

Oak Harbor City Council
Regular Meeting Minutes
March 19, 2013

CALL TO ORDER

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

ROLL CALL

Present:

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

Staff Present:

City Administrator Larry Cort
Development Service Director Steve Powers
Administrative Assistant Kathy Gifford
Executive Assistant Renee Recker
Chief of Police Ed Green
Finance Director Doug Merriman
Fire Chief Ray Merrill
Interim City Attorney Grant Weed
Public Works Director Cathy Rosen

APPROVAL OF AGENDA

Motion: Councilmember Campbell moved to approve the Agenda as presented. The motion was seconded by Councilmember Munns and carried unanimously.

PLEDGE OF ALLEGIANCE/INVOCATION

Mayor Dudley led the Pledge of Allegiance, and Pastor Andy Mahoney of Grace Community Church gave the invocation.

MINUTES

The Minutes of the Regular City Council meeting of March 5, 2013, were approved as presented.

PRESENTATIONS

Recognition of Hank Nydam

Public Works Director Cathy Rosen recognized Hank Nydam for 30 years of service and presented him with a fleece jacket.

CITIZEN COMMENT PERIOD

Melissa Duffy commended Hank Nydam for his work in the Parks Department and invited the public to the Art Commemoration on March 20th at the Post Office from 2:00 to 3:00 p.m.

Helen Chatfield-Weeks reiterated Melissa Duffy's comments.

CONSENT AGENDA

Kathy Gifford read the Consent Agenda.

- 1.a.** Motion to approve the Accounts Payable Vouchers in the amount of \$208.25, consisting of Nos. 153376 through 153378; and in the amount of \$530,935.64, consisting of Nos. 153379 through 153539
- b.** Motion to authorize the Mayor to sign the contract with GeoEngineers, Inc. to investigate the North Reservoir site for evidence of an earthquake fault with a not to exceed limit of \$35,900 and a management reserve of \$1,000
- c.** Motion to close and terminate the public hearing to consider revocation of the Nightclub License for the Element Nightclub
- d.** Motion to set a public meeting on April 2, 2013, to consider amending Section 2.34.055 of the Oak Harbor Municipal Code Relating to Management Positions (Ordinance 1654)
- e.** Motion to set a public meeting on April 2, 2013, to consider suspending the regular meetings of the City Council Standing Committees established under Section 1.04.015 of the Oak Harbor Municipal Code (Ordinance 1656)

Motion: Councilmember Campbell moved to approve consent agenda as presented. The motion was seconded by Councilmember Munns and carried unanimously.

HEARINGS AND ORDINANCES/RESOLUTIONS

Ordinance 1652: Relating to the Keeping of Back Yard Chickens (2nd Reading and Adoption)
Development Services Director Steve Powers provided a staff report.

Mayor Scott Dudley opened the public hearing.

Shane Hoffmire and Larry Eaton spoke in favor of the ordinance.

Melissa Duffy spoke in favor of the ordinance and asked about the danger of the Avian Flu Virus.

Councilmember Campbell provided information about the Avian Flu Virus.

Mr. Powers indicated that the County Health Department would give guidance about the virus if needed.

Ordinance 1652 **An Ordinance of the City of Oak Harbor Amending Oak Harbor Municipal Code Title 7, Animals, by Adding a New Chapter 7.42, Chicken Hens, and Allowing for the Keeping of Chicken Hens within the City Limits and Amending Oak Harbor Municipal Section 19.08.425, Kennel, Commercial by Deleting the Prohibition of the Keeping of all Poultry and Allowing the Keeping of Chicken Hens**

Motion: Councilmember Servatius moved to adopt Ordinance 1652. The motion was seconded by Councilmember Almberg and carried unanimously.

Ordinance 1655: Relating to the Marina Advisory Committee (First Reading)
Development Services Steve Powers provided a staff report.

Mayor Dudley opened the public hearing. No testimony was provided and the hearing was closed.

Councilmember Munns asked the Mayor what his vision was for expanding the Committee.

Mayor Dudley explained that the City would benefit from input from more individuals.

Councilmembers Servatius, Almberg, Severns and Hizon expressed concern about the committee composition and asked to have input from the current Marina Advisory Committee membership.

Motion: Councilmember Hizon moved to continue Ordinance 1655 to April 2, 2013. The motion was seconded by Councilmember Munns and carried unanimously.

Resolution 13-07: Amending the Employee Policy Manual Regarding Wellness Program Participants

Human Resources Manager Cheryl Lawler provided the staff report and noted a necessary correction to the resolution presented to strike the word “non” in “non-regular”.

