

CITY COUNCIL AGENDA
7:00 p.m. May 14, 2020

MEETING TO BE HELD REMOTELY
VIA TELEPHONE: 1-774-777-4255
CONFERENCE ID No.: 589-8786

CALL TO ORDER:

Mayor Sexton
Council Members: Aslett, Chaplin, J. DeGloria, R. DeGloria, Green, Loving, and Stavig
Staff: Blaine, Burwash, Dempsey, Erickson, Hampton, Hawes, B. Johnson, L. Johnson, Jongsma,
Luvera, Morrison, Moser, Pulst, Rabenstein, Schwetz, Stewart, Toth, Ward, and Young.

MINUTES:

[City Council Meeting April 23, 2020](#)

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) [Sewer & Stormwater Fees – COVID-19](#)
- 2) [Eviction Moratorium – City Owned Properties](#)

FUTURE WORKSHOP:

EXECUTIVE SESSION:

ADJOURNMENT:

MEETINGS:

- 1) AUDIT & FINANCE COMMITTEE:

Thursday **May 14, 2020** 4:00 p.m.
MEETING TO BE HELD REMOTELY
VIA TELEPHONE: 1-774-777-4255
CONFERENCE ID No.: 589-8786

DUE TO THE COVID-19 PANDEMIC, AS OF MARCH 20, 2020, ALL OTHER COUNCIL COMMITTEE MEETINGS ARE SUSPENDED UNTIL EMERGENCY PROCLAMATION 2020-03 HAS BEEN RESCINDED, OR UNTIL FURTHER NOTICE.

May 2020

May 2020							June 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	1	2	7	1	2	3	4	5	6
10	11	12	13	14	8	9	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Apr 26	27	28	29	30	May 1	2
4/26 - 5/1							
	3	4	5	6	7	8	9
5/3 - 8			5:30pm SUSPENDED: Parks Board (Parks & Rec Dept) 6:00pm SUSPENDED: Library Board (Librar				
	10	11	12	13	14	15	16
5/10 - 15			4:00pm SUSPENDED: Public Safety Committee (Public Safety Building)		4:00pm Audit & Finance Committee (Telephonic Meeting) 7:00pm Council Meeting (Telephonic		
	17	18	19	20	21	22	23
5/17 - 22			4:00pm SUSPENDED: Public Works Committee (Engineering Conf Room)	1:00pm SUSPENDED: SKAT Board (Burlington City Hall) 5:30pm 7:00pm SUSPENDED: Planni			
	24	25	26	27	28	29	30
5/24 - 29				9:00am 10:00am SUSPENDED: Downtown Burlington Association (Visitor I	4:00pm Audit & Finance (Telephonic Meeting) 7:00pm Council Meeting (Telephoni		
	31	Jun 1	2	3	4	5	6
5/31 - 6/5							

June 2020

June 2020							July 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

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



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: May 14, 2020 Subject: [Sewer & Stormwater Fees – COVID-19](#)

Submitted By: Leif Johnson, City Attorney

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

HISTORY AND SUMMARY

The City of Burlington operates and assesses fees associated with sewer and stormwater services. Burlington Municipal Code 13.08 and 14.05 authorize fees and methods for recovery of delinquent fees. Specific fees are adopted by Resolution of the City Council, most recently updated in January 2020.

As Council is likely aware, concerns have been expressed by businesses and the public in paying utilities and other fees because of a sudden loss of income, in the wake of COVID-19. Although the City cannot waive utility fees completely, it is within Council’s discretion to relax some of the recovery requirements for fees, and waive some late fees entirely.

With that in mind, the attached Resolution would limit some late fees associated with sewer and storm fees, and authorize the Finance Department Director or their designee some additional discretion to arrange payment plans or take other reasonable steps, as necessary.

In order to qualify for assistance under this Resolution, the applicant must provide reasonable evidence that the no, or late, payment is based on issues arising from COVID-19 in order to qualify under this Resolution.

