

**Oak Harbor City Council
Minutes of the Regular Meeting
Tuesday, 6:00 p.m. January 15, 2013**

CALL TO ORDER:

Mayor Dudley called the meeting to order at 6:00 p.m.

ACCEPTANCE OF AGENDA:

MOTION: Councilmember Campbell moved Agenda Bill 13, **Extending/Renewal Senior Services of Island County Contract**, up before the Consent Agenda. Councilmember Almberg seconded the motion and the motion carried.

MOTION: Councilmember Severns moved to delete Agenda Bill 9, **a Public Hearing and adoption of Ordinance No. 1643 Impact Fee Deferral**, from the Agenda. Councilmember Campbell seconded the motion and the motion carried.

MOTION: Councilmember Hizon moved to hold the **Executive Session** before the end of the meeting, but before City Administrators Comments. The motion was seconded by Councilmember Campbell and carried.

MOTION: Councilmember Severns moved and Councilmember Munns seconded the motion to approve the agenda as amended. Motion carried.

PLEDGE OF ALLEGIANCE:

The Mayor led the Pledge of Allegiance to the flag.

INVOCATION:

Councilmember Campbell gave the invocation.

ROLL CALL:

The clerk called the roll.

Present:

Mayor Scott Dudley
Councilmember Bob Severns
Councilmember Rick Almberg
Councilmember Jim Campbell
Councilmember Beth Munns
Councilmember Joel Servatius
Councilmember Tara Hizon

Staff Present:

City Administrator Larry Cort
Public Works Director Cathy Rosen
Interim City Clerk Nacelle Heuslein
Exec. Assist. To the Mayor Renee Recker
Chief of Police Ed Green
City Engineer Joe Stowell
Fire Chief Ray Merrill
Interim City Attorney Grant Weed
Finance Director Doug Merriman
Director of Senior Services Mike McIntyre
Development Services Director Steven Powers
Human Resources Manager Cheryl Lawler

Excused Absence:

Mayor Pro Tempore Danny Paggao

MINUTES of the Regular City Council meeting held January 2, 2013

When there were no additions or corrections to the minutes of January 2, 2013, the Mayor declared them accepted as presented.

MINUTES of the Special City Council meeting held December 27, 2012

When there were no additions or corrections to the minutes of the Special City Council meeting held December 27, 2012, the Mayor declared them accepted as presented.

PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS

AB 3 Presentation by Cathy Lange from the Youth Commission

Sheriff Mark Brown, standing in for Ms. Lange, provided an overview of the Oak Harbor Youth Commission stating it was formed to advise the Mayor and City Council concerning the welfare, education, recreation, job needs, substance abuse and delinquency matters of the city's youth. Allison Johnston, Secretary and Island County Substance Abuse Prevention Program Coordinator, provided a logic model draft form and encouraged the community to visit their website and fill out a survey and provide feedback. www.oakharboryouth.org

AB 4 Employee Recognition Douglas Merriman – 15 years

City Administrator Larry Cort introduced Finance Director Douglas Merriman and praised him for his dedication and outstanding service to the City. The Mayor and City Council also recognized Doug Merriman for his 15 years of committed tenure with the City.

Recess:

The Mayor declared a 5 minute recess at 6:38 p.m.

Reconvene:

The Mayor called the meeting to order at 6:43 p.m.

CITIZEN COMMENTS PERIOD

Pam Fick, Oak Harbor resident went on record declaring that guns were not appropriate in Council meetings.

Shane Hoffmire, Oak Harbor resident read Attachment A into the record.

Garrett Newkirk, North Island County resident read Attachment B into the record.

Wendy Campbell de Winter, North Island County and District 3 resident does not support Island County Commissioner Kelly Emerson representing her in Washington, D.C., but does support Island County Commissioner Jill Johnson to represent her.

Lucas Yonkman, Oak Harbor resident urged people to stand up for their second amendment rights.

MOTION: Councilmember Almberg moved if any person has a firearm on their person during this meeting that it is either checked with the police chief or the police department. Councilmember Servatius seconded the motion.

Motion failed with Councilmember Campbell, Severns, Munns and Hizon voting no and Councilmember Almberg and Servatius voting yes.

