

CITY COUNCIL AGENDA
City Hall, 833 South Spruce Street
7:00 p.m. June 13, 2019

CALL TO ORDER:

Mayor Sexton

Council Members: Aslett, J. DeGloria, R. DeGloria, Edmundson, Loving, and Stavig

Staff: Berner, Blaine, Dempsey, Erickson, Ganz, Hampton, Hawes, B. Johnson, L. Johnson, Jongsma, Luvera, Morrison, Moser, Nelson, Peterson, Pulst, Rabenstein, Schwetz, Stewart, Toth, Ward, and Young.

MINUTES:

[City Council Meeting May 23, 2019](#)

AUDIT OF BILLS:

PUBLIC COMMENTS:

COUNCIL COMMENTS:

MAYOR'S UPDATE:

PROCLAMATION:

SPECIAL PRESENTATION:

COMMITTEE & BOARD REPORTS:

OFFICERS REPORTS: TBD

UNFINISHED BUSINESS:

CONSENT AGENDA:

NEW BUSINESS:

- 1) **PUBLIC HEARING:** [Appeal APP 1-19 – Appeal of Conditional Use Permit CUP 3-18](#)
- 2) [Skagit River Park Irrigation Project – Phase 2](#)

FUTURE WORKSHOP:

BUDGET WORKSHOP:

Tuesday **June 18, 2019** 6:00 p.m.

EXECUTIVE SESSION:

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

ADJOURNMENT:

MEETINGS:

- 1) **PUBLIC SAFETY COMMITTEE:** Tuesday **June 11, 2019** 4:00 p.m.
Public Safety Building, 311 Cedar Street
- 2) **AUDIT & FINANCE COMMITTEE:** Thursday **June 13, 2019** 4:00 p.m.
City Hall, 833 S Spruce Street
- 3) **PUBLIC WORKS COMMITTEE:** Tuesday **June 18, 2019** 4:00 p.m.
City Hall, 833 S Spruce Street
- 4) **SKAT BOARD:** Wednesday **June 19, 2019** 1:00 p.m.
Council Chambers, 833 S Spruce Street
- 5) **DOWNTOWN BURLINGTON ASSOCIATION:** Wednesday **June 26, 2019** 9:00 a.m.
Chamber of Commerce, 520 E Fairhaven Ave
- 6) **AUDIT & FINANCE COMMITTEE:** Thursday **June 27, 2019** 4:00 p.m.
City Hall, 833 S Spruce Street



FUTURE COUNCIL AGENDA

City Council Meeting of June 27, 2019

Ordinance Amending 2019 Budget

Ordinance Regarding Implementation Element of Comprehensive Plan

Ordinance Regarding Housing Element of Comprehensive Plan

Ordinance Adopting Six-Year Transportation Improvement Plan (TIP) Update

Appointment to Open Council Seat

City Council Meeting of July 11, 2019

EMS Hub District Interlocal with Skagit County

Parks and Recreation City Code Updates

City Council Meeting of July 25, 2019

City Council Meeting of August 8, 2019

June 2019

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

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

July 2019

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

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



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: June 13, 2019 Subject: [Appeal APP 1-19 – Appeal of Conditional Use Permit CUP 3-18](#)

Submitted By: Brad Johnson, Community Development

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

1. Staff Memo (previously transmitted to Council)

2. Hearing Examiner Decision and Record

(previously transmitted to Council)

HISTORY AND SUMMARY

On April 22, 2019 the City Hearing Examiner approved a conditional use permit allowing a church to occupy approximately 2,434 square feet of a building previously used as a physical therapy clinic. The building is located at 702 East Fairhaven. On May 7, 2019 an appeal was filed challenging the Hearing Examiner’s decision.

ALTERNATIVES CONSIDERED

The Burlington Municipal Code allows permits approved by the Hearing Examiner to be appealed to the City Council. Upon receiving an appeal the Council must hold a public hearing and:

1. Decline to consider the appeal; or
2. Consider the appeal and uphold the Hearing Examiner’s decision; or
3. Consider the appeal, and if, based solely on the record created by the Hearing Examiner, Council finds the decision is in error as a matter of fact or law, Council may reverse Hearing Examiner’s decision.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

None

LEGAL ASPECTS – LEGAL REVIEW

STAFF RECOMMENDATION

In accordance with Burlington Municipal Code, this appeal is a “closed record” hearing, which means the City Council’s decision must be based exclusively on the record developed by the Hearing Examiner. New information, or arguments that were not presented to the Hearing Examiner, may not be considered. A copy of staff’s original permit recommendation is included in the Hearing Examiner’s record.