It is possible for this Resolution to be re-considered on or before the currently defined expiration dates and extended or modified as Council sees fit.

ALTERNATIVES CONSIDERED

Council does not need to adopt this Resolution. If Council does not do so, staff may be obligated to take steps to charge and collect sewer and storm fees, if it is legal to do so, even if the fees are not paid only because of an inability to pay due to effects of COVID-19.

The State or Federal Government may order or pass Legislation that may override or otherwise impact this Resolution, even if it is passed by Council.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

This Resolution may result in the City missing or waiving fees that would otherwise be due. There is a strong likelihood that some of the fees waived or extended under this Resolution may never be collected, or only pursuant to a lien, which may take years to collect.

Council must also consider the effect of enforcing fees that are unpaid solely because of COVID-19 related issues, on balance with the City's adopted goals to take reasonable steps to support those affected by the outbreak. That is a policy decision that Council must consider.

LEGAL ASPECTS – LEGAL REVIEW

As a policy decision, it is within Council's authority to approve or deny this Resolution in its sole discretion. Council may also refer it back to staff to alter dates or conditions, as Council deems appropriate in order to meet the City's needs and goals.

STAFF RECOMMENDATION

Approve the Resolution.

SUGGESTED COUNCIL MOTION LANGUAGE

"I move to approve the Resolution to provide relief for sewer and stormwater fees due to COVID-19."



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: May 14, 2020 Subject: [Eviction Moratorium – City Owned Properties](#)

Submitted By: Leif Johnson, City Attorney

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

HISTORY AND SUMMARY

The City of Burlington owns a small number of properties that are currently leased to commercial and residential tenants. The COVID-19 outbreak has resulted in financial hardships that already have, or may affect the ability of those tenants to pay their regular rent.

As Council is likely aware, Governor Inslee has already taken steps to limit evictions of residential tenants in the State. Other municipalities have taken steps to limit residential and commercial evictions locally during the COVID-19 outbreak.

If Council chooses to pass the attached resolution, City staff will not take steps to evict any of the tenants of *City owned* properties for non-payment of rent until September 1, 2020, or the rescission of the Mayor’s Emergency Proclamation, whichever may come first. Tenants must provide reasonable evidence that the non-payment of rent is based on issues arising from COVID-19 in order to qualify under this resolution.

Any late fees that would otherwise be assessed would be waived during this period. Regular rent would still be owed, but the Mayor could enter into reasonable agreements to pay back the rent at some time in the future, perhaps through incremental payments or some other mechanism.

Notably, this Resolution does not affect any property not owned by the City of Burlington.

It is possible for this Resolution to be re-considered on or before the currently defined expiration dates and extended or modified as Council sees fit.

ALTERNATIVES CONSIDERED

Council does not need to adopt this Resolution. If Council does not do so, staff may be obligated to take steps to evict tenants in City of Burlington owned properties, if it is legal to do so, even if the eviction is only based on an inability to pay due to effects of COVID-19.

The State or Federal Government may order or pass legislation that may override or otherwise impact this Resolution, even if it is passed by Council.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

This Resolution may result in the City missing or waiving rent or late fees that would be otherwise be due. The City would not be able to evict tenants in order to re-rent properties to paying tenants during this period, so prospective income may be lost as well. Even after the expiration of this Resolution, the eviction process may take many months to execute, so the overall period where the City could not re-rent the property would be extended.

Council must also consider the effect of evicting tenants based solely on COVID-19 related issues, on balance with the City's adopted goals to take reasonable steps to support those affected by the outbreak. That is a policy decision that Council must consider.

LEGAL ASPECTS – LEGAL REVIEW

As a policy decision, it is within Council's authority to approve or deny this Resolution in its sole discretion. Council may also refer it back to staff to alter dates or conditions, as Council deems appropriate in order to meet the City's needs and goals.

STAFF RECOMMENDATION

Approve the resolution.

SUGGESTED COUNCIL MOTION LANGUAGE

"I move to approve the resolution to establish a temporary moratorium on commercial and residential evictions for City owned properties."