Councilmember Almberg left the meeting at 7:20 p.m.

Councilmember Campbell made a plea to the citizens of Oak Harbor, “those of you watching and those of you who might read it in the newspaper; you’ve seen this tonight, you’ve have heard our discussion, you know how much grief it causes us when someone shows up with a concealed weapon, it is totally legal and by rights, we should just not say anything and go about our business and not let it interfere with doing the city’s business, however, having said that, I would ask if you are going to come to our meetings please consider, is your carrying a concealed weapon more important than us doing city business. If you consider it more important, then by all means come with it, but if you could leave it at home we would appreciate that too.”

Joe Hawkins, Oak Harbor resident asked if any of the laws of the city, as it relates to firearms in city parks, are in direct conflict with state law then ours are null and void. Interim City Attorney Weed informed council and Mr. Hawkins that state law preempts local regulations of firearms except where state law specifically says cities may regulate. However, where cities can regulate does not include city parks.

The Mayor closed public comments at 7:23 p.m.

Recess:

Mayor Dudley called a recess at 7:24 p.m.

Reconvene:

Mayor Dudley called the meeting back to order at 7:33 p.m.

OTHER BUSINESS

AB 13 Extending/Renewal Senior Services of Island County Contract

Mike McIntyre, Director of Senior Services introduced Agenda Bill 13 authorizing a professional services contract with Senior Services of Island County for nutrition and information and assistance programs. The contract term is for two years at a cost of \$18,000 per year.

There were no public comments regarding this item.

MOTION: Councilmember Campbell moved the City Council authorize the Mayor to sign a two-year professional services agreement with Senior Services of Island County for professional and administrative services for nutrition and Information and Assistance programs, in the amount of \$18,000 per year. Councilmember Severns seconded the motion and the motion carried.

CONSENT AGENDA

AB 5 Approval of Accounts Payable Vouchers 152551 – 152562 in the amount of \$1,185.71 – Approval of Accounts Payable Vouchers 152563 – 152753 in the amount of \$586,856.89

AB 6 Appointment of Bruce Freeman to the Planning Commission

Mr. Freeman's appointment is to fill the unexpired term of Planning Commissioner Gerry Oliver. If confirmed, this term would expire September 2013.

AB 7 Appointment of Ana Maria Schlecht to the Planning Commission

Ms. Schlecht's appointment is to fill the unexpired term of Planning Commissioner Jill Johnson. If confirmed, this term would expire March 2014.

MOTION: Councilmember Severns moved and Councilmember Munns seconded a motion to approve the Consent Agenda as read by the City Clerk. The motion carried unanimously.

OTHER BUSINESS

AB 8 Funding for IDIPIC Resolution No. 13-04

Finance Director Merriman introduced Ms. JoAnn Hellmann of "Impaired Driving Impact Panel of Island County" (IDIPIC) who provided a brief synopsis of the agency. Ms. Hellmann has requested funding from the City of Oak Harbor, in the amount of \$2,000, to support IDIPIC in conducting 12 of 24 DUI impact panels held in Oak Harbor. Mr. Merriman stated, if approved, the funding will come from the General Fund #001, Department 45 Governmental Services (BARS #001.45.567.000.5110). Appropriation will be funded from Ending Fund Balance #001.00.508.080.0000. Estimated remaining balance after adjustment: \$502,233.00.

No public comments.

MOTION: Councilmember Hizon moved to adopt Resolution 13-04 to provide the requested funding. Councilmember Campbell seconded the motion and the motion carried unanimously.

HEARINGS AND ORDINANCES/RESOLUTIONS

AB 10 Public Hearing and adoption of Ordinance No. 1651 Property Maintenance & Abatement Code Ordinance

Development Services Director Steven Powers stated the City regulates public nuisances, including those related to property maintenance, garbage and debris and unsafe conditions under Oak Harbor Municipal Code Chapter 6.20. The existing code addresses many of the major components of an enforcement process (inspection, notice of violation, abatement and liens) but lacks in specific details regarding that process. It also does not acknowledge that the City first informally seeks the property owner's voluntary compliance with the code, before proceeding to more formal steps. The proposed amendments add detail to the code and include voluntary compliance steps in order to provide a more complete code enforcement process.