SUGGESTED COUNCIL MOTION LANGUAGE

Staff recommends Council make one of the following motions:

1. Decline to consider appeal

“I make a motion that Council decline to consider the appeal and authorize the Mayor to sign the attached resolution to that effect.”

2. Consider the appeal and uphold the Examiner’s decision

“I make a motion to uphold the Examiner’s decision and authorize the Mayor to sign the attached resolution to that effect.”

3. Consider the appeal and reverse the Examiner’s decision

“I make a motion to continue the hearing on this matter to June 27, 2019 and direct staff to develop a resolution containing the factual and legal errors identified by Council.”

Note: if Council selects this option they must identify specific factual and legal errors that support overturning the Examiner’s decision and denying the applicant’s request for a conditional use permit.



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: June 13, 2019 Subject: [Skagit River Park Irrigation Project-Phase 2](#)
Jennifer Berner,
Parks and Recreation Director

Attachments: RH2 Engineering Phase 2 Contract and Scope of Work Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

In November, 2018, RH2 Engineering firm was awarded the Skagit River Park irrigation project. Due to the complexity of the project the scope of work has been divided into phases. The focus of Phase 1 was to determine the irrigation demand for Skagit River Park and analyze different water sources, determine their feasibility to meet all or a portion of the identified demand and identify irrigation methods and application efficiency. The following is a summary of findings from Phase 1:

Water Sources Analyzed:

- Evaluated the feasibility of using reclaimed water
 - Due to the anticipated capital cost of approximately \$14-\$24 million dollars, combined with the minimum instream flow restriction on use, this option is no longer being pursued.
- Reviewed of extent and validity of existing water rights
 - Four ground water certificates/claims were researched
 - Pursue one ground water certificate/claim farther as it may offer irrigation of 29 acres with uninterrupted use of water during the irrigation season.
- Examined the feasibility of obtaining a new interruptible surface water right
 - RH2 and City staff recommend pursuing this alternative farther.
 - The City would obtain a new water right that would allow pumping an interruptible supply of water from the Skagit River for irrigation during the irrigation season.
- Evaluated using existing and additional Skagit PUD water
 - There is support to pursue this option. The amount of use is undetermined at this time; it will depend on the outcomes of the pending water right transfer and possibility of obtaining a new interruptible surface water right.

Irrigation Methods Analyzed:

Three irrigation system alternatives were examined; pop-up sprinklers, moving big gun/water cannons and moving boom cart. Pros and cons were presented on each irrigation system along with compatibility to different water sources. The City is continuing to look at all three irrigation methods, as a combination of methods will most likely be used.

Phase 2 Scope of Work:

Phase 2 will focus on the preliminary feasibility of using groundwater to irrigate Skagit River Park, through the possible transfer of the Water Right. Phase 2 will begin pursuing an interruptible irrigation water right from the Washington State Department of Ecology.

Task 1 – Preliminary Groundwater Investigation:

Data collection: Document the interconnection of groundwater and the Skagit River, beneath Skagit River Park. This will help site a potential new groundwater well and provide data needed by the Dept. of Ecology. The Dept. of Ecology will use this data to determine whether to allow issuance of a new interruptible groundwater permit to the City.

Task 2 – Initiate Interruptible Water Right Application:

With the Dept. of Ecology, discuss the feasibility of the City to obtain and use an interruptible water right, either directly from the Skagit River or from a new well, for irrigation of all or a portion of the Skagit River Playfields.

Phase 2 should be completed within 3 – 4 months. The fee will not exceed \$10,045.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

The Parks Reserve Fund budgeted \$200,000 for the Skagit River Park Irrigation Project for 2019.

Phase 1 Completed	\$20,787
Nagatani Water Right Assistance	Not To Exceed \$5,000
Phase 2	Not To Exceed \$10,045
Pending Phase 3 System(s) Design	
Pending Phase 4 Implementation/Construction	
Balance:	\$164,168

If the city is able to acquire the pending water right and/or the interruptible water right there would be a long term savings to the City. At some point in the future the return on the investment will reduce the City’s cost of watering the playfields at Skagit River Park significantly.

STAFF RECOMMENDATION

A City staff team consisting of the Parks and Recreation Director (Jennifer Berner), Parks Supervisor (Jim Rabenstein), Public Works Assistant Director (Brian Dempsey) and City Engineer (John Aabenroth) have been reviewing and consulting on this project from its inception. All staff members recommend the city move forward with entering into the Phase 2 contract with RH2 Engineering.

SUGGESTED COUNCIL MOTION LANGUAGE

Motion to award the Skagit River Park Irrigation Alternatives Analysis, Phase 2 contract to RH2 Engineering consulting firm and authorize the Mayor to sign.