

January 28, 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, J. DeGloria, R. DeGloria, Scott Green, Chris Loving and James Stavig. Staff present: Janice Burwash, Geoff Hawes, Brad Johnson, Leif Johnson, Sandy Kottke, Mike Luvera, Katie Olafson, Marv Pulst, Jim Rabenstein, Joe Stewart, Rob Toth, Sarah Ward and Greg Young.

**MINUTES:**

A motion was made to approve the minutes of the January 14, 2021 Council meeting by **Councilors Aslett/ R. DeGloria**. All in favor; motion carried.

**AUDIT OF BILLS:**

A motion was made by **Councilors Loving/Green** to approve Accounts Payable invoices to be paid as of January 28, 2021 in the amount of \$243,579.24, and Payroll Expenses for Pay Period ending January 15, 2021 in the amount of \$687,301.86. All in favor; motion carried.

**PUBLIC COMMENTS:**

**City Attorney Leif Johnson** stated that one public comment had been submitted. **James Sweeney** wrote in a letter sharing he applauds City Councils decision to vote against the George Hopper overpass project. **Sweeney** explained he felt this project was far to large an undertaking at this time and hopes the city will focus on more impactful projects for the citizens of Burlington. **Public Works Director Marv Pulst** responded to **Sweeney's** comment explaining there may have been some confusion about aspects of the George Hopper project, but the project is still moving forward and will be a subject at future council meetings.

**L. 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](mailto:badministration@burlingtonwa.gov), as the city still cannot by law, hold in-person meetings.

**COUNCIL COMMENTS:**

**Councilor Joe DeGloria** made a comment about a few articles that have recently been published in the Skagit Valley Herald pertaining to the B&O Tax that was implemented in the City of Burlington as well as the Homeless Shelter Project. **J. DeGloria** shared the Council had little knowledge about information included in these articles prior to their release and would like to find a way for Council to get information about pertinent topics more readily available to better inform citizens of the happenings in Burlington. **Councilor Keith Chaplin** and **Councilor James Stavig** spoke in agreement with **J. DeGloria** and shared they would like to find a better process for distributing information. **Mayor Sexton** spoke to these concerns and shared it can be challenging to get information out before news stories are published. **Mayor Sexton** polled the Council for their preferred ways of communication to better assist in getting information available in the future.

**MAYOR'S UPDATE:**

**Mayor Sexton** and **Finance Director Joe Stewart** held a discussion about the Income Statement for the City of Burlington. **Mayor Sexton** shared this is crucial information and will help the Council when it comes to the budget at the end of the year. Council will be presented with this information regularly to keep everyone up to date. **Stewart** gave Council a brief overview of the form and pointed out specific areas of interest. **Stewart** also noted that despite the pandemic, the City has improved its cash position

January 28, 2021

over the past year. **Councilor Bill Aslett** discussed this form in great depth and shared this is an extraordinarily complex read that offers valuable information of the budget. **Aslett** also stated he would like Council to be updated quarterly of the funds of the city.

**Mayor Sexton** and **Finance Director Joe Stewart** discussed confusion that had circulated regarding the implementation B&O Tax for the City of Burlington. The City was not seeing the collection from the tax as was originally thought. The Skagit Valley Herald posted an article about the tax and the City sent out an official statement to business. Feedback from local business showed that most were unsure if the tax was in fact legitimate. Because of this information the City has waved any and all penalties for business that have yet to file or make a payment. The Council spoke in agreement of offering a more substantially extension to the deadline to help business adjust to the tax.

**Mayor Sexton** updated the Council about a great discussion that was held at a Homeless Transitions meeting he attended via zoom. **Councilor Bill Aslett** also attended this meeting and spoke about hearing a real willingness for this project to succeed. **Councilor Keith Chaplin** asked what the next steps for this project would be specifically mentioning a mission statement and a business plan. **Mayor Sexton** shared The Friendship House would be the source of most of the day-to-day operations of this project. **Councilor Scott Green** asked if the Council would have an opportunity to weigh in on rules and regulations for the project. **Mayor Sexton** shared that Council would get to make their voices heard during the implementation of this project. **City Attorney Leif Johnson** explained the role of the City will be operating standards.

**SPECIAL PRESENTATION:**

No Special Presentation.

**PROCLAMATION:**

No Proclamation.

**COMMITTEE & BOARD REPORTS:**

No Committee & Board Reports

**OFFICERS REPORTS:**

**City Administrator Greg Young** updated Council on the sales tax information sharing, currently the sales tax revenue for the City is strong and the pandemic does not seem to be quelling shopping in town. **Young** was encouraged by this information and shared that the City is off to a good start for 2021.

**UNFINISHED BUSINESS:**

No Unfinished Business.

