracted with Lana Reichert for background investigations.

RECOMMENDATION

Motion to approve the agreement with Lana Reichert of Skagit County Investigations, LLC and authorize the Mayor's signature.