The Mayor opened the Public Hearing at 7:55 p.m.

Shane Hoffmire, Oak Harbor resident encouraged the Council to adopt this Ordinance.

The Mayor closed the Public Hearing at 7:57 p.m.

MOTION: Councilmember Servatius moved for adoption of Ordinance No. 1651 relating to the public nuisance abatement process. The motion was seconded by Councilmember Hizon and the motion carried.

AB 11 Resolution 13-03 Solid Waste Transfer Station KPG Engineering Program Planning Report

Public Works Director Cathy Rosen stated the purpose of Agenda Bill 11 was to present KPG Engineering's Solid Waste Transfer Station Planning Program Final Report for a City owned solid waste and recycling transfer station and the City's fiscal analysis of the benefits and costs associated with construction and operation of a City owned transfer station. Based on Mr. Merriman's fiscal analysis, it is not cost effective for the City to construct a transfer station for City solid waste and recycle trucks at this time. It does appear however, that the City might realize some costs savings if it pursues alternate methods of disposing of recyclables that include selling them rather than the current method where the City hauls them to Coupeville and pays \$45 per ton to dispose of them.

The mayor opened the meeting for Public Comments

Shane Hoffmire, Oak Harbor resident thought the staff's recommendation was a good one and encouraged the Council to adopt it.

MOTION: Councilmember Hizon moved to adopt Resolution No. 13-03 directing staff to stop work related to the design and construction of a solid waste and recycling transfer station for City route trucks and direct staff to explore options to dispose of the City's recyclables in a manner in which the City receives payment for those recyclables. Councilmember Campbell seconded the motion and the motion carried.

OTHER BUSINESS

AB 12 Wastewater Treatment Plant authorization to Solicit RFQ's for Design

City Engineer Joe Stowell provided a power point presentation which supported Agenda Bill 12 requesting approval from the City Council to pursue advertising for a Request for Qualifications (RFQ) to select an engineering consultant to complete preliminary and final plans and specifications for a new wastewater treatment plant. He also gave reasons to negotiate engineering services with Carollo Engineering.

Mayor Dudley opened the meeting to public comments.

Shane Hoffmire, Oak Harbor resident encouraged Council to support going out for RFQ's.

Council discussion ensued.

EXTENSION OF MEETING

MOTION: Councilmember Servatius moved to suspend the Council Rules and extend the City Council meeting until 10:00 p.m. Councilmember Munns seconded the motion and the motion carried.

MOTION: Councilmember Servatius moved staff to negotiate engineering services with Carollo Engineers for preliminary and final plans and specifications for a new wastewater treatment plant. Councilmember Munns seconded the motion and the motion carried with Councilmember Campbell voted no.

AB 14 Adoption of Department of Corrections Contract

Police Chief Ed Green stated the purpose of this agenda bill is seeking approval of the Washington State Department of Corrections Contract (DOC) Interagency Agreement dated: January 1, 2012 through December 31, 2014 with the intention of maximizing the efficiency and cost effectiveness of the Oak Harbor City Jail.

No public comments.

MOTION: Councilmember Munns moved to authorize the Mayor to review and sign the Washington State Department of Correction Contract (DOC) Interagency Agreement dated January 1, 2012 through December 31, 2014. The motion was seconded by Councilmember Severns and carried unanimously.

AB 15 Authorization to bid for Water Reservoir

City Engineer Joe Stowell presented Agenda Bill 15 which seeks authorization to advertise the North Reservoir Construction Project for competitive bidding. The North Reservoir is a new 4-million gallon water storage facility in the northwest section of Oak Harbor. The scope of the project includes clearing and grading of the site, construction of a 150-foot diameter, 39 foot tall steel reservoir with concrete foundation, on-site water piping, 1,670 feet of pervious pavement access road, a storm drainage detention and infiltration system, extending electric power to the reservoir site, installation of a new pressure reducing valve station on NE Goldie Street and replacement of three booster pumps at the Ault Field Pump Station. The North Reservoir will be connected to the water system by the recently installed Gun Club water mains. Engineering estimate is approximately \$4,620,000.