**CONSENT AGENDA**

No Consent Agenda

**NEW BUSINESS:**

**2021 Cascade Natural Gas Franchise Agreement**

**City Administrator Greg Young** shared the City of Burlington, has franchise agreements with various private companies that regularly use our city right-of-way (ROW). In this case, Cascade Natural Gas uses our ROW to supply natural gas to customers in Burlington. This franchise agreement has a term of ten (10) years with five (5) year extensions, which is common in Washington State. This franchise agreement is nonexclusive meaning that the City could grant other franchise agreements for similar

January 28, 2021

purposes. The agreement is also cancelable should Cascade or the City wish to terminate the agreement. This franchise agreement differs from the Comcast franchise we approved at our last meeting in one important way – unlike Comcast, the City is prevented by federal law from charging an annual franchise fee. The City can assess a Utility Tax on natural gas which was done last year. One important factor in franchise agreements is the ability of the city to require the franchisee to relocate their infrastructure should the city need to complete road or ROW improvements. This is a standard provision which was contained in previous franchise agreements. The City negotiated a change in the relocation section – the original draft had a five-year window on relocation at no cost to the city that and was able to move this to four years.

**Mayor Sexton** opened the public hearing.

A motion to close the public hearing was made by **Councilor Aslett/Green**. All in favor; motion carried.

A motion was made by **Councilors J. DeGloria/R. DeGloria** to approve the 2021 Cascade Natural Gas Franchise Agreement. All in favor; motion carried.

#### **2021 Contract for Prosecution Services by Kailin James**

**City Attorney Leif Johnson** explained 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, with Ms. James handling the lion's share of duties. Since 2015, the number of municipal court calendar days and potential trials per month has generally increased, including the anticipated addition of a community court calendar in 2021. The City is no longer under federal audit regarding defense services, but Prosecution strives to maintain the elevated standards that were put in place during that period, as well as anticipate new needs that may arise. It is also likely that prosecution needs will increase later in 2021 and beyond, once many of the criminal matters that were previously put on hold while courts were essentially closed for most of the 2020 need to be resolved, while respecting defendant's speedy trial rights. The proposed contract, attached, is identical to the contract approved by Council in 2020, with no change in fees or rates. 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 much the same level that was exercised in 2020. The contract currently in place expired at the end of December and went to month-to-month thereafter. The proposed contract is set for calendar year 2021, then month-to-month thereafter.

A motion was made by **Councilor R. DeGloria/Aslett** to approve the Agreement for Legal Services Between City of Burlington and Kailin James and authorize the Mayor to sign the Agreement. All in favor; motion carried.

#### **Professional Service Agreement with Lana Reichert of Skagit County Investigations, LLC**

**City Administrator Greg Young** explained 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

January 28, 2021

Lana Reichert for background investigations, and the billable rate remains unchanged from the most recent contract, the terms of which expired on December 31 ,2020.

A motion was made by **Councilors Stavig/J. DeGloria** to approve the professional services agreement with Lana Reichert of Skagit County investigations, LLC and authorize the Mayor's signature.

**Purchase New John Deere 997 Z TRAK Mower**

**Parks Supervisor Jim Rabenstein** shared the Parks Departments 2007 John Deere 997 Z-TRAK mower needs replacement. This is a workhorse mower and gets heavy use during the mowing season. A few years ago, this mower was due for replacement and was showing its age. After a close evaluation of the mower, it was determined the machine still had some service life, however, it was in desperate need of a new collection system. A new collection system was purchased extending the life of the mower an extra 4 years. There are now numerous components which are at the end of their service life, and it is not cost effective to attempt rejuvenation of the machine by replacing parts. **Councilor Chris Loving** asked how many different types of mowers were looked at and considered. **Rabenstein** shared this model was the best option and has been fulfilling the departments needs so no other option or model was considered. **Councilor James Stavig** thanked **Rabenstein** and the entire Parks Department for all their hard work and stress the importance of having a reliable mower for the fields. **Stavig** commented that he would like to make sure the City is always looking at the best options when purchasing new equipment. **Councilor Keith Chaplin** also shared his thanks for **Rabenstein** and the Parks Department, sharing that their hard work shows.

A motion was made by **Councilors Chaplin/R. DeGloria** to approve the purchase of the new John Deere 997 Z- TRACK mower as quoted in the state contract bid. **Councilors Chaplin/R. DeGloria/Stavig/Green/Aslett** and **J. DeGloria** in favor; **Councilor Loving** opposed. Motion carried.

**DISCUSSION**

No Discussion.

**EXECUTIVE SESSION:**

**City Attorney Leif Johnson** recited the following: pursuant to RCW 4230110 as well as RCW 4230140, an executive session will be in regard to Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress. **L. Johnson** stated that the session is expected to last about 40 minutes and conclude at approximately 9:00 p.m., and action is expected at the conclusion.

The Council voted unanimously to approve the Police Guild Agreement.

**ADJOURNMENT:**

**Mayor Sexton** adjourned the meeting at 9:05 p.m.

CITY OF BURLINGTON, WA

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January 28, 2021

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Joe Stewart  
Finance Director

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Steve Sexton  
Mayor