

**City Council Regular Meeting  
Tuesday, September 4, 2012, 6:00 p.m.  
City Hall – Council Chambers**

**CALL TO ORDER**

Mayor Dudley called the regular meeting of the Oak Harbor City Council to order at 6:00 p.m.

**INVOCATION**

Councilmember Joel Servatius

**ROLL CALL**

Mayor Scott Dudley  
Five Members of the Council,  
Rick Almberg  
Tara Hizon  
Joel Servatius  
Bob Severns  
Danny Paggao

Larry Cort, Interim City Administrator  
Cathy Rosen, Public Works Director  
Steve Powers, Development Services Director  
Renée Recker, Executive Assistant to the Mayor  
Nacelle Heuslein, Interim City Clerk  
Grant Weed, Interim City Attorney  
Ray Merrill, Fire Chief  
Doug Merriman, Finance Director

**Excused Absences**

Beth Munns  
Jim Campbell

**AGENDA CHANGES**

Mayor Dudley stated the Fairview Point PRD ADU Amendment and the EMS Agreement with the Whidbey General Hospital will be brought back on the September 18, 2012 Council agenda.

**Motion:** Mayor Pro Tempore Paggao moved to add item 16 to hold an Executive Session prior to adjournment to discuss pending litigation and litigation. Councilmember Severns seconded the motion and the motion carried.

**ROLL CALL**

Mayor Dudley stated all were present except Councilmember Campbell and Councilmember Munns.

**Motion:** Councilmember Servatius moved to grant an excused absence to Councilmember Campbell for the 9/4/12. Councilmember Almberg seconded the motion and the motion carried.

**MINUTES**

Mayor Dudley presented the 7/31/12 Special Meeting Minutes, the 8/8/12 Regular Meeting Minutes and the 8/14/12 Special Meeting Minutes for Council approval. Councilmember Hizon recused herself from the vote on the 7/31/12 minutes as she was not in attendance.

**Motion:** Councilmember Almberg moved to accept the Special Meeting minutes of 7/31/12, the Regular Meeting Minutes of 8/8/12 and the Special Meeting Minutes of 8/14/12. Councilmember Severns seconded the motion and the motion carried with an abstention from Councilmember Paggao for all three meetings.

## **NON ACTION COUNCIL ITEMS**

### **Introduction of New Employees**

Fire Chief Ray Merrill introduced new Fire Department Staff, Angela Braunstein and Lt. Don Baer both with years of experience. Ms. Braunstein and Lt. Baer thanked the Mayor and Councilmembers for the opportunity to be of service to the city.

### **Employee Recognition**

Dina Nichols was recognized for her 10 years of service to the city. Dina is helpful to all and has worn many hats since 2002. She is currently a member of the Safety Committee, chair of the Wellness Committee and has been involved in the website redevelopment. The City has won the AWC Well City award seven times and she has saved the city over \$65,000 in reimbursements from AWC.

## **PUBLIC COMMENTS**

Mayor Dudley called for Public Comments from the audience.

**Terry Lacey** of the VFW Post 7392 stated the Veterans Day parade will be held November 10, 2012. He encouraged maximum participation. The Elks Club will be providing a reception for the veterans and their families. Mr. Lacy asked for help in getting the word out and thanked the city for letting them put this together. Mayor Dudley thanked him for doing all the work on this event.

**Paul Bovey** shared the Four –Way Test of Rotarians.

1. Is it the Truth?
2. Is it Fair to all concerned?
3. Will it build Goodwill and Better Relations?
4. Will it be Beneficial to all concerned?

**Helen Chatfield-Weeks** commented how wonderful the Jazz Festival was this past weekend and for the people who didn't make it they really missed a great event. She recommended citizens watch Channel 10 to keep up with what is going on in Oak Harbor. Ms. Chatfield-Weeks thanked Councilmember Severns and his wife, Rhonda for getting the event started.

**Ronald Lawler** a member of the Oak Harbor Youth Commission appointed by the Mayor and Council encourages the community to “catch” our youth doing something right and submitting a nomination for the “Caught in the Act” Award. Completed nominations can be given to Councilmember Hizon.

**Mel Vance** invited Council to the Kite Festival Event to be held September 22 and 23, 2012 from 9 – 5 each day at Fort Casey. It is free and the event is for kids and the whole family.

With no other citizens coming forth, the public comments were closed.

**COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:**

**Consent Agenda:**

- a. Noise Permit – Homecoming Parade Dwight Lundstrom of Oak Harbor High School submitted a Noise Permit request for marching bands and amplified sound associated with announcements for the Homecoming Parade.
- b. Noise Permit – Veteran’s Day Parade submitted by Terry Lacey of the VFW Post 7392 requesting a permit for marching bands and amplified sound associated with announcements for the Veterans Day Parade.
- c. Referral of Change in the Use of Lodging Taxes to the Lodging Tax Advisory Committee. Request to refer potential changes in the use of 2% funds to the Lodging Tax Advisory Committee for review and comment.
- d. Approval of Accounts Payable Vouchers including Claims and Payroll

Payroll Check Approval 8/15/12	#95752 – 95765	\$444,062.35
Accounts Payable Check Approval 8/15/12	#150971 - 151133	\$421,397.86
Payroll Check Approval 8/31/12	#95766 – 95797	\$566,462.28
Accounts Payable Check Approval 8/29/12	#151134 – 151257	\$795,403.40
Payroll Check Approval 8/31/12	#95798 – 95821	\$ 56,140.44

**Motion:** It was moved by Councilmember Servatius and seconded by Councilmember Hizon to pull Item c., under the Consent Agenda, for separate discussion. Motion carried unanimously.

**Motion:** Moved by Councilmember Severns and seconded by Councilmember Almberg to approve the Consent Agenda as presented less Item c. Motion carried unanimously.

Finance Director Doug Merriman explained any changes in the Hotel-Motel Use Lodging Tax needed to be sent to the Lodging Tax Advisory Committee at least 45 days prior to the Council taking final action. The committee will bring back its recommendations to the Council.

**Motion:** Councilmember Servatius moved to approve Item c on the Consent Agenda. The motion was seconded by Councilmember Severns and the motion carried unanimously.

**Public Hearing and Final Consideration – Ordinance No. 1632, Credit Card Fees.**

**Public Hearing**

The Mayor declared the public hearing opened at 6:35 p.m. When there were no public comments he closed the public hearing.

**Ordinance No. 1632**

**An Ordinance authorizing the City to absorb the transaction cost/fees associated with payment made with credit and debit cards and amending the OHMC Chapter 3.68.**

Finance Director Merriman stated in an effort to streamline the payment process and to reduce costs to the City in terms of administrative processing and staff time, the City has offered its

residents the ability to pay bills through the use of a credit or debit card. Providing customers with the ability to make such payments has resulted in a cost savings to the City and has resulted in increased convenience to the City's customers. There are certain transactional costs associated with the use of credit and debit cards to purchase goods and services and the cost savings to the City outweighs any associated transactional costs.

**Motion:** Councilmember Severns moved to adopt Ordinance No. 1632 approving the absorption of credit card fees. The motion was seconded by Councilmember Alberg and it carried unanimously.

**Public Hearing and Final Consideration – Ordinance No. 1633 Amending the OHMC Section 6.56.030 (2)(a) to give administrative authority to the Mayor, or the Mayor's designee, to grant a noise permit.**

The Mayor opened the public hearing at 6:39 p.m.

**Mel Vance** agreed with the concept but was concerned neighbors wouldn't have an opportunity to come before Council and say they were against the noise permit if there was to be a large party in someone's backyard.

When there were no further comments Mayor Dudley closed the public hearing at 6:40 p.m.

Finance Director Doug Merriman stated for the last several months the City has received numerous applications for noise permits. At times the city council agenda packet would include several applications for noise permits which are typically assigned to the consent portion of the agenda. The preparation of these bills takes considerable staff time and effort. It is recommended the Council give the Mayor or the Mayor's designee the authority to issue these noise permits.

**Motion:** Councilmember Alberg moved to approve Ordinance No. 1633 amending the OHMC 6.56.030(2) (a) to give administrative approval authority for noise permits to the Mayor or the Mayor's designee. Councilmember Hizon seconded the motion and the motion carried.

**Public Hearing and Final Consideration – Ordinance No. 1631 an ordinance amending OHMC Sections 2.29.010 entitled "Creation of Arts Commission" Section 2.29.040 entitled "Membership of Commission" and Section 2.29.050 entitled "Term of Office of Members"**

Interim City Administrator Cort stated at the time of creation, membership on the Arts Commission was established at eleven. Through the years, it has become apparent that maintaining an eleven-member Commission is impractical. In order to reach a quorum six (6) members have to be present. The ordinance reduces the number from 11 to 7 thus a total of 4 would be necessary to meet quorum requirements.

The Mayor opened the public hearing at 6:45 p.m. It was closed when there were no public comments

**Motion:** Mayor Pro Tempore Paggao moved to approve Ordinance No. 1631 amending the OHMC Title 2 Chapter 2.29 Oak Harbor Arts Commission. Councilmember Servatius seconded the motion and the motion carried unanimously.

**Site Plan Extension – Franklin Manor.**

**Resolution 12-20 approving a single two-year extension to the approved site plan pursuant to OHMC 19.48.120 for the Franklin Manor PRD**

Director of Development Services Steve Powers informed Council this was a request by Windmill Court LLC represented by Developer Nat Franklin to approve a single two-year extension to the Franklin Manor Planned Residential Development (PRD) Site Plan approved by Council on October 19, 2010. This is a quasi-judicial action.