An archaeology investigation has been completed and the results suggest there is a low probability of encountering cultural resources. An inadvertent discovery plan has been prepared in the unlikely event that cultural resources are encountered during construction.

No public comments.

MOTION: **Councilmember Servatius moved to** authorize staff to proceed with advertisement of the North Reservoir Construction Project for competitive bidding. Councilmember Hizon seconded the motion and the motion carried.

AB 16 Professional Services Agreement Orswell Events - Marathon

City Administrator Larry Cort provided the staff report stating in 2009, the City Council approved the purchase of the Whidbey Island Marathon and Half Marathon. The Marathon attracts runners from throughout the U.S.A. and other countries. In 2011 there were 1,893 participants and in 2012 there

were 1,880 participants. The Marathon is an established event that promotes economic development for the City of Oak Harbor.

No public comments

MOTION: Councilmember Hizon moved to authorize the Mayor to sign the agreement with Orswell Events LLC for marathon logistical support as outlined in the Scope of Work for a not to exceed amount of \$17,500.00. Councilmember Campbell seconded the motion and the motion carried.

FUTURE CITY COUNCIL PENDING ITEMS - In Packet

EXTENSION OF MEETING:

MOTION: Councilmember Servatius moved to suspend the Council Rules and extend the meeting to 10:30 p.m. Councilmember Campbell seconded the motion and the motion carried.

EXECUTIVE SESSION - Pursuant to RCW 42.30.110(1)(i)): Potential Litigation and Employee Performance Evaluation.

Mayor Dudley stated the Executive Session will last for approximately 45 minutes and the regular meeting of the City Council would reconvene at approximately 10:10 p.m. He further stated there may be Council action taken when the meeting reconvenes.

EXTENSION OF EXECUTIVE SESSION:

At 10:10 p.m. the Mayor stated the Executive Session would continue for another ten minutes.

RECONVENE:

The Mayor reconvened the meeting at 10:22 p.m.

CITY ADMINISTRATOR COMMENTS:

- Appeal of the Growth Management Hearings Board decisions the City took will be coming before the Thurston Superior Court in Olympia on January 25, 2013.
- The City Attorney position closes this Friday.
- On February 9th the Council Retreat will be at the Public Works Building and Department Heads will be spending the day with the Council.

EXTENSION OF MEETING:

MOTION: Councilmember Servatius moved to suspend the Council Rules and extend the meeting to 10:45 p.m. Councilmember Campbell seconded the motion carried. Councilmember Hizon voted no.

COUNCILMEMBER'S COMMENTS

Councilmember Campbell stated the February 12th Governmental Services Standing Committee will be canceled.

MOTION: Councilmember Campbell moved to set a Special Council meeting for January 29, 2013 at 6:00 p.m. to conduct a Public Hearing pursuant to OHMC 5.22.070 to consider

revocation of the Nightclub License for the business known as The Element, located at 656 Bayshore Drive, Suite 1, Oak Harbor, WA 98277. Councilmember Severns seconded the motion and the motion carried unanimously.

Councilmember Munns stated this Thursday, January 17th the Public Safety Standing Committee meeting will be held in the Chambers.

Councilmember Severns stated he would be attending the Economic Development luncheon in Coupeville on January 18, 2013.

Councilmember Hizon stated the Youth Commission will be meeting January 18, 2013 at the United Way office on Pioneer Way and she encouraged citizens to fill out the survey at www.oakharboryouth.org.

Councilmember Servatius had no report.

MAYOR'S COMMENTS

Mayor Dudley shared the Council Chambers has new paintings from Mike O'Connell a self taught local artist who has lived in Oak Harbor for 20 years, they feature large orbs and text paintings and need to be appreciated up close.

Mayor Dudley inquired of Interim City Attorney Weed, if the motion made earlier in the meeting passed, restricting firearms from the Council Chamber, would it have been enforceable. Mr. Weed stated such an action would be invalid and unenforceable and because the motion was unsuccessful in passing it becomes mute.

ADJOURNMENT

MOTION: Councilmember Campbell moved and Councilmember Hizon seconded the motion for adjournment at 10:33 p.m.

Nacelle J. Heuslein, CMC

Nacelle J. Heuslein, Interim City Clerk