Mayor Dudley opened the public hearing. No testimony was provided and the hearing was closed.

Councilmember Almberg asked if the Fire Department personnel used the Fire Department’s exercise facility as well as fitness clubs. Ms. Lawler responded yes.

Resolution 13-07 A Resolution Amending the Employee Policy Manual Regarding the City of Oak Harbor Wellness Program Participants and Time Off Definitions

Motion: Councilmember Servatius moved to adopt Resolution 13-07. The motion was seconded by Councilmember Campbell and carried unanimously.

Draft Wastewater Facilities Plan Submittal

City Engineer Joe Stowell provided a staff report.

Mayor Dudley opened the public hearing. No testimony was provided and the hearing was closed.

Councilmembers thanked staff and Carollo for their thorough work. Councilmember Servatius asked how stormwater was treated. Mr. Stowell explained.

Motion: Councilmember Hizon moved to authorize staff to submit the draft Wastewater Facilities Plan to the State of Washington Department of Ecology. The motion was seconded by Councilmember Munns and carried unanimously.

Amendment No. 6 to the Consultant Agreement with Carollo

City Engineer Joe Stowell provided a staff report.

Mayor Dudley opened the public hearing. No testimony was provided and the hearing was closed.

Councilmember Severns commented on funding for the project.

Councilmember Paggao asked about property acquisition and the assumption that a property owner would be willing to sell.

Councilmember Campbell commented that he would not vote yes on a property taking from a citizen.

Councilmember Munns asked about the funding for the outfall.

Councilmember Servatius encouraged the public to be involved.

Motion: Councilmember Servatius moved to authorize the Mayor to sign consultant agreement Amendment No. 6 with Carollo Engineers in the amount of \$2,081,168 for the preliminary design related to the new wastewater treatment plant. The motion was seconded by Councilmember Munns and carried unanimously.

City Attorney Employment Contract

Mayor Scott Dudley provided the staff report.

Mr. Boughton spoke about why he was excited for the opportunity, why he would be a good addition to the management team and what could be expected of him.

Mayor Scott Dudley opened the meeting for public comment.

Police Chief Green spoke in favor of Mr. Boughton.

Mayor Scott Dudley closed public comment.

Councilmembers thanked Mr. Boughton for applying. Councilmembers Servatius, Munns, Alberg and Severns expressed concern about Mr. Boughton's lack of experience in specific areas that were advertised. Ms. Hizon echoed those sentiments and expressed her dismay that the Mayor appointed the less experienced of the two candidates. Mr. Campbell and Mr. Paggao stated their belief that Mr. Boughton was capable of performing in the position.

Motion: Councilmember Alberg moved not to confirm the appointment and not to approve the Employment Contract with City Attorney Burt Boughton. The motion was seconded by Councilmember Servatius and carried by a vote of 5 in favor (Servatius, Alberg, Munns, Severns and Hizon) and 2 opposed (Paggao and Campbell).

CITY ADMINISTRATOR COMMENTS

City Administrator Dr. Cort reported that Mr. Weed would not be present for the Council meeting on April 2nd and asked the City Council to consider staff's recommendation to have the City Council workshops on the 4th Wednesday of the month at 3:00 p.m.

CITY COUNCIL COMMENTS

Councilmember Campbell, Almberg, Munns, Severns, Servatius, and Hizon spoke about the memorial service held for LT Cmdr. Alan A. Patterson, LT Valerie Cappelaere Delaney and LTJG William B. McIlvaine and the closeness and support of the community during this time of loss.

Councilmember Almberg spoke about the successful meeting at the Pentagon as well as the session with the National League of Cities.

Councilmember Munns noted the Public Safety Committee this coming Thursday and complemented the Mayor for a job well done during the meeting at the Pentagon.

Councilmember Hizon asked staff to bring forward suggestions she had for streamlining Council meetings and to look at the Parks Code for suggestions she had for allowing additional activities in the parks.

Councilmember Servatius stated that he was grateful for the opportunity to make the trip to Washington DC and noted that the City has been to Washington DC 22 times to preserve the relationship between NAS Whidbey and the City of Oak Harbor.

MAYOR'S COMMENTS

Mayor Dudley spoke about the successful trip to Washington DC, expressed his condolences to the families of the three aviators, and commented on the City Council's choice to oppose his appointment of Mr. Boughton as the City Attorney.

ADJOURNMENT

Councilmember Campbell moved, seconded by Councilmember Almberg, to adjourn.

The meeting adjourned at 8:33 p.m.

Kathy Gifford, Deputy City Clerk