City Attorney Grant Weed asked the following questions of the Council:

1. Do any of the Councilmembers have any interest in the property or application?  
Council answered no.
2. Does any Councilmember own property within 300 feet of the subject property?  
Council answered no.
3. Do any of the Councilmembers stand to gain or lose any financial benefits as a result of the outcome of the hearing?  
Council answered no.
4. Does any Councilmember have any personal, family or other connection to any party such that their ability to be impartial might be called into question?  
Council answered no.
5. Can each Councilmember hear and consider the application in a fair and objective manner?  
Council answered yes.

Councilmember Severns disclosed he is a Board of Director of the Whidbey Island Bank.

City Attorney Weed asked if any member of the audience had any objection to any of the Councilmembers participating and deciding this matter. There were no audience objections. He further stated, thereafter any future objections will be waived. He also noted there will be no public comments on this matter as this was a closed record review.

Director Powers stated this is an approved PRD to construct 158 multi-family apartment units in four buildings on 5.57 acres. The city's municipal code allows for a single two-year extension for good cause. In the developer's extension letter he cites the economic downturn as the reason for not pursuing implementation of the project. The developer noted he intends to make the units more marketable by reconfiguring the size of the units.

On August 10, 2012 a citizen commented in writing he was in support of the project, but it should be contingent on demolishing and removing the existing trailers before the end of the original expiration date of October 19, 2012 due to aesthetic and health concerns. The developer informed City staff that some demolishing has already occurred and it is anticipated to be complete by mid-September.

Based on a question about septic tanks and wells, Mr. Powers pointed to Hearing Examiner's #6 of the Findings of Fact that read: All septic systems must be removed or terminated according to Island County Department of Health Standards. If a well is to be abandoned, it must be done per State Department of Ecology requirements. If it is not abandoned, well setback radii need to be observed. Councilmember Almberg was concerned about the developer selling the land and project. Mr. Powers stated the new owner would be responsible for this site plan or would have to come back to the city for appropriate review processes with the city.

Based on additional concerns regarding grading depressions left by the removal of trailers and septic tanks depression, Dr. Cort recommended adding the phrase "so as not to create a public nuisance" at the end of #2 of the resolution.

Councilmember Paggao inquired if the developer were to make the units smaller could he build more units. Director Powers said the unit cap has been set by the City Council and he cannot build any more units, he could build them smaller, but must come back for a process from City Council if he chooses to build more. At this time the developer only wants a two year extension and the city will consider the changes if he requests them.

Councilmember Servatius stated there seemed to be a pause in the demolition process and he would like to see it expedited if they only have until October 19<sup>th</sup> to finish the destruction.

**Resolution 12-20 approving a single two-year extension to the approved site plan pursuant to OHMC 19.48.120 for Franklin Manor PRD.**

**Motion:** Councilmember Almberg moved to approve Resolution No.12-20 with a modification to paragraph #2 in the resolution to read as one of the conditions a single two year extension to the approved site plan for Franklin Manor is hereby approved on the condition that all existing mobile homes and structures on the property are demolished and removed from the property so as to not create a public nuisance by October 19, 2012. Councilmember Servatius seconded the motion and the motion carried unanimously.

**Council Rules Amendments**

Interim City Administrator Cort stated there were a number of potential amendments to the document entitled *Administration and Personnel Council Rules*, first adopted on March 2, 2004 and last amended on March 20, 2012.

Mayor Dudley asked for public comments.

**Mel Vance** requested the number of Councilmembers needed to call a special meeting remain at 4. The Mayor can still call a special meeting and it should be retained as is.

The Mayor closed public comments.

**Rule No. 1: Purpose – Scope:**

*No Changes*

**Rule No. 2: Special Meetings:**

**Motion:** Councilmember Hizon moved to insert “ email” in (2) last sentence, *Councilmembers may consent to personal written notice being place in Councilmember’s mailbox at City Hall; provided, further, in such cases a telephonic, email or personal notice shall be given to each Councilmember.* Councilmember Servatius seconded the motion and the motion carried unanimously.

**Motion to Amend:** Councilmember Almberg moved to amend the motion by making the first sentence *read Special meetings may be called by the Mayor or by a majority of the Council by written notice, as further described below, to each Councilmember and the Mayor at least twenty-four hours prior to the time set for the meeting as specified in the notice.* Councilmember Hizon seconded the motion and the amendment carried. The original motion as amended was voted upon and carried.

**Motion:** Councilmember Servatius moved and Councilmember Severns seconded the motion to approve Rule No. 2 as amended. The motion passed unanimously.

**Rule No. 3: Meetings public – Executive Sessions.**

*No changes*

**Recess:**

The Mayor recessed the meeting at 7:26 p.m.

**Reconvene:**

The Mayor reconvened the meeting at 7:31 p.m.

**Rule No. 4: Quorum – Absent Councilmembers.**

**Motion:** Councilmember Servatius moved to strike the words *(Fourth Edition)* from subsection (1) last sentence and insert the words *of the most current edition* after Chapