

City of Oak Harbor
City Council
Meeting Agenda

For

January 20, 2009
7:00 p.m.

Oak Harbor City Council
7:00 p.m.
Tuesday, January 20, 2009

Welcome to the Oak Harbor City Council Meeting

As a courtesy to Council and the audience, **PLEASE TURN YOUR CELL PHONES OFF** before the meeting begins. The City Council values your ideas, and sets aside time at the beginning of each meeting, from 6:45 p.m. to 7:00 p.m., to talk with citizens. During the meeting's Public Comments section, Council will listen to your input regarding subjects of concern or interest that are not on the agenda. For scheduled public hearings, please sign your name to the sign up sheet, located in the Council Chambers if you wish to speak. The Council will take all information under advisement, but generally will not take any action during the meeting. To ensure your comments are recorded properly, state your name and address clearly into the microphone. Please limit your comments to three minutes in order that other citizens have sufficient time to speak.

Thank you for participating in your City Government!

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION Reverend Paul Orritt – St. Stephens Anglican Church

ROLL CALL

MINUTES 1/6/09 Regular Meeting

NON-ACTION COUNCIL ITEMS:

1. Introduction of New Employees – none this evening.
2. Proclamation – Interfaith Coalition of Whidbey Island Food Drive Day
3. Citizen Recognition – Kristi Jensen, Bruce Guy, Pastor David Lura, and Jack Stiltz
4. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

5. Consent Agenda:
 - a. Excused Absence – Mayor Pro Tem Danny Paggao.
 - b. Pay Bills.

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6. Element – Application for Card Table License.

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7. 2009 Vehicle Replacements.

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8. Bid Award – Craftco Asphalt Crack Sealer.

Page 39

9. 2009 Purchase of Radio Read Water Meters

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10. Public Hearing, Resolution No. 09-01 – Surplus Property for Affordable Housing Project.

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11. Resolution No. 09-02 – Resolution to undertake an Affordable Housing Project with HASCO.

12. City Administrator's Comments.

13. Councilmembers' Comments.

- Standing Committee Reports

14. Mayor's Comments.

ADJOURN

If you have a disability and are in need of assistance, please contact the City Clerk at (360)279-4539 at least two days before the meeting.

*"Life is what happens to you when you are busy making other plans."
- Indian saying*

**Regular City Council Meeting
January 6, 2009, 7:00 p.m.
City Hall Council Chambers**

CALL TO ORDER

Mayor Slowik called the meeting to order at 7:00 p.m.

INVOCATION

Pastor Dave Veach, Living Word

ROLL CALL

Mayor Jim Slowik

Paul Schmidt, City Administrator

Six members of the Council,

Margery Hite, City Attorney

Rick Almborg

Doug Merriman, Finance Director

James M. Campbell

Steve Powers, Development Services Director

Beth Munns

Ethan Spoo, Senior Planner

Danny Paggao, Mayor Pro Tem

Mark Soptich, Fire Chief

Jim Palmer

Rick Wallace, Chief of Police

Bob Severns

Mike McIntyre, Senior Services Director

Mack Funk, Harbormaster

Renée Recker, Executive Assistant to the Mayor

Councilmember Eric Gerber was formally excused from this meeting.

MINUTES

MOTION:

COUNCILMEMBER PALMER MOVED TO APPROVE THE MINUTES OF THE 12/16/08 REGULAR MEETING, AND THE MOTION WAS SECONDED BY COUNCILMEMBER CAMPBELL. COUNCILMEMBERS CAMPBELL, MUNNS, PAGGAO, PALMER AND SEVERNS VOTED IN FAVOR OF THE MOTION; COUNCILMEMBER ALMBERG ABSTAINED FROM THE VOTE. THE MOTION CARRIED.

NON-ACTION COUNCIL ITEMS:

Introduction of New Employees – Ethan Spoo, Senior Planner

Development Services Director Steve Powers introduced Mr. Spoo and talked about his private and public sector experience in economics, planning, affordable housing, and impact analysis. Ethan comes to Oak Harbor from Portland, Oregon. Mr. Spoo thanked the City for this employment opportunity and talked about Oak Harbor's beautiful water setting and the City's commitment to a sustainable quality of life. Ethan holds a Masters of Urban Planning Degree from Portland State University. Mayor Slowik called for a short recess so Council members could greet Mr. Spoo, and the meeting reconvened at 7:10 p.m.

Proclamation – Relay for Life Kick-Off

Councilmember Campbell read this proclamation and presented it to Karla Sharkey who is this year's Event Chairwoman. Ms. Sharkey introduced her committee and noted that, of the \$240,830.75 that was raised by Island County in 2008, \$193,740.00 of that amount was raised by North Whidbey. The twenty-second anniversary Relay for Life of North Whidbey Kick-off Celebration will be Wednesday, January 7, 2009. The Relay for Life event will be June 5 and 6, 2009 at North Whidbey Middle School and is a fun-filled 24-hour walk/run team event designed to celebrate survivorship and raise money for research, education, advocacy, and patient programs of the American Cancer Society.

Proclamation – Stop Human Trafficking Week, January 11 – 17, 2009

Councilmember Munns read this proclamation and presented it to Tamara Sipes, President of Soroptimist International of Oak Harbor. Human trafficking is a world-wide phenomenon that refers to the “illegal trade of human beings, through abduction, the use of threat or force, deception, fraud, or ‘sale’ for the purpose of sexual exploitation of forced labor.” Ms. Sipes noted that the United Nations lists drugs, human trafficking, and then arms as the top three illegal activities on a global scale. Soroptimist International of Oak Harbor, in conjunction with the Oak Harbor Emblem Club, will host a presentation about human trafficking on January 15, 2009, 7:00 p.m. at the Elks Club. The event is free and open to the public.

Proclamation – Martin Luther King, Jr. Day, January 19, 2009

Councilmember Severns read this proclamation and presented it to Pastor Fannie Dean, Mission Ministry Outreach and House of Prayer. Pastor Dean thanked the Council, Mayor, and City for recognizing and honoring Dr. King’s faith, courage, and unselfish leadership and his work toward liberty and dignity for every person. Pastor Dean also asked about the street banner which used to be hung for this day, and invited everyone to the ceremony being held at the Officer’s Club on Friday, January 16th at 10:00 a.m., and the service that will be held on Sunday, January 18th at 3:30 p.m. at the House of Prayer on Goldie Road.

Public Comments

Mayor Slowik opened the meeting to public comments at 7:20 p.m.

Denise Morrow, Island Mini Storage, 33856 SR-20, Oak Harbor. Ms. Morrow spoke with concern about the \$500 monthly stormwater bill incurred by Island Mini Storage and is seeking a discount on this monthly amount. Ms. Morrow’s complete remarks are added to these minutes as Exhibit A. Ms. Morrow also asked that, for the record, this issue be added to a future Council agenda for discussion.

With no other comments coming forth, public comments were closed at 7:25 p.m.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

Consent Agenda:

a. Appointment(s) – Marina Committee

Mayor Slowik forwarded a recommendation to the Council to appoint the following members to the Marina Advisory Committee:

Position #1 -- Dave French	1 year term, expiring December 31, 2009
Position #2 -- Steve Williford	1 year term, expiring December 31, 2009
Position #3 -- Al Koetje	2 year term, expiring December 31, 2010
Position #4 -- C. C. Harbour	2 year term, expiring December 31, 2010
Position #5 -- Debbie Skinner	3 year term, expiring December 31, 2011

b. Appointment – Community Police Advisory Board, Beth Morgan

Mayor Slowik forwarded a recommendation that Beth Morgan be appointed to the Community Police Advisory Board to fill a resident slot vacated in March by Lt. Gerald M. Hall who was transferred out of the area.

c. Pay Bills.

MOTION: COUNCILMEMBER ALMBERG MOVED TO APPROVE CONSENT AGENDA ITEMS A, B, AND C WITH ITEM C PAYING ACCOUNTS PAYABLE CHECK NUMBERS 135423 – 135429 IN THE AMOUNT OF \$1,055.43, ACCOUNTS PAYABLE CHECK NUMBERS 135430 – 135435 IN THE AMOUNT OF \$15,428.00, ACCOUNTS PAYABLE CHECK NUMBERS 135436 – 135575 IN THE AMOUNT OF \$447,400.72, ACCOUNTS PAYABLE CHECK NUMBERS 135576 – 135594 IN THE AMOUNT OF \$447,321.77, AND PAYROLL CHECK NUMBERS 92569 – 92628 IN THE AMOUNT OF \$933,108.87. THE MOTION WAS SECONDED BY COUNCILMEMBER PALMER AND CARRIED UNANIMOUSLY.

Lodging Tax Advisory Committee Recommendations for 2% 2009 Grant Funding Awards

Finance Director Doug Merriman presented this agenda bill. The City of Oak Harbor sponsors an annual grant program funded by revenues from lodging tax proceeds, more commonly known as the Lodging Tax Grant Program. Organizations are encouraged to apply for funding if they feel that their activity promotes tourism in a manner that attracts visitors to Oak Harbor from other localities. RCW 67.28.1817(2) directs that City Councils must officially refer any issue involving 2% funds to the Lodging Tax Advisory Committee at least 45 days prior to the final enactment of any imposition, increase, repeal, or change in use of the revenue received from the tax. City Council, at the August 6, 2008 meeting, referred to the Lodging Tax Advisory Committee a request for the committee to review applications for the City's 2% Hotel/Motel Tax Grant Program for 2009. The Lodging Tax Advisory Committee reviewed the applications at their November 20, 2008 meeting, and have now forwarded their recommendation to Council. This year, the City received three applications for grant funding:

Oak Harbor Chamber of Commerce – Additional Tourism Projects	\$23,286
North Whidbey Lions Club Car Show	6,000
Oak Harbor Arts Commission – Driftwood Day	<u>2,800</u>
Total Applications:	<u>\$32,086</u>

After full consideration of the applications, the Lodging Tax Advisory Committee voted to recommend to City Council the following grant awards for 2009:

Oak Harbor Chamber of Commerce – Additional Tourism Projects	\$15,000
North Whidbey Lions Club Car Show	5,000
Oak Harbor Arts Commission – Driftwood Day	<u>1,000</u>
Total Applications:	<u>\$21,000</u>

In addition, the City will be expending \$26,160 during 2009 under the terms of its agreement with the Chamber of Commerce for tourism support, with the projection that some type of contract renewal will take place at the expiration date of the current agreement. An annual economic impact report will be submitted to CTED per the attached AWC letter and information from the Department of Community, Trade and Economic Development. Mayor Slowik called for public comments but there were none.

MOTION: COUNCILMEMBER PAGGAO MOVED TO ADOPT THE RECOMMENDATIONS OF THE LODGING TAX ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY COUNCILMEMBER CAMPBELL AND CARRIED UNANIMOUSLY.

City Administrator Comments

City Administrator Paul Schmidt talked about upcoming standing committee dates, the January 29, 2009 City Council Workshop, and the AWC Legislative Action Conference slated for February 18 and 19, 2009. All Council members (except Councilmember Almberg who will be away in February) will be registered for the Conference in order to secure attendance space, so those who do not wish to attend need to notify Mr. Schmidt or Ms. Crouch. The February 17, 2009 Council meeting may not have a quorum so upcoming agenda bills are being reviewed for March Council meetings, if possible.

Councilmember Comments

Councilmember Palmer asked about changing the 2/19/09 Public Safety Standing Committee meeting to another date, Councilmember Campbell asked for follow up on the Morrow request regarding Island Mini Storage by the next Council meeting, and also talked about Mac McDowell's expertise regarding the National League of Cities Conference in Washington, D.C. Mr. Campbell suggested the City consider Mr. McDowell as a consultant for Mayor and Council's discussion with Admiral Seely. Councilmember Almberg noted the Council's first anniversary: my pleasure to serve with this Council and Mayor and hope we have served the public well. Mr. Almberg also talked about progress on the Waterfront Trail, which is about 65 percent complete, and thanked P and L Construction, Island Construction, and City Engineer Eric Johnston (who took his vacation time) for their tireless work on this project. Friday and Saturday will bring another major work party on the Trail which should bring it close to 95 percent complete. Councilmember Munns thanked the community for assisting Help House during Thanksgiving and Christmas in spite of the December storms. Volunteers drove food baskets to those who could not leave their homes and donations came in when most needed. Councilmember Severns thanked Fire Department Chief Soptich and his staff for their personal assistance with Mr. Severn's mother. Mr. Severns also mentioned that Oak Harbor School District will be having a levy kick-off rally on Thursday, January 8, 2009, 7:00 p.m., at Oak Harbor Elementary School and encouraged support of their propositions. Councilmember Campbell wished a Happy New Year to staff and thanked them for their hard work.

Mayor's Comments

Mayor Slowik thanked Council for this first year and also thanked Mr. Schmidt, Ms. Hite and all department heads for their guidance. Mayor Slowik thanked City employees for their diligent work through the December storms and specifically thanked Cathy Rosen and the Public Works Department, Chief Wallace and the Police Department, and Chief Soptich and the Fire Department. Mayor Slowik read the December storm statistics which have been added to these minutes as Exhibit B. Mayor Slowik noted the new art work by Shirley Taft displayed in Council Chambers and, in closing, wished staff and the community a healthy and prosperous New Year.

ADJOURN

With no other business coming before Council, **Councilmember Campbell moved to adjourn; the motion was seconded by Councilmember Palmer, and carried unanimously.** The meeting adjourned at 7:45 p.m.

Connie T. Wheeler
City Clerk

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My name is Denise Morrow
Island Mini Storage 33856 SR 20

We need the councils help. We have been trying for over a year to get some answers concerning our storm water issue.

We have a 156 foot bio swale and a 250 by 40 foot retention pond on our property, built at an expense of more than \$30, 000. The city does not have any storm water system around our property, not even a ditch.

Our system is a benefit to the public.

The city of Oak Harbor has run off from acres of property west of us that drains into a 16" waterline that empties into our pond. Frontier Industries and the Floor Show's runoff also empties into our pond.

The city has denied that they have a pipe, but Mr. Campbell and Mr. Schmidt have both seen it.

Then we were told that the city had an agreement for the line. We filed a public disclosure form and found out there is no agreement. The city also can not find any as built for the line.

Our storm water bill is \$500.00 a month. *We believe we deserve a discount.*

There is a business in town that takes on storm water for the city and they receive a discount. They have more impervious surface than we do and they pay one third of what we pay. We believe there is a precedence set.

We sent a letter to the mayor on December 12, 08 with copies to the council asking to be put on the agenda at a future council meeting and we did not receive a response. We also did not receive a response from a certified letter sent to the mayor on 9-4-08, nor did we get any answers on the issue when we met with the mayor months before that.

We are tax payers in this community and we feel that we deserve to at least get some kind of response to our correspondence.

We have been trying to find out what the cities appeal process is and no one seems to know or want to tell us.

We are asking you what your appeal process is?

We would like to go on the record officially asking to be added to the agenda at a future council meeting so that we can have a two way conversation on this issue.

December 2008 Storm Report

Police Department:

- 73 snow or ice related traffic accidents were investigated
- 38 weather related requests for assistance from the public were responded to
- We were able to directly respond to all calls for service
- 6 homeless individuals were contacted about shelter opportunities
- 2 patrol cars were slightly damaged by other drivers sliding into them

Public Works:

- 357 yards of sand spread on our streets
- 589 regular hours and 101 overtime hours were spent on snow removal and sanding
- 112.5 hours for street and sidewalk sweeping
- 80 yards of spoils were collected during the sweeping
- 45 hours were spent fixing broken City pipes
- 22 citizen complaints of broken pipes

Fire Department:

- 10 frozen/broken sprinkler pipes either in a commercial or apartment building
- 2 frozen/broken domestic water lines
- Responded to 5 weather related car accidents
- Responded to 3 slips on the ice

City of Oak Harbor

OFFICE OF THE MAYOR

JIM SLOWIK

MAYOR



PROCLAMATION

WHEREAS, The Interfaith Coalition of Whidbey Island is a partnership of local congregations working together to provide basic necessities to local people in need; and,

WHEREAS, the ICWI has been involved in feeding the homeless on Flintstone freeway and supplying school supplies and coats to children; and,

WHEREAS, the requests for food from the North Whidbey Help House has progressively increased while donations have not always kept up with demand; and,

WHEREAS, the ICWI recognizes the need to restock the shelves and will sponsor a community-wide food drive; and,

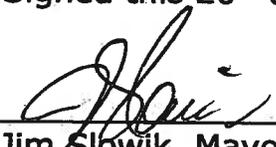
WHEREAS, Interfaith Coalition of Whidbey Island will be holding a food drive to benefit the North Whidbey Help House on Saturday, January 24, 2009, from 8:00am to 4:30pm at the corner of Highway 20 and Pioneer Way.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim January 24, 2009 as

INTERFAITH COALITION OF WHIDBEY ISLAND FOOD DRIVE DAY

Signed this 20th day of January, 2009

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Jim Slowik, Mayor

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 23

Date: **January 20, 2009**

Subject: **Citizen Recognition**

**FROM: Jim Slowik
Mayor**



INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

PS Paul Schmidt, City Administrator

DM Doug Merriman, Finance Director

MH Margery Hite, City Attorney, as to form

SUMMARY STATEMENT

The Mayor will recognize the following citizens for their contributions to the City of Oak Harbor:

- Kristi Jensen
- Bruce Guy
- Pastor David Lura
- Jack Stiltz

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 4

Date: January 20, 2009

Subject: **PUBLIC COMMENTS**

FROM: **Jim Slowik, Mayor**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director

- | | | | |
|--------------------------------------|-----|----|-----|
| ▪ Budgeted Item: | Yes | No | N/A |
| ▪ Budget Adjustment Required: | Yes | No | N/A |
| ▪ Funds Available for Appropriation: | Yes | No | N/A |
| ▪ Budget Strategy Approved: | Yes | No | N/A |

 Margery Hite, City Attorney

SUMMARY STATEMENT

City Council will accept public comments for items not otherwise on the agenda for the first 15 minutes of the Council meeting. You may also speak to any of the consent agenda items.

**City of Oak Harbor
City Council Agenda Bill**

Bill No. C/A 5A

Date: **January 20, 2009**

Subject: **Excused Absence Request
Mayor Pro Tem Danny Paggao**

FROM: **Jim Slowik**
Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

SUMMARY STATEMENT

Mayor Pro Tem Danny Paggao has submitted an Excused Absence Request Form as he will be unable to attend the January 20, 2009 City Council meeting.

RECOMMENDED ACTION

Approve Mayor Pro Tem Paggao's request for an excused absence.

**CITY COUNCIL MEMBER
EXCUSED ABSENCE REQUEST**

NAME DANNY PAGGAO DATE JANUARY 9, 2009

Will be absent from JAN. 14, 2009 to JAN. 20, 2009,

and will miss the JAN. 20, 2009 City Council meeting(s).

Signed: Danny Paggao

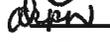
Comments:

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 6
Date: January 20, 2009
Subject: Element Nightclub Card Table
License

FROM: Rick Wallace, Chief of Police

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor
 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

SUMMARY STATEMENT: Element Nightclub applied for and received a business license, a cabaret license, and a billiards license from the City of Oak Harbor in November of 2007. The Element Nightclub is located at 656 SE Bayshore Drive, Suite #1, Oak Harbor, Washington, in the Central Business District (CBD). During 2007 and 2008, the nightclub operated as a restaurant, cocktail lounge, bar, and billiards hall which are all uses permitted outright within the CBD (see OHMC 19.20.305). The CBD does not specifically include gaming tables as either a permitted or conditional use. In September of 2008, Mr. Mike Kummerfeldt, the owner of the Element Nightclub, submitted an application for a Conditional Use Permit under OHMC 19.20.315(7) to establish gaming tables as a part of his new business plan. The application was received by City staff and formal comments were discussed and provided to Mr. Kummerfeldt on November 20, 2008 (see Exhibit A). In accordance with OHMC 18.20.250(2)(b), the City of Oak Harbor Hearing Examiner conducted a public hearing on December 12, 2008 and granted Mr. Kummerfeldt a Conditional Use Permit under OHMC 19.20.315(7) (see Exhibit B). In addition to the conditional use approval, an annual card table license must be approved by the Oak Harbor City Council under OHMC 5.08.010. Meeting the conditions of the Conditional Use Permit and the Cabaret License, Mr. Kummerfeldt now seeks a Card Table License and approval from the City Council pursuant to OHMC 5.08.010 (see Exhibit C).

STANDING COMMITTEE REVIEW: This item will be reviewed by the Public Safety Standing Committee on January 15, 2008.

RECOMMENDED ACTION: Direct the Mayor to approve Mr. Mike Kummerfeldt's application for Card Table License dated December 18, 2008, for the address location of 656 SE Bayshore Drive, Suite #1 (Element Nightclub), Oak Harbor, Washington, based upon the Conditional Use Permit requirements from City of Oak Harbor CUP-08-00005 (Exhibit A) and Hearing Examiner Findings of Fact, Conclusions of Law, and Decision (Exhibit B).

ATTACHMENTS:

1. Exhibit A Case No. CUP-08-00005, Staff Report to Hearing Examiner.
2. Exhibit B City of Oak Harbor Hearing Examiner Findings of Fact, Conclusions of Law, and Decision.
3. Exhibit C Application for Card Table License.

MAYOR'S COMMENTS:

ELEMENT NIGHTCLUB
Case No. CUP-08-00005
Staff Report to Hearing Examiner

APPLICATION:

Applicant is requesting a conditional use permit to establish gaming tables at Element Nightclub.

PRELIMINARY INFORMATION:

Applicant: Mike Kummerfeldt, Business Owner, Element Nightclub, 2058 Rock Rose Drive, Oak Harbor, WA 98277

Property Owner: Robert Sebo, PO Box 1258, Oak Harbor, WA 98277

Address of proposal: 656 SE Bayshore Drive, Suite 1, Oak Harbor, WA 98277

Parcel Numbers: S6565-00-00030-0

Comprehensive Plan Designation: Central Business District

Zoning Designation: CBD, Central Business District

Application Presented for Action:

Conditional Use Permit (CUP-08-00005), Review Process III

The CBD zoning district does not specifically include gaming tables as either a permitted or conditional use. Staff has determined that this activity is most analogous to places of entertainment and amusement which is listed as a conditional use [OHMC 19.20.315 (7)].

Exhibit List:

- Exhibit 1 Conditional Use Application with Narrative
- Exhibit 2 Island County Assessor's Map
- Exhibit 3 Vicinity Map
- Exhibit 4 Zoning Map
- Exhibit 5 Aerial Map
- Exhibit 6 Site Plan
- Exhibit 7 Public Comment Letters
- Exhibit 8 Application Review Comments, dated November 20, 2008
- Exhibit 9 Oak Harbor Police Department Memorandums, dated October 29, 2008 and November 26, 2008
- Exhibit 10 Parking Calculations
- Exhibit 11 Trip Generation Calculations
- Exhibit 12 Ordinance Amending Ch.5.22 OHMC, Cabaret Licenses
- 13 *Public Notices*

PROJECT DESCRIPTION:

The applicant proposes to establish gaming tables at Element Nightclub as part of its new business plan. The applicant proposes to bring the gaming tables from the existing casino named Bayside Lounge located at 31359 State Route 20 to Element Nightclub. Staff has been informed that the number of gaming tables is eight with six seats per table. The applicant's new business plan also includes changing the hours of operation, limiting the music to Friday and Saturday nights, and changing the bar area. The site plan (Exhibit 6) indicates the area to be converted to gaming is approximately 2,100 square feet.

BACKGROUND:

Element Nightclub applied for and received a business license, a cabaret license, and a pool and billiards license from the City of Oak Harbor in November of 2007. The nightclub did not need to seek conditional use permit approval from the City before opening as restaurants, cocktail lounges, bars, and pool and billiards are uses permitted outright in the CBD.

On September 29, 2008, Mr. Mike Kummerfeldt, business owner for Element Nightclub submitted an application for a conditional use permit to establish gaming tables at his establishment.

As was noted above, the property is zoned CBD and taverns, restaurants, and billiards/pool halls are permitted uses within the district. However, places of entertainment and amusement, if conducted within a wholly enclosed building as per OHMC 19.20.315 (7) are a conditional use in the CBD. In accordance with OHMC Section 18.20.250 (2)(b), applications for conditional uses are Review Process III actions. Such actions are subject to an open record public hearing before the Oak Harbor Hearing Examiner, followed by a final decision by the Examiner.

In addition to the conditional use approval, an annual card table license must be approved by the Oak Harbor City Council for Element Nightclub to have gaming tables. The card table license is reviewed subsequent to the conditional use application.

The application was reviewed by city staff and formal comments on the application were discussed and provided to the applicant on November 20, 2008. The comments are attached as Exhibit 8.

SEPA:

No expansion of the building is proposed; therefore the application is categorically exempt from environmental review per WAC 197.11.800(3).

LEGAL NOTICE:

Per the OHMC public notice requirements 18.20.380 (3) the City issued a Notice of Application on October 4, 2008 with a 15-day comment period that closed on October 20, 2008. The public hearing to consider CUP-08-00005 is scheduled for December 12, 2008 at 10:00 a.m. A Notice

of Public Hearing was mailed to all property owners within a 300-foot radius of the project, advertised in the Whidbey News-Times on November 26, 2008, and posted on the subject property (Exhibit 13).

SITE GEOGRAPHY

The subject site parcel is 1.43 acres in size. The site contains an existing building, a portion of which houses Element Nightclub. The existing nightclub is 10,901 square feet in size. The site slopes steeply from north to south from the southern edge of Pioneer Way down to Bayshore Drive and there are no critical areas present.

The existing building is two stories, where the lower level is assigned addresses off of Bayshore Drive and the upper level is assigned addresses off of Pioneer Way. Element Nightclub is one of five tenants that are located in the lower level of the building. The other tenants include a driver license office, nail salon, antique shop and church. The upper level also contains five tenants including a hair salon, vision care clinic, cabinet shop, cosmetic retailer, and coffee shop.

Surrounding uses include a park, multi-family units and single-family homes to the south, Hal Ramaley Memorial Park to the west, and retail CBD businesses to the north and east (see Table 1 below).

Table 1 – Surrounding Property Land Use and Zoning

	Existing Land Use	Zoning
North	Retail	CBD, Central Business District
South	Multi-family Residential, Single-Family Residential, & Public Facilities (Ball field)	CBD-1(1), Central Business District 1 / PF Public Facilities
East	Retail & Public Facilities (Church & Driver License Office)	CBD, Central Business District
West	Retail & Public Facilities (Park)	CBD, Central Business District / PF, Public Facilities

HOURS OF OPERATION:

Element Nightclub is currently open from 9 p.m. to 2 a.m. on Thursday, Friday, and Saturday. The applicant proposes to change the hours of operation at Element Nightclub to be similar to that of Bayside Lounge, operating from 4 p.m. to 4 a.m. Tuesday through Friday, and 2 p.m. to 4 a.m. Saturday and Sunday. It would be closed on Mondays (see Table 2 below). The applicant noted that food service would stop at 2:30 a.m.

Applicant also noted in the application narrative that the music at Element Nightclub will be reduced to Friday and Saturday nights only from 10 p.m. to 2 a.m.

(1) CBD-1 is a sub district of the CBD that provides for the flexibility of residential development within specific areas. The density provisions for CBD-1 require a minimum of nine dwelling units per acre versus the CBD which has no such density provision.

Table 2 – Current and Proposed Hours of Operation for Element Nightclub

Day	Current Hours	Proposed Hours
Monday	Closed	Closed
Tuesday	Closed	4:00 PM to 4:00 AM
Wednesday	Closed	4:00 PM to 4:00 AM
Thursday	9:00 PM to 2:00 AM	4:00 PM to 4:00 AM.
Friday	9:00 PM to 2:00 AM	4:00 PM to 4:00 AM.
Saturday	9:00 PM to 2:00 AM	2:00 PM to 4:00 AM
Sunday	Closed	2:00 PM to 4:00 AM

PUBLIC COMMENTS

The City received a total of 240 comment letters (143 in favor and 97 in opposition) pertaining to the Conditional Use application and these are attached as Exhibit 7. A summary of the public comment letters submitted is provided below.

Public Comment letters submitted in SUPPORT of CUP-08-00005

- 33 – Letters with Oak Harbor addresses inside city limits
- 23 – Letters with Oak Harbor addresses outside city limits - military base and PO Box
- 3 – Letters from Element Nightclub staff (no addresses)
- 7 – Letters from other cities (complete addresses)
- 8 – Letters of support no address or city
- 17 – Letters with no address – indicated to be an Oak Harbor resident
- 52 – Form letters with signature

(1 form letter submitted not signed and not in total count)

Total 143 letters

Public Comment letters submitted in OPPOSITION of CUP-08-00005

- 28 – Letters from adjacent property owner list (some with multiple signatures)
- 2 – Letters from Oak Harbor address outside city limits
- 5 – Letters from property owners just outside adjacent property owner mailing list

- 62 – Letters from adjacent business not property owner

Total 97 letters

CONDITIONAL USE REVIEW

The Oak Harbor Municipal Code 19.67 Conditional Uses, states that a conditional use permit shall be granted if certain criteria are met. There are six criteria that must be satisfied in order for a conditional use permit to be approved (OHMC 19.67.030). These are listed below with staff analysis regarding the application's consistency with criteria. According to OHMC 19.08.205, the definition of a conditional use is as follows:

“Conditional use” means a use which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effect on surrounding property and for other similar reasons, may be allowed in certain zones only after review by the hearing examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity or zone. (Ord. 1221 § 1, 2000).

The following is an analysis of the six conditional use criteria:

1. All special conditions for that particular use are met.

The proposed gaming tables would be located within a wholly enclosed building per OHMC 19.20.315 (7). No other special conditions are identified for this activity by the Code.

Criterion 1 is met.

2. It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property.

Public comments received and reviewed by staff indicate nearby resident and tenant concern with noise and light coming from the current uses at the Element Nightclub.

In general, noise concerns cited in the public comments include the following:

- Noise from patrons in parking lot and patio area (arriving, leaving, loitering, yelling, fighting, shooting)
- Noise from cars in parking lot (car alarms, music, driving recklessly, police sirens)

In general, concerns regarding light cited in the public comments include the following:

- Light pollution from two new outdoor lights added by the front entrance.

In addition, the Oak Harbor Police Department submitted comments on the proposed use stating that there were 106 calls for police service relating directly to the nature of the current business at Element Nightclub for the period January 1, 2008 through October 28,

2008. Of the 106 calls, precisely 66 of the calls or 62 percent were noise complaints. In comparison, Bayside Casino and Lounge (the applicant's existing gaming operation) had a total of 19 calls for police service relating directly to the nature of business at the establishment during the same time period. Of the 19 calls, there were zero noise complaints; the largest number of complaints was for DUI arrest and disorderly conduct (Exhibit 9).

Based on the Police Department and neighboring property owner comments it is reasonable to conclude that the existing land uses at the subject property have created noise impacts on adjacent properties. What is unclear to staff is if the addition of gaming tables at this location will result in additional noise impacts to the adjacent properties. To the degree possible, the review of this conditional use permit should focus only on the requested use and not on the existing uses. The existing uses and their impacts are best addressed through the City's cabaret licensing process (see discussion below).

As such, staff feels it is important to consider the impacts of each use accordingly. The addition of gaming to the property may result in a different type of business operation which may reduce the levels of noise associated with the establishment. Conversely, the proposed increase in the hours of operation (more days per week and for longer hours), may be incompatible with existing residential uses in the area.

If the Hearing Examiner chooses to approve this application, staff recommends certain conditions of approval to address the potential noise and light impacts:

1. With the exception of ingress and egress to and from the building, doors and windows are to remain closed at all times while any type of music or entertainment is playing.
2. The hours of operation shall not extend beyond 2 a.m.
3. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the applicant shall be responsible for monitoring the immediate area to prevent loitering.
4. All new and/or existing site and building mounted lighting shall be fully shielded so that light is directed downward and stays on-site.

It is not anticipated that the proposed use will cause soil erosion or glare.

As conditioned, criterion 2 can be met.

3. It is provided with adequate parking.

OHMC 19.20.320(10)(a) does not require parking for nonresidential uses except however, if parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110. A paved shared surface parking lot is located at 656 SE Bayshore Drive in order to serve the needs of the existing tenants located in the existing building, including Element Nightclub. The parking lot is accessible from SE Bayshore Drive and from SE Pioneer Way by way of a connecting drive. The parking lot

contains a total of 72 parking spaces, 2 of which are ADA accessible. The parking spaces meet the parking space size and access requirements as stated in OHMC 19.44.110.

The parking lot is shared among the tenants of the site which allows for the demand of parking during different peak periods. In general, the existing tenants of 656 Bayshore Drive are largely daytime uses whereas Element Nightclub is currently an evening use. If parking were required for nonresidential uses in the CBD, Element Nightclub would require approximately 46 parking spaces based on current uses and approximately two additional parking spaces based on the proposed uses. Based on the parking analysis conducted by staff (Exhibit 10), Element Nightclub is currently adequately served with a sufficient amount of parking for its patrons.

Criterion 3 is met.

4. It is served with adequate public streets, public utilities and facilities.

The site is located on SE Bayshore Drive and has access from SE Bayshore Drive as well as from a drive on the west side of the property that connects SE Bayshore Drive with SE Pioneer Way. Public utilities are available to serve the site.

Staff calculated the trip generation for Element Nightclub's new business plan and determined that no new trips are generated by the proposal when compared to the previous trip generation calculations (Exhibit 11). Therefore, there are no transportation impact fees due for this project.

Criterion 4 is met.

5. It otherwise meets the purpose of the district in which it is to be placed.

The CBD is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity (OHMC 19.20.300). The Oak Harbor Comprehensive Plan encourages mixed-use projects in the CBD. The CBD allows a variety of activities such as antique shops, offices, hotels, taverns and restaurants as principal permitted uses, while also including places of entertainment as a conditional use. The conditional use permit process for places of entertainment and amusement is intended to ensure compatibility of different uses within the zoning district. Places of entertainment, subject to conditions, may be appropriate activities within the CBD and meet the purpose of the district.

Criterion 5 is met.

6. It meets the goals and policies of the Oak Harbor Comprehensive Plan.

Initial review of the application for consistency with the Oak Harbor Comprehensive Plan finds that there are no goals and policies that directly relate to the application. Staff did, however, identify goals and policies that may be indirectly related to the application. Those goals and policies that staff found the application may be consistent with include the following:

Land Use Element

- Goal 7 - To encourage land use opportunities for diversified economic development.
- Goal 14 - To strengthen and enlarge the commercial economic base of the community by promoting the development of facilities that provide a competitive and stimulating business environment.
- Policy 14.e - Support and maintain the central business district of Oak Harbor and the established commercial nodes located at SR20 and West Pioneer Way, along North Midway Boulevard, and Goldie Road and SR20, to serve the greater Oak Harbor area.

Those goals and policies that staff found the application may not be consistent with include the following:

Land Use Element

- Goal 5 - To protect existing land uses as new development occurs.
- Policy 5.b - Require adequate buffers between proposed new development and existing land uses.
- Goal 8 - To ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible.
- Policy 8.b - Promote the integrity of areas established or proposed for residential land uses by preventing the sporadic and haphazard intrusion of incompatible land uses.
- Goal 19 - To create and maintain a balanced community that mixes residential and non-residential uses in a way that promotes environmental quality and community aesthetics.
- Policy 19.b - Require the use of buffers between incompatible land uses; require new development to bear the burden of transition when it is proposed adjacent to incompatible development.

Compatibility can be increased through screening and landscaping. In this instance, given the physical configuration and location of the existing uses, it is not clear that those traditional buffering methods will be effective.

Analysis of the application for consistency with the Comprehensive Plan is a reflection of the breadth of information found within the Plan. The application may meet some of the goals while not meeting others due to competing themes of the Plan. As conditioned, the

application appears to meet and be consistent with the basic intent and criteria associated with the Oak Harbor Comprehensive Plan.

Criterion 6 is met as conditioned under criterion 2.

ORDINANCE AMENDMENT, CABARET LICENSES

The City regulates "cabarets" through the provisions of Ch. 5.22 OHMC. That ordinance was adopted in 1972 and has not been amended to conform to subsequent court decisions regarding the City's authority to regulate "music, singing, dancing or other similar entertainment". The City is currently undergoing a revision process of the cabaret ordinance in order to amend the existing licensing scheme to more specifically define as "nightclubs" the types of businesses which create additional demands on police and other City services, and to focus the licensing conditions on reducing public health and safety impacts of those nightclubs without creating a prior restraint of First Amendment protected activities.

The Oak Harbor City Council considered the cabaret license amendment during the City Council meeting held on December 2, 2008. Action on the ordinance was continued to December 16, 2008 so that staff could revise the fee and penalty sections of the proposed code. A copy of the draft ordinance and City Council agenda bill are included as Exhibit 12.

SUMMARY

In order for the conditional use permit to be approved, the proposal must satisfy the six criteria of OHMC 19.67.030. In summary, these criteria state that the proposal must be appropriate for the zoning district in which the proposal is located and be compatible with adjacent land uses without causing any adverse environmental impacts. The subject site is a commercially zoned property adjacent to residential use. In general, commercial and residential are traditionally considered compatible land uses. This is not to say that all commercial uses are compatible with all residential uses. Places of entertainment are an appropriate use in the CBD; however in this case, the question is whether this particular use can be made compatible with other adjacent uses permitted in the zone.

For the purpose of this evaluation, the concerns indicated from public comments and the police department regarding the nightclub use are recognized in this report but are indirectly related to this application. These impacts are best addressed through the City's cabaret (nightclub) licensing process. The Police Department records do not indicate a similar range of issues at the existing gaming location.

It is not clear what if any additional impacts will be created by the establishment of the gaming operation at the present nightclub location. Therefore, staff cannot determine how the impacts will affect the subject site's compatibility with adjacent land uses and cannot recommend approval of the application. Staff does not recommend denial of the application as it is possible that the addition of gaming tables will not create any new impacts. However, given the history of noise and activity complaints associated with the current use at the establishment, if the conditional use permit for gaming tables is approved, special conditions are recommended to mitigate any indirect impacts on adjacent properties from noise and light.

RECOMMENDED ACTION

1. Conduct the public hearing.
2. Consider the conditional use permit for establishing gaming tables at Element Nightclub.

Conditions of Approval

Should the Hearing Examiner choose to approve CUP-08-00005, the following conditions are recommended:

1. With the exception of ingress and egress to and from the building, doors and windows are to remain closed at all times while any type of music or entertainment is playing.
2. The hours of operation shall not extend beyond 2 a.m.
3. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the applicant shall be responsible for monitoring the immediate area to prevent loitering.
4. All new and/or existing site and building mounted lighting shall be fully shielded so that light is directed downward and stays on-site.

CITY OF OAK HARBOR
HEARING EXAMINER

RE: Conditional Use Permit)	CUP-08-00005
Application for)	
)	FINDINGS OF FACT,
<i>Mike Kummerfeldt</i>)	CONCLUSIONS OF LAW,
<i>"Element Nightclub"</i>)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting Conditional Use Permit Approval to establish gaming tables at the Element Nightclub, located at 656 SE Bayshore Drive, Suite #1, Oak Harbor, Washington. The property is located in the Central Business District and is currently being operated as a nightclub with a Cabaret License issued by the City of Oak Harbor. The Applicant proposes to move an existing gaming room, named Bayside Lounge, and incorporate it into the Element Nightclub.

Decision: The Hearing Examiner for the City of Oak Harbor grants approval for a Conditional Use Permit, subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing.

I.

Applicant: Mike Kummerfeldt

Property Owner: Robert Sebo

Address of Proposal: 656 SE Bayshore Drive, Suite 1
Oak Harbor, WA 98277

Parcel Number: S6565-00-00030-0

Comprehensive Plan Designation: Central Business District

Zoning Designation: CBD, Central Business District

Application Presented for Action:

Conditional Use Permit (CUP-08-00005) – Review Process III

Hearing Date: December 12, 2008

Parties of Record:

Mike Kummerfeldt, Manager of Element Nightclub
2058 Rock Rose Drive
Oak Harbor, WA 98277

Madonna Kummerfeldt
Snohomish, WA

Billy Cook
651 SE Bayshore Drive, #B203
Oak Harbor, WA 98277

Karen Judge
651 SE Bayshore Drive, #B302
Oak Harbor, WA 98277

Hank Koetje
747 SE Bayshore Drive, #302
Oak Harbor, WA 98277

Jason Tritt
2058 Rock Rose Drive
Oak Harbor, WA 98277

Steve Powers
Development Services Director
City of Oak Harbor

Exhibits:

- 1 Conditional Use Application with Narrative
- 2 Island County Assessor's Map

- 3 Vicinity Map
- 4 Zoning Map
- 5 Aerial Map
- 6 Site Plan
- 7 Public Comment Letters
- 8 Application Review Comments, dated November 20, 2008
- 9 Oak Harbor Police Department Memoranda, dated October 29 and November 26, 2008
- 10 Parking Calculations
- 11 Trip Generation Calculations
- 12 Ordinance Amending Ch.5.22 OHMC, Cabaret Licenses
- 13 Public Notices
- 14 A written statement submitted by Mike Kummerfeldt, the owner of the Element Nightclub
- 15 Site Photos [1-7], submitted by the Applicant
- 16 A written statement submitted by Dee and Gray Giordan, dated December 3, 2008
- 17 Staff Report

II.

The owner of the Element Nightclub has sought Conditional Use Permit Approval to incorporate gaming tables into the existing Element Nightclub.

Oak Harbor Development Services prepared a Staff Report for the hearing. The Staff Report has been marked as Exhibit No. 17 in the Hearing Examiner file. Submitted with the Staff Report were Exhibits 1 through 13, as listed in the Exhibits listed above. Development Services Staff has set forth their in the Staff Report Findings of Fact, legal Conclusions, and Recommended Conditions to be attached to any approval.

The Factual Findings in the Staff Report are supported by the record as a whole and are hereby adopted as Findings of Fact herein, by this reference. A copy of the Staff Report is attached hereto.

III.

As indicated in the Staff Report, a significant number of written comments, both supporting and opposing the Conditional Use Permit Application, were submitted.

The record reflects that the existing Element Nightclub has on a regular basis been the source of disturbances affecting the residents of the Waterside Condominium located across the street from the nightclub. The nightclub has been in existence approximately one year and has been the subject of over 100-police complaints, 66 of which were noise related. There is strong opposition to the proposed gaming table expansion sought by the Applicant, and through this Conditional Use Permit application.

IV.

The Conditional Use Proposal has also generated numerous comments supporting the addition of a gaming room at the Element Nightclub. The gaming room is now part of the Bayside Lounge located on State Route 20. The record reflects that the Bayside Lounge has generated relatively few complaints over the last year and has not been the subject of any noise complaints. This appears to be primarily a factor relating to the different business clientele associated with the Bayside Lounge and its gaming room, but also may reflect the fact that the current location of the Bayside Lounge has fewer nearby residential uses.

The record does support a finding that the noise created by the Element Nightclub is much more significant than that created by the Bayside Lounge. This is primarily a reflection of the difference between the two businesses at this time. The Element Nightclub has been serving a younger crowd with loud music and dancing associated with the serving of alcohol. On weekends especially, the music has at times been disruptive to neighboring residences. Also bothersome to neighbors in the area were outside activities in the parking lot, and also perhaps associated with the outdoor cigarette smoking area. Problems of noise and disruption were especially prevalent at the time that the nightclub closed down, at or around 2 a.m.

V.

The Manager of the Element Nightclub has indicated that he is aware that the nightclub has been a disruption to the community and that the club is undertaking a number of steps to minimize the adverse impacts on the surrounding uses. Changes which have already occurred include additional soundproofing, and the reduction of the outside area for smoking. The Manager indicates that they are trying to change the image of the nightclub and draw a different and more mature clientele to the club. The Manager argues that the gaming room and the gaming room patrons will result in a different clientele and will result in changes in the way the nightclub is operated in order to satisfy the needs of the gaming room patrons, which do not include loud music and inebriated and disruptive clientele in the adjacent Element Nightclub area.

The Applicant has objective to a proposed Staff condition which would require the gaming room to close at 2 a.m., the same time the nightclub and lounge areas close. The existing game room has traditionally closed at 4 a.m. and the Applicant has requested the same closing time for the relocated game room. The Applicant argues that the gaming room area would, and the attached foyer and waiting room could, provide an inside area for nightclub patrons awaiting transportation when leaving the nightclub at closing. The Applicant is hopeful that this will reduce parking lot noise and will allow a more orderly process at closing time.

The Hearing Examiner believes that it is possible for the Applicant to significantly reduce the adverse impacts of the existing nightclub. However, the addition of the gaming rooms will increase the number of people coming into the area and, if the hours requested by the Applicant are approved, result in a business which is open until 4 a.m., six-days a week. Without changes in the overall operation of the Element Nightclub, the addition of a gaming room, would at least minimally increase the impacts

from an already disruptive business. However, it appears unlikely that the addition of the gaming room would have a significant additional adverse impact on neighboring property owners in and of itself.

The land use conflicts resulting from the Element Nightclub result from the existing nightclub and the way that it has been managed over the last year. The Manager acknowledges that the on-going disruptive nature of the Element Nightclub business cannot be allowed to continue. The changes proposed by the Manager may in fact adequately address the club's conflicts with nearby residential uses.

The Oak Harbor City Council has recently passed an amendment to Chapter 5.22 OHMC in order to create a City licensing process which will regulate nightclub activities which have significant adverse impacts associated with noise, traffic, disruptive patron behavior, and other concerns. The new Ordinance gives the City Council the authority to regulate licenses in order to address the adverse impacts of nightclub activities and requires a license renewal every year, after an investigation by the Chief of the Oak Harbor Police Department with recommendations to the City Council, and a public hearing with respect to the issuance of the nightclub license before the City Council.

This Ordinance reflects the City Council's determination that the adverse impacts from nightclub operations should be addressed specifically by the City Council through regulations of nightclub activities by the imposition of conditions on the local license as deemed appropriate by the Council.

The gaming room itself would not require a "nightclub" license and, in any case, is not likely to result in the adverse impacts that the Element Nightclub has caused through the current combination of music, singing, dancing, and alcohol consumption.

Since the City Council has determined that it will take on the authority to specifically condition and license nightclubs, it would be inappropriate for the Hearing Examiner to address issues, resulting from historic use of the Element Nightclub as a nightclub, as part of this Conditional Use Application regarding the gaming room activities.

VI.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

CONCLUSIONS OF LAW

I.

The only issue before the Hearing Examiner relates to a Conditional Use Permit to allow a gaming room at the Element Nightclub on Bayshore Drive in Oak Harbor. As set forth in the Findings of Fact above, the Hearing Examiner has concluded that the operation of a gaming room, at

this location, in and of itself, should not result in significant adverse impacts on neighboring uses.

II.

In order to approve a Conditional Use Permit, the Hearing Examiner is required to conclude that the granting of the permit is consistent with the Permit Criteria set forth in the Oak Harbor Municipal Code, OHMC 19.67.030. These criteria are set forth in the attached Staff Report. Based on Staff's review of the criteria, Oak Harbor Development Services has concluded that, subject to conditions, the operation of a gaming room as part of the existing Element Nightclub business would be consistent with the Conditional Use Criteria.

The Hearing Examiner concurs in the Staff analysis. The Hearing Examiner concludes that the operation of the gaming table room at the Element Nightclub is consistent with the Conditional Use Criteria, subject to a number of conditions. The Hearing Examiner should grant a Conditional Use Permit, subject to conditions.

III.

The Oak Harbor Development Services Department has recommended that the gaming room be required to close at 2 a.m., the same time that the associated nightclub or lounges are required to close under State law. There is evidence in the record that much of the disruptive behavior has occurred outside around closing time. The Hearing Examiner sees no great benefit in requiring the gaming room to close down at the same time, thus adding to the number of people attempting to leave the area around 2 a.m. It is possible that leaving the gaming room open later, as suggested by the Applicant, will allow a more orderly winding down of business after the music stops and the bar closes. The Hearing Examiner should not require a 2 a.m. closing for the gaming room at this time. If there is additional nuisance behavior associated with keeping the gaming room open beyond 2 a.m., such behavior would be a violation of the Conditions of Approval of this permit and should result in enforcement activity.

IV.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

DECISION

The Hearing Examiner for the City of Oak Harbor grants Conditional Use Permit Approval, CUP-08-00005, to Mike Kummerfeldt, allowing the establishment of a gaming tables room and the use of the gaming tables at the Element Nightclub, at 656 SE Bayshore Drive, Suite 1, Oak Harbor, Washington, subject to the following Conditions of Approval:

1. With the exception of ingress and egress to and from the building, doors and windows are to remain closed at all times while any type of music or entertainment is playing.

2. The Applicant shall strictly comply with any Conditions of Approval set forth by the Oak Harbor City Council on the Nightclub Operations, subject to Chapter 5.22 OHMC, as recently adopted by the City Council. Prior to City Council Approval of a Nightclub License for the Element Nightclub, the Applicant shall run the existing business in a manner which does not create a public nuisance due to noise or disruptive behavior by the patrons of the club.
3. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the Applicant shall be responsible for monitoring the immediate area to prevent loitering, and monitoring the behavior of the patrons on the premises, inside or outside of the building, including the smoking area, to prevent disruptive behavior, loitering, and littering. The gaming room shall close no later than 4 a.m.
4. All new and/or existing site and building mounted lighting shall be fully shielded so that light is directed downward and stays on-site.

NOTICE

This approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for enforcement action pursuant to OHMC 19.100. Complaints regarding a violation of the conditions of this permit should be filed with the City of Oak Harbor Development Services Department.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF

This decision of the Hearing Examiner for the City of Oak Harbor is final ten days after the issuance of this decision unless it is appealed to the Island County Superior Court within ten days of the issuance of this decision, pursuant to 30.70C R.C.W.

DATED this 18th day of December 2008.

Michael Bobbink, Hearing Examiner

CITY OF OAK HARBOR
APPLICATION FOR CARD TABLE LICENSE

Fee: \$50.00 First table \$5.00 each additional table, annual fee due by January 1

ORGANIZATION, FIRM, BUSINESS, CLUB, ETC.: (Where tables will be located)

Name Daddys' Money, Inc DBA Element / Bayside Casino

Address 656 SE Bayshore Dr #1

Telephone Number (360) 679-1212

Number of tables applying for 8 State Tax/License Number 602-747-753

OWNER OF ABOVE:

Name Jerry Kummerfeldt

Social Security Number [REDACTED] Driver's License Number KummeKL 587RH State WA

Address 17730 W. Interurban Blvd Snohomish, WA 98296

Telephone Number (425) 483-0617

Last three states of residence WA

MANAGER/REPRESENTATIVE

Name Mike Kummerfeldt

Social Security Number [REDACTED] Driver's License Number Kummerna173^{RW} State WA

Address 2058 SW Rock Rose Dr. Oak Harbor, WA 98277

Telephone Number (206) 595-3269

Last three states of residence WA

This application is made to obtain a license for a Card Table license as required under Chapter 5.08 of the Oak Harbor City Code. I understand that I have a right to examine and purchase a copy of the applicable code sections and ordinances of the City of Oak Harbor during regular business hours. The above information is true and correct, and provided for the purpose of obtaining a Card Table License.

Ma K [Signature]
Applicant Signature

12/18/08
Date

POLICE DEPARTMENT INVESTIGATION REPORT: _____

Applicant Signature

Date

CITY COUNCIL ACTION:

Date _____ Approved _____ Denied _____

Fee Paid \$85.00 License Number Issued _____
CK # 3143 dated 12/18/08

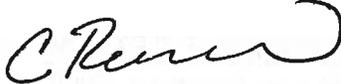
City Clerk-Treasurer

Date

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**City of Oak Harbor
City Council Agenda Bill**

Agenda Bill No. 7
Date: January 20, 2009
Subject: 2009 Vehicle Replacements/
Purchase

FROM: Cathy Rosen, Public Works Director 

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor
 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

SUMMARY STATEMENT: During the 2009-2010 biennial budgets, Equipment Rental and the Wastewater Division budgeted to purchase two Toyota Prius 4-door sedans. One Toyota Prius would replace a 1995 S-10 pick up that is currently used in the Motor Pool. This Toyota Prius would remain in the Motor Pool to support the Engineering staff that will be moving to Public Works as well as other staff for travel in and out of town.

The second Toyota Prius would be an addition to the fleet and be used by the Wastewater Treatment Plant staff to do grease trap inspections and for travel to and from the treatment plant and other City facilities. The treatment plant staff currently uses two ¾ ton pick-ups. However, with six employees it has been a challenge meeting job duties with only two vehicles.

The City currently owns one Toyota Prius and has found it to be very reliable and economical.

Staff has obtained pricing from the State Contract and has also notified the local dealers to see if they could provide the City with two Toyota Prius sedans. The City did not receive any response from the local dealers. The State Contract price for a 2009 Toyota Prius is \$23,600.00.

Per OHMC 2.320.110, the city may purchase supplies, material and equipment from surplus supplies, material and equipment from the United States, state of Washington or other municipality and through state contract without going out to bid. (Ord. 1470 § 3, 2006).

The Department of General Administration develops and administers contracts for goods and services with an estimated term value of approximately \$900 million, on behalf of state agencies, colleges and universities, select nonprofit organizations, and local governments.

Staff has reviewed the state contract requirements and found that their procedures satisfy our bidding requirements under OHMC 2.320.040, and also saves costs by allowing the State to perform the bidding process.

STANDING COMMITTEE REVIEW: The Public Works Standing Committee reviewed this item at their meeting on January 8, 2009.

RECOMMENDED ACTION:

1. Authorize the surplus of the 1995 S-10 Pick Up.
2. Authorize the purchase of two Toyota Prius sedans off of the State Contract Number 04408 in the amount of \$47,200.00.

ATTACHMENTS:

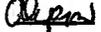
MAYOR'S COMMENTS:

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 8
Date: January 20, 2009
Subject: Asphalt Crack Sealer Machine
Replacement

FROM: Cathy Rosen, Public Works Director

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor
 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

SUMMARY STATEMENT: For the past several years, the City has lacked a reliable, on-going source of funds for a street overlay program. In an effort to extend the life of the pavement and reduce deterioration, the Street Division began crack sealing the City streets in 1996. When the program first started, the Street Division rented a crack sealer on a weekly or monthly basis.

The current crack sealing process consists of staff using a hot compressed air lance powered by propane to clean out and prepare the cracks for a rubber-based sealant that is distributed by a crack sealer applicator. This process requires two vehicles, one that tows a portable compressor and a second vehicle that tows the crack seal applicator. Crack sealing is usually performed in the early spring to late fall into winter. It is not performed in the rain. When the City rented the equipment, we often ran into problems with availability of the equipment when we needed it. We also incurred unnecessary costs when we rented the equipment and the weather changed to rain and we could not perform the crack sealing. In 1998, the City purchased a used 1996 Craftco crack sealer that was trailer mounted. This crack sealer has been used to put down 2 to 2.5 tons of rubberized crack sealant annually.

During the life of this crack sealer, there have been some significant repairs due to the old technology and the wear and tear that is normal for this type of equipment. Some of the repairs have been the replacement of the heated applicator hose, rebuilding of the crack sealant pump and various motor repairs. This machine has been heavily used and has been operating less effectively in these last few years. In addition, some of the parts for this particular sealer are no longer available.

The replacement crack sealer being considered has more advanced technology and a better designed pump and heated applicator hose. The insulation on the new applicator is also improved to retain the heat for a longer period, which means it will use less fuel to keep the product hot (450+ degrees) and shortens the time it takes to heat the applicator up so crews can

be out working earlier. The proposed sealer also comes with an air compressor installed on the trailer, which make it more efficient by eliminating the need for the second vehicle and operator that it takes to tow the existing air compressor and crack sealer.

Staff has researched many options and has observed many demonstration models on site to determine that the most cost effective approach to replacing the crack sealer machine.

Per OHMC 2.320.040 and RCW 39.04, formal bidding process requirements were met as follows:

- On November 29th and December 6th, 2008, staff advertised for one asphalt crack sealer machine in The Daily Journal of Commerce. Staff advertised in the Whidbey News Times on December 3rd and December 10th, 2008.
- On December 19, 2008, formal bids were received and opened. Only one bid was received prior to the published deadline and public bid opening.
- A second bid was received on December 22, 2008 after the bid opening and cannot be considered.
- The bid received on time was from Partner Construction Products and Services, Inc., of Bainbridge Island, Washington, in the amount of \$47,587.60.

Therefore, staff is recommending that we award the bid to Partner Construction Products and Services, Inc., in the amount of \$47,587.60. Funds have been set aside and saved in the Equipment Rental Contribution Fund in the amount of \$51,000.00.

STANDING COMMITTEE REVIEW:

The Public Works Standing Committee reviewed this item at their meeting on October 2, 2008.

RECOMMENDED ACTION:

1. Authorize the surplus of number E-31, a 1996 Craftco Crack Sealer.
2. Authorize the purchase of one asphalt crack sealer machine to Partner Construction Products, Inc., in the amount of \$47,587.60.

ATTACHMENTS:

None.

MAYOR'S COMMENTS:

L:\GLAWORK\RES-ORD2008\Asphalt Crack Sealer Machine Replacement AB.doc

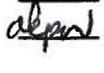
Asphalt Crack Sealer Machine
Replacement Agenda Bill - 2

City of Oak Harbor
City Council Agenda Bill

Bill No. 9
Date: January 20, 2009
Subject: 2009 Purchase of
Radio Read Water Meters

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Jim Slowik, Mayor
 Paul Schmidt, City Administrator
 Doug Merriman, Finance Director
 Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose:

In May 2005, the City Council approved the purchase of a Radio Read Water Meter Reading System by Master Meter as part of an eight year program to change out all of the existing water meters in the City with radio read meters.

Previously, under City Resolution #07-07, the City Council found and approved the sole source determination under OHMC 2.320.120.

The Water Division is requesting authorization to purchase 600 Model 50 DIALOG 3G Drive-by Radio Read Water Meters as a continuation of the ongoing replacement program. The radio read meters by Master Meter will be purchased under a previously approved Sole Source determination (RCW 39.04.280 (1) (a) and City Resolution #07-07), as these meters are compatible with the existing water meters and meter reading system.

Background and Description:

The Water Division is in the fifth year of the program to install radio read meters on all of the water service accounts in the City's system. Currently 68% of the water meters have been replaced by radio read meters.

The advantages of converting to a Radio Read System include:

- Reduced labor required for meter reading. When the conversion is complete and the radio read system is fully implemented, one employee will be able to read all of the meters in the City within one week. Under the current system of bi-monthly billing, it takes approximately two weeks each month for two employees to read all of the City's water meters.
- Improved water system management. Water consumption can be tracked by computer to detect unusual water consumption such as backflow (reverse flow), high water

consumption, illegal water use, etc., providing a great management tool for water conservation, consumer education and backflow prevention.

- **Improved customer service.** System problems can be quickly identified through parameters set up in the proposed program and managed by the operator so that customers can be alerted to potential problems such as unusually high consumption that may be caused by a water leak or malfunctioning toilet. This will improve customer service by reducing wasted water and the associated costs to the customers. Under the current system, it is difficult to assist customers in identifying problems in their water system until after the water bills have been prepared every other month.
- **Improved efficiency and accuracy.** The reading errors that can occur when meters are read manually and input into a handheld computer will be reduced by using automated radio read.
- **Enhanced ability to implement a monthly utility billing program without having to add field staff.**

The approved 2009-2010 budget includes \$150,000 annually to continue implementation of the Radio Read Water Meter Program.

Justification:

This project is necessary to reduce long-term labor costs associated with water meter reading, improve efficiency and accuracy and provide for excellent customer service.

STANDING COMMITTEE REVIEW:

This agenda bill was presented and discussed at the January 8, 2009 Public Works & Utilities Standing Committee Meeting.

RECOMMENDED ACTION:

Staff recommends that City Council authorize the purchase of 600 Model 50 DIALOG 3G Drive-by Radio Read Water Meters at a cost of \$142,379.06.

ATTACHMENTS:

- ◆ Capital Outlay Request Form
- ◆ Exclusive Distribution Letter from Master Meter
- ◆ Sole Source Resolution
- ◆ Request for Sole Source and Justification
- ◆ Purchase Order

MAYOR'S COMMENT:

L:\GLA\WORK\RES-ORD2009\Radio Read Water Meter Purchase 2009 AB.doc

City of Oak Harbor
Capital Outlay Request Form
2009/2010 Budget

This form should be used to list all "Capital Outlay" requests for the 2009/2010 budget year. **A Capital Outlay has been defined as any single expenditure (improvements to buildings, equipment, and/or construction projects) in excess of \$5,000.** If the item requested does not meet this criteria, please just include the expenditure in the proper line (repair and maintenance; small tools and equipment; or office and operating supplies).

Fund/Department: 401 / Public Works Division: Water

Budget Year: 2009 X 2010 X Priority No. _____ of _____

Is this outlay a carry over from the prior year? Yes _____ No X If yes, provide a brief reason for the carry over.

Project Description Implementation of AMR (Automatic Meter Reading System) to facilitate switching from bi-monthly to monthly billing, and purchase of Radio Read water meters and hardware to convert outdated manual water meters in order to make meter reading more efficient and to accommodate the proposed monthly meter billing. This was identified in the City Water System Plan.

Estimated Cost: (2009) = \$150,000
Estimated Cost: (2010) = \$150,000 BARS Code 401.00.501.034.6300

What continuing costs will there be after project completion? Operation and maintenance

What is the funding source for this request? Water Fund

Are there any grant funds involved? Yes _____ No X If yes, then:
Has application been made? Yes _____ No X
Has the grant been awarded? Yes _____ No X
What type of grant? _____
Any matching requirements? Yes _____ No X If yes, then:
Required match City _____ %
What is the source of city match? _____

Will this project impact other departments? Yes _____ No X If yes, then:
Describe nature and extent of impact _____

Will this project generate additional revenue? No If so, how much _____

Will additional personnel be required? If so, complete a *Personnel Request Form*.

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101 REGENCY PARKWAY
MANSFIELD, TX 76063
817-842-8000
FAX 817-842-8100

1-5-09

To Whom It May Concern:

Ref: Exclusive Distribution

H.D. Fowler Company in the state of Washington and Oregon is currently Master Meter's exclusive distributor.

H.D. Fowler was selected as our exclusive distributor due to their branch locations and willingness to maintain inventory, which allows them to better service Master Meter customers in that area. They have made a commitment to stocking inventory for the various customers in the area and to provide on going support and the sale effort needed to grow our business. H.D. Fowler is classified as a Stocking Distributor, which means they purchase material from Master Meter at the lowest price available as compared to a Non Stocking Distributor.

Exclusive agreements are very common in our industry today due to the complexity of the products being sold. The knowledge needed to properly support a product line such as water meters and electronics is essential to servicing our customers. Working exclusively with one distributor in an area makes it easier to properly track the movement of product and is critical to our ability to respond when a problem occurs.

Many times problems occur when a distributor who is not authorized to sell in a particular area ships or sells product to customers outside their exclusive area. Our past experience dealing with multiple distributors in an area has lead us to working exclusively with distributors like H.D Fowler.

Please feel free to contact me if you should have any question. Master Meter and H.D. Fowler Company look forward to having the opportunity to work with you and thank you for your business.

Regards,

Ronnie Veach
Vice President
Master Meter

RESOLUTION NO. 07-07

RESOLUTION DECLARING HD FOWLER COMPANY A SOLE SOURCE FOR PURPOSES OF PURCHASING MODEL DS DIALOG 3G DRIVE-BY RADIO READ WATER METERS.

WHEREAS, the City is interested in purchasing certain property described in Exhibit "A" hereto attached; and

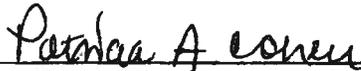
WHEREAS, after investigation, it is determined that items specified in Exhibit "A" are only reasonably obtainable from HD Fowler Company, PO Box 180, Bellevue, Washington 98008-0180; now, therefore

BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. That the supplier above-named is the sole source supplier of the property identified in Exhibit "A" hereto attached;
2. That the City is authorized to purchase the same without proceeding to secure competitive bids.

PASSED and approved by the City Council this 20th day of March, 2007.

THE CITY OF OAK HARBOR



Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney



REQUEST FOR SOLE SOURCE

To: City Council

From: Cathy Rosen / Public Works/Water Division
Name of Department Head Department/Division

Subject: Sole Source Request for the Purchase Of: Model 50 Dialog 3G Drive By Radio Read System

Requested Supplier: HD Fowler Company

Cost Estimate: \$142,379.06

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological ground such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

STATEMENT OF NEED:

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justification as prepared by our department, to the attached review of available products/services and to my completed Purchase Requisition.

<p>Requestor</p> <p>_____/_____ Signature Date</p>	<p>Department Head</p> <p>_____/_____ Signature Date</p>
--	--

<p>Finance Director</p> <p>_____/_____ Signature Date</p>	<p>City Administrator</p> <p>_____/_____ Signature Date</p>
---	---

SOLE SOURCE JUSTIFICATION

Requisition Item: Model 50 Dialog 3G Drive By Radio Read System

Requisition Number: 8351

1. Please describe the item and its function:

This is the third year that we have implemented this model of water meter. The Dialog 50 3G Drive-By Radio Read System is the only compatible system that will mesh with the City's existing hand held Touch Read and billing system. This technology allows staff to read water meters with a wand instead of getting out of the vehicle and lifting up the lid to read the meter. This system is efficient and has been a great asset to the City thus far.

2. This is a sole source* because:

- sole provide of a licensed or patented good or service
- X sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- X sole provider of goods and services for which the City has established a standard"
- sole provider of factory-authorized warranty service sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors?

Please be specific. HD Fowler Company is the only licensed distributor in Washington State for the Dialog 50 3G Drive-By Radio Read System.

4. What steps were taken to verify that these features are not available elsewhere?

The City has previously used this procedure when securing our last master meters. Steps were taken to call the other competitors, but no one has this system. The vendors are listed below.

1. Invensys Systems-not compatible with existing hardware and software.
2. Badger Meter Company-not compatible with existing hardware and software.
3. Hersey Meter Company-not compatible with existing hardware and software.

**Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation. Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.*

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City of Oak Harbor

865 SE Barrington Drive
 Oak Harbor, WA 98277
 360.279-4500 Fax 360.679.3902

PURCHASE ORDER

Requisition or PO Number: **8351**

The above number must appear on all related correspondence, shipping papers, and invoices:

Requesting Department:

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Administration | <input type="checkbox"/> Legal | <input type="checkbox"/> Engineering |
| <input type="checkbox"/> Finance | <input type="checkbox"/> Planning | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Building | <input type="checkbox"/> Senior Center | <input type="checkbox"/> Fire |
| <input type="checkbox"/> Police | <input checked="" type="checkbox"/> Public Works | |

Check here if this order has already been given to the supplier.

Suggested Source:
 HD Fowler
 2165 Midway Lane
 Bellingham, WA. 98226
 Fax# 1-360-734-8653
 Attention: Wade Bergley

Ship To:
 City of Oak Harbor Public Works
 1400 NE 16th Avenue
 Oak Harbor, WA 98277
 Attention: Rich Tyhuis

REQUEST DATE	REQUISITIONER	PHONE	DATE REQUIRED	TERMS
DEC 30-2008	RICH TYHUIS	360-279-4753		

ITEM NUMBER OR DESCRIPTION	BARS LINE ITEM	QTY	UNIT PRICE	EXTENDED PRICE
5/8x3/4" DIALOG MJ WATER METER WITH FROST BOTTOM 3GDS RF CUBIC FEET	401.00.501.034.6300	600	\$ 218.91	\$ 131,346.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

COMMENTS:

- Please send two copies of your invoice, to the billing address.
- Include the Purchase Order number on the packing slip.
- Include the Requisitioner's Name on the package shipping label.
- Ship the product to the shipping address not the billing address.
- Please notify us immediately if you are unable to ship as specified.

SHIPPING	\$ -
OTHER	\$ -
SUBTOTAL	\$ 131,346.00
SALES TAX 0.084	\$ 11,033.06
TOTAL	\$ 142,379.06

Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.

 Approving Signature Date

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**City of Oak Harbor
City Council Agenda Bill**

Agenda Bill No. 10
Date: January 20, 2009
Subject: Surplus Property for Affordable
Housing Project

FROM: Steve Powers *RSP*
Development Services Director

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

[Signature] Jim Slowik, Mayor
[Signature] Paul Schmidt, City Administrator
[Signature] Doug Merriman, Finance Director
[Signature] Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

This agenda bill proposes adoption of a resolution declaring approximately 3.29 acres on NE Goldie Street, adjacent to the old land fill, to be surplus. Following such a determination by the City Council, the Property could then be sold, exchanged or otherwise disposed of at fair market value. The resolution further indicates the City Council's intention that the Property and/or the proceeds of sale of the Property be used for an affordable housing project if sufficient grant funds can be secured for the remaining costs of the project.

DESCRIPTION

The Property under consideration was purchased in 1938 with the intention of using it for public works' purposes. The original parcel was much larger and portions of it were used for the old land fill. The 3.29 acres now described in Assessors' Parcel No. R13326-009-2990 has been vacant for many years and is not needed for any anticipated City project. For that reason, the first proposed finding is that the Property is surplus to the City's needs and may be sold or otherwise disposed of for fair market value. A public hearing is scheduled and after public testimony on the question, the Council will make a finding whether to declare the property surplus. Once the Council finds that the Property is surplus, the staff may proceed to develop a recommendation as to the best method for disposing of it, so long as at least fair market value is obtained for it. Final disposition of the Property will be made subsequently by the City Council, upon a staff recommendation. A professional appraisal has been prepared of the Property but the appraisal has not yet been made public to protect the City's financial interest in obtaining the best value for the Property.

The second finding of the proposed resolution is that the City Council intends that the Property and/or the proceeds from the sale of the Property be used for purposes of an affordable housing project. This finding is conditioned upon the City's ability to obtain adequate grant funding to finance the remainder of the affordable housing project costs.

This matter is being brought to the City Council at this time to enable the City to meet the deadline of the Department of Community, Trade and Economic Development (CTED) for affordable housing grant proposals to be considered in the Spring 2009 round. That deadline is January 26, 2009. While the specifics of the City's project proposal require further development, the City will not be eligible to compete for funding until Fall 2009 if it cannot meet the January 26, 2009 deadline. A companion resolution authorizes the Mayor to enter into an interlocal agreement with the Housing Authority of Snohomish County to assist the City in the funding process, project design and ultimate development and management of the project.

STANDING COMMITTEE REVIEW:

The resolution was presented to the Governmental Services Standing Committee on January 12, 2009.

RECOMMENDED ACTION:

Adopt the proposed resolution finding the Property to be surplus and expressing the Council's intention that the Property or proceeds from sale of the Property be used for an affordable housing project.

ATTACHMENTS:

Proposed resolution

MAYOR'S COMMENTS:

RESOLUTION NO. 09-01

A RESOLUTION DECLARING ASSESSOR'S PARCEL NUMBER R13326-009-2990, A PARCEL CONSTITUTING 3.29 ACRES AND LOCATED AT NE GOLDIE STREET, SURPLUS TO CITY NEEDS AND DIRECTING THE PROPERTY AND/OR PROCEEDS OF SALE OF THE PROPERTY TO BE USED IN A CITY AFFORDABLE HOUSING PROJECT

WHEREAS, the City of Oak Harbor ("City") owns a parcel of property located at NE Goldie Street, Oak Harbor, Washington, which constitutes 3.29 acres and bears Assessor's Parcel Number R13326-009-2990 (the "Property"); and

WHEREAS, the Property was purchased in 1938 in conjunction with the purchase of all of the property in former Assessor's Parcel Number R13326-101-4180 for public works' purposes; and

WHEREAS, the experience of the public works department and the evaluation of public works' staff shows that there is no need for the Property for public works' purposes; and

WHEREAS, City staff has reviewed the Property and determined that the City has no other need for use of the Property apart from the affordable housing project which the City contemplates undertaking; and

WHEREAS, notice of a public hearing to consider declaring the Property surplus to the City's needs was published on January 10, 2009 in the Whidbey News Times; and

WHEREAS, the City Council held a public hearing on January 20, 2009 at a regularly scheduled City Council meeting to hear public comments concerning the proposed surplus of the Property; and

WHEREAS, the City Council determines that the City no longer has need of the Property; and

WHEREAS, development pressures have led to the elimination of several mobile home parks in the City of Oak Harbor; and

WHEREAS, the City Council finds that the City can best ensure the survival of affordable housing for lower-income residents who would otherwise prefer to live in mobile home parks by creating a manufactured home community in public ownership; and

WHEREAS, the City wishes to develop a manufactured home community for affordable housing purposes; and

WHEREAS, the Property and/or proceeds of the sale of the Property would benefit the community as a whole for years to come if dedicated to an affordable housing project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. The City Council finds that the 3.29 acres located at: NE Goldie Street, Oak Harbor, Washington, Assessor's Parcel Number R13326-009-2990 (the "Property") and owned by the City is surplus to the City's needs and may be sold, exchanged or otherwise disposed of at fair market value; and
2. The City Council intends that the Property or the proceeds from the sale of the Property be used by the City for an affordable housing project provided that adequate grant funding can be obtained to finance the affordable housing project.

PASSED and approved by the City Council this _____ day of _____, 2009.

THE CITY OF OAK HARBOR

Jim Slowik, Mayor

Attest:

Connie Wheeler, City Clerk

Approved as to Form:

Margery Hite, City Attorney

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 11
Date: January 20, 2009
Subject: Resolution to Undertake Affordable
Housing Project with HASCO

FROM: Steve Powers *PSP*
Development Services Director

INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:

[Signature] Jim Slowik, Mayor
[Signature] Paul Schmidt, City Administrator
[Signature] Doug Merriman, Finance Director
[Signature] Margery Hite, City Attorney, as to form

SUMMARY STATEMENT: This Resolution sets out the City Council's intention to establish an affordable housing project and to work with the Housing Authority of Snohomish County (HASCO) to finance, develop and manage (initially) a manufactured home community for residents 55 years of age and older. It authorizes the Mayor to enter into a cooperative agreement with HASCO and its partner, HomeSight, to proceed with the grant applications and project development for the affordable housing project.

DESCRIPTION: The City of Oak Harbor has long been home to mobile home parks that provide an affordable, positive living experience for many of its residents. However, development pressures have led to the closure of a number of those parks and threaten the future of many more, as private property owners are electing to close the parks and use the land for other purposes. Many of the park residents are distressed by the closure of the parks and have asked the City to take action.

The City, through the Council and the Mayor, is exploring means by which the City could ensure the survival of an affordable manufactured home community for lower income seniors in Oak Harbor. The model which has been discussed is one in which the City would donate land for the manufactured home park, to be held in perpetuity as a land trust. The residents would own their own manufactured homes and pay an affordable monthly rent for the use of the pad and utilities, under the management of an affordable housing agency.

On November 18, 2008, the City Council heard a presentation from HASCO and its partner, HomeSight, on a potential affordable housing project for the City of Oak Harbor. Based on its extensive experience with this sort of affordable housing development, HASCO believes that if the City contributes the land, the rest of the cost of developing the manufactured home community could be obtained through grants and affordable housing state loans.

Agenda Bill re: Resolution to
Undertake Affordable Housing
Project with HASCO - 1

This may be an especially good time for the City's project to go forward. The Washington State Department of Community, Trade and Economic Development (CTED) has been allocated money specifically for manufactured home projects. While the economic forecast for the State budget is not good, there is a priority on creating jobs with public money. A housing project that is "shovel ready" would be a desirable use of State housing funds.

To meet the Spring round of CTED funding, the City must submit a proposal for Stage I review no later than January 26, 2009. This resolution establishes the City's intention to create an affordable housing project and authorizes the Mayor to enter into a cooperative agreement with HASCO to finance, develop and manage (initially) the project in accordance with the parameters set out in the Resolution. It also authorizes the Mayor to sign a grant application for CTED funding to meet the January 26th deadline. Accompanying this agenda item is a second one which declares the City owned property located at NE Goldie Street, Oak Harbor, Washington, 3.29 acres (a Assessor's Parcel No. R13326-009-2990) surplus to the City's needs and declares an intention to utilize it for affordable housing purposes.

STANDING COMMITTEE REVIEW: The proposed Resolution was provided in draft form to the entire Council on November 18, 2008 in conjunction with the presentation by HASCO and HomeSight. It was also presented to the Government Services standing committee on January 12, 2009.

RECOMMENDED ACTION:

Adopt the attached Resolution and authorize the Mayor to enter into a cooperative agreement with HASCO and HomeSight to proceed with the affordable housing project, and submit a grant funding application to CTED for the Spring 2009 round.

ATTACHMENTS:

Proposed Resolution.

CTED Grant application forms for Stage I.

MAYOR'S COMMENTS:

RESOLUTION NO. 09-02

A RESOLUTION OF THE CITY OF OAK HARBOR DECLARING THE NEED FOR THE HOUSING AUTHORITY OF SNOHOMISH COUNTY TO OPERATE WITHIN THE BOUNDARIES OF THE CITY OF OAK HARBOR TO ASSIST WITH THE DEVELOPMENT OF A NEW MANUFACTURED HOUSING COMMUNITY

WHEREAS, the City of Oak Harbor (“City”) is aware of a number of closures of mobile home parks in the area; and

WHEREAS, mobile home parks have historically been a significant portion of the affordable housing stock in Oak Harbor; and

WHEREAS, mobile home parks also have provided residents with a supportive community in a setting preferred by their residents; and

WHEREAS, the City would like to develop a manufactured housing community within the City, in order to replace some of the homes lost due to mobile home park closures and to maintain and expand affordable homeownership options; and

WHEREAS, the City has not yet activated the Housing Authority of the City of Oak Harbor for all areas of the City pursuant to Chapter 35.82 RCW, and the Housing Authority of Island County does not have the specific experience with manufactured home communities to best assist the City with the development of a new manufactured housing community in the City; and

WHEREAS, RCW 35.82.070(3) provides that a housing authority may exercise its powers outside of its areas of operation under certain conditions; and

WHEREAS, the Housing Authority of Snohomish County (the “Authority”) has specific and extensive experience with development and preservation of manufactured housing communities; and

WHEREAS, the City Council has determined that there is a need for the Authority to exercise its powers within the City to assist the City in developing a manufactured home community to offset the losses in mobile home parks; and

WHEREAS, the City has approached the Authority for assistance with the development of a manufactured housing community and the Authority has agreed to provide such assistance; and

WHEREAS, the Authority has agreed to, in cooperation with the nonprofit agency HomeSight, design and execute a new manufactured housing community on land to be provided by the City, with the City providing assistance with making applications to secure financial resources; now therefore,

THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, HEREBY
RESOLVES AS FOLLOWS:

1. Declaration of Need. The City declares that there is a need for the Authority to exercise its powers within the boundaries of the City in connection with the development of a manufactured housing community (the "Project") as affordable housing, and hereby requests and authorizes the Authority to so exercise its powers in connection with the Project, in order to assist with the design and execution of the Project.
2. Description of Project and Roles. The Project will be a manufactured housing community created within the City of Oak Harbor for residents over the age of 55. The target number of manufactured home units to be provided in the Project is forty (40), although this number may vary depending upon the circumstances of development and financing. The Project will create a land trust in City ownership upon which manufactured homes owned by residents of the Project shall be located. Use of the City land by owners of the manufactured homes shall be subject to conditions to ensure the long-term affordability of the homes.

The Authority, in partnership with the non-profit agency HomeSight, will be responsible for the design and execution of the Project so that there is no net cost to the City beyond its contribution of land for the Project. The Authority will manage the Project after completion until the City is able to secure a permanent manager.

The City will be responsible for securing the land where the community will be developed, using the proceeds from a piece of commercial land it already owns or through a trade. The City will assist the Authority and HomeSight in making application to secure financial resources for the Project. The City will maintain ownership of the land, and the City intends to select a local entity to permanently manage the community upon completion of the development and establishment of management protocols for the Project.

3. Cooperative Agreement and Grant Application. The Mayor is directed to enter into a cooperative agreement with the Authority to carry out the Project in conformity with the principles set out in this Resolution. The Mayor is further authorized to sign a grant application for funding for the proposed manufactured home community to be submitted to Stage I of the Department of Community, Trade and Economic Development (CTED) Spring 2009 round of housing project applications.
4. Effective Date. This Resolution shall be in full force from and after its adoption and approval.

PASSED and approved by the City Council this _____ day of _____, 2009.

CITY OF OAK HARBOR

Jim Slowik, Mayor

ATTEST:

Connie Wheeler, City Clerk

APPROVED AS TO FORM:

Margery Hite, City Attorney

FORM 1
Project Readiness

Applicant Name: _____ Project Name: _____

Please check all that apply: New Construction Rehabilitation Acquisition

1. What are the dates for the construction start and completion for this project?
Start Date _____ Completion Date _____
2. When will construction permits be issued? Date _____
3. Please list in the table below the financial sources that are not committed and the projected application and award dates for each permanent sources listed:

AMOUNT	PERMANENT SOURCE	APPLICATION DATE	AWARD DATE

4. Projects that include Tax Credits or Tax Exempt-Bonds as part of the financing please check the appropriate box or boxes for the type of tax credits that apply to this project.

Yes

9%

4%

Tax-Exempt Bonds

5. Does this project have site control? Yes No If no, explain why.
6. Is the proposed project consistent with the current zoning? Yes No If no, what needs to happen for this project to be consistent with the zoning requirements?
7. Are there any outstanding issues that may delay the project such as environmental, legal, neighborhood notification and approval and etc.?
8. Have you identified issues and developed a plan in accord with the Evergreen Standard? Yes No
9. Does this project have preliminary design drawings or working drawings completed?
10. In the space below, give a brief summary how your project will quickly move forward to construction start.

Form 1 Project Summary

PROJECT APPLICANT

Organization Name:			
Organization Address:			
City and Zip Code:		County:	
Executive Director:		Email:	
Phone:		Fax:	
Agency Project Contact Person:		Email:	
Phone:		Fax:	
Development Consultant Contact Person:		Email:	
Phone:		Fax:	
Unified Business Identifier:			
Federal Tax ID Number:			
First Time Applicant?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No

(If yes, see list of required attachments at end of Form 1)

ORGANIZATION TYPE

(check only one; see Section 202.1 of the Housing Trust Fund Guideline and Procedure Handbook)

- Local Government
- Local Housing Authority
- Nonprofit Community, Neighborhood, State or Regional Organization
- Federally-recognized Indian Tribe in the State of Washington
- Regional Support Network (established under RCW Chapter 71.24)

BRIEF NARRATIVE PROJECT DESCRIPTION (Limit response to the space below)

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**Form 1
Project Summary**

PROJECT NAME

Project Name:

Project Address:

City:

Project tax parcel #:

State Legislative District:

Federal Congressional District:

	County:		Zip code:

PROJECT INFORMATION

For Existing Housing Only (check one):

- Privately Owned (see Section 201.1 in HTF Handbook and RCW 43.185.070 [2])
- Publicly Owned
- Owned by Applicant
- Other (please specify)

Project Activity Type

(check all that apply; see Section 202.2 and Section 202.3 of the Housing Trust Fund Guideline and Procedure Handbook):

- Acquisition
- Rehabilitation
- Rehab or Adaptive Reuse of an Existing Building (not currently residential)
- Redevelopment
- New Construction
- HUD/USDA Preservation
- Expiring Tax Credit Property
- Mixed Use (please explain)
- Other (please specify)

Form 1 Project Summary

POPULATION(S) TO BE SERVED

Instructions:

- Complete the appropriate columns for either units or beds.
- Add across columns A, C, E and G putting total number of Housing units in column I.
- Add across columns B, D, F and H putting total number of Housing beds in Column J.
- Review the example shown below before completing the table on the next page:

SAMPLE: This project consists of 36 units; 9 transitional units for homeless persons with substance abuse problems, 15 permanent units for homeless families with children with multiple special needs, and 12 units for general population that are non-homeless units.

Population Type	Homeless Units or Beds						Non-Homeless Units or Beds		Total Number of Units or Beds	
	Shelter		Transitional		Permanent		G. # of Units	H. # of Beds	I=A+C+E+G J=B+D+F+H	
	A. # of Units	B. # of Beds	C. # of Units	D. # of Beds	E. # of Units	F. # of Beds			I. Total # of Units	J. Total # of Beds
General (Families with Children)					15				15	0
General (Families, No Dependent Children)									0	0
General (Individuals)			9				12		21	0
Senior (Independent Living)									0	0
Farmworkers									0	0
Total Units or Beds in	0	0	9	0	15	0	12	0	36	0

Special Needs: The numbers below are a subset of total units above. (If units are designed for more than one category, check the primary category to be served)
 Note: If you have checked units to be designated for Special Needs Populations of Housing to Serve Homeless, Form 7 - Supportive Services, must be completed. HTF does not require Form 7, Supportive Services for the "Physically Disabled" category.

Developmentally disabled									0	0
HIV/AIDS									0	0
Domestic violence									0	0
Substance abuse			9						9	0
Chronically mentally ill									0	0
Multiple special needs (explain:)					15				15	0
Physically disabled									0	0
Youth under 18									0	0
Youth 18-24									0	0
Frail elderly									0	0
Veteran									0	0
Other (please describe):									0	0

Form 1 Project Summary

POPULATION(S) TO BE SERVED

Instructions:

- Complete the appropriate columns for either units or beds.
- Add across columns A, C, E and G putting total number of Housing units in column I.
- Add across columns B, D, F and H putting total number of Housing beds in Column J.

Population Type	Homeless Units or Beds						Non-Homeless Units or Beds		Total Number of Units or Beds	
	Shelter		Transitional		Permanent		G. # of Units	H. # of Beds	I=A+C+E+G J=B+D+F+H	
	A. # of Units	B. # of Beds	C. # of Units	D. # of Beds	E. # of Units	F. # of Beds			I. Total # of Units	J. Total # of Beds
General (Families with Children)									0	0
General (Individuals)									0	0
Senior (Independent Living)									0	0
Farmworkers									0	0
Special Needs: The numbers below are a subset of total units above. (If units are designed for more than one category, check the primary category to be served) <i>Note: If you have checked units to be designated for Special Needs Populations or Housing to Serve Homeless, Form 7-Supportive Services, must be completed. HTF does not require Form 7, Supportive Services for the "Physically Disabled" category.</i>										
Developmentally disabled									0	0
HIV/AIDS									0	0
Domestic violence									0	0
Substance abuse									0	0
Chronically mentally ill									0	0
Multiple special needs (explain:)									0	0
Physically disabled									0	0
Youth under 18									0	0
Youth 18-24									0	0
Frail elderly									0	0
Veteran									0	0
Other (please describe): _____									0	0

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Form 1 Project Summary

PROPOSED NUMBER OF UNITS/BEDS BY BEDROOM SIZE AND AFFORDABILITY

Instructions:

- Insert as many lines as needed in this table.
- Identify on-site resident manager unit(s) on separate lines with affordability noted.
- Identify those units that are proposed to have Section 8, USDA, or other rental subsidy in the column entitled "Type of Rent Subsidy."
- For congregate projects, where tenants will not have their own units, use the column entitled "Beds." For studio/SRO units and larger, use the columns that identify the planned units by bedroom size.

SAMPLE 1: This project consists of 36 total units. Units are as follows: 6 studios @ 50% with Section 8, and 30 one-bedroom units with 16 units @30% with Section 8, 8 units @ 30% without Section 8, 5 units @ 50% without Section 8, and one for the resident manager @ 50% with Section 8.

% of Median Income	Type of Rent	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Five Bedroom	Beds	Total Units /Beds
30%	Section 8		16						16
30%			8						8
50%	Section 8	8							8
50%			5						5
50% - on-site mgr	Section 8		1						1
Total		8	30	0	0	0	0	0	38

SAMPLE 2: This project will provide both congregate shelter space with 30 beds and 8 one-bedroom transitional housing units with Section 8 for single adults

% of Median Income	Type of Rent Subsidy	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Five Bedroom	Beds	Total Units /Beds
30%	Section 8		8						8
30%								30	30
Total		0	8	0	0	0	0	30	38

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Form 1 Project Summary

PROPOSED NUMBER OF UNITS/BEDS BY BEDROOM SIZE AND AFFORDABILITY

Instructions:

- Insert as many lines as needed in this table.
- Identify on-site resident manager unit(s) on separate lines with affordability noted.
- Identify those units that are proposed to have Section 8, USDA, or other rental subsidy in the column entitled "Type of Rent Subsidy."
- For congregate projects, where tenants will not have their own units, use the column entitled "Beds." For studio/SRO units and larger, use the columns that identify the planned units by bedroom size.

% of Median Income	Type of Rent Subsidy	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Five Bedroom	Beds	Total Units /Beds
									0
									0
									0
									0
									0
Total		0	0	0	0	0	0	0	0

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Form 1 Project Summary

PERMANENT CAPITAL FUNDING SOURCES AND TOTAL DEVELOPMENT COST

Instructions: Insert as many lines as needed in the following tables.

Residential			
Source and Type	Proposed Funding	Committed/ Conditional Funding	Total Funding
WA State Housing Trust Fund (HTF)			\$0
WA State HTF Set-Aside (<i>specify</i>)			\$0
WA State CDBG Housing Enhancement[1]			\$0
LIHTC - (<i>Specify 4% or 9%</i>)			\$0
			\$0
			\$0
Total Residential Development Cost	\$0	\$0	\$0

[1]

See Chapters 3 and 6 of the Housing Trust Fund Guideline and Procedure Handbook for further information.

Non-Residential			
Source and Type	Proposed Funding	Committed/ Conditional Funding	Total Funding
			\$0
			\$0
			\$0
			\$0
Total Non-Residential Development Cost	\$0	\$0	\$0

Total Development Cost			
Source and Type	Proposed Funding	Committed/ Conditional Funding	Total Funding
Total Development Cost	\$0	\$0	\$0

ANNUAL OPERATING SUBSIDY SOURCES

Source and Type	Proposed Funding	Committed/ Conditional Funding	Total Funding
Housing Trust Fund (HTF) O&M			\$0
County 2060 O&M (<i>specify county</i>)			\$0
Local O&M (<i>specify jurisdiction</i>)			\$0
McKinney			\$0
Other			\$0
Total Annual Operating Subsidy Sources	\$0	\$0	\$0

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**Form 1
Project Summary**

PROJECT TITLE

PROJECT NUMBER

PROJECT DESCRIPTION

PROJECT OBJECTIVES

PROJECT RESULTS

PROJECT CONCLUSIONS

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FORM 2

APPLICANT INFORMATION

PROPOSED OWNERSHIP STRUCTURE *(check all that apply)*

- | | | |
|--|---|--|
| <input type="checkbox"/> Nonprofit | <input type="checkbox"/> Limited Liability Partnership(LLP) | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Limited Liability Corporation (LLC) | <input type="checkbox"/> Local Unit of Government * | <input type="checkbox"/> Nonprofit Single Asset Entity |
| <input type="checkbox"/> Other Corporation | <input type="checkbox"/> CHDO | <input type="checkbox"/> Joint Venture |
| <input type="checkbox"/> Other, Describe: _____ | | |

Indicate the role of the applicant in the project. *(check all that apply)*

- | | | |
|--|--|--|
| <input type="checkbox"/> Owner | <input type="checkbox"/> Managing Partner or Managing Member | <input type="checkbox"/> Social Service Provider |
| <input type="checkbox"/> Property Management | <input type="checkbox"/> Sponsoring Organization | <input type="checkbox"/> Other, Describe: |
| <input type="checkbox"/> Developer | | |

- If the ownership entity and applicant entity are or will be different entities, describe the relationship and role of each during and following project development.
- Is the relationship between the two expected to change over time?
- If this is a tax-credit project, describe the planned transfer of the ownership of the project at the end of 15 years.

**LEGAL STATUS OF LIMITED LIABILITY PARTNERSHIP/
LIMITED LIABILITY CORPORATION**

- | | |
|--|---|
| <input type="checkbox"/> Currently Exists | Tax Year: <i>From:</i> _____ <i>To:</i> _____ |
| <input type="checkbox"/> To Be Formed | Estimated Date: _____ |
| Accounting Method of Partnership: <input type="checkbox"/> Cash <input type="checkbox"/> Accrual | |

Individuals/Organizations that Comprise the Ownership Entity *(if known at time of application)*

- 1.
- 2.
- 3.

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DEVELOPMENT TEAM (provide the information requested below if available)

Development Consultant

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Architect

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Engineer

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Environmental Engineer

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Project Attorney

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Appraiser

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Market Study Firm

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Property Management

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

Green Design Specialist- if not the Architect

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number *with Area Code* _____

General Contractor

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number with Area Code _____

Sustainable Development Project Manager

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number with Area Code _____

Other (please specify)

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number with Area Code _____

If you are contracting with other organizations to offer supportive services in your project, please provide the following information:

Service Provider

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number with Area Code _____

Service Provider

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number with Area Code _____

Service Provider

Firm Name _____ Related Entity Yes No

Contact Person _____

Telephone Number with Area Code _____

Attachments (use colored separator sheets between documents)

- Development services consultant contract(s).
- Executed Development Services Agreement (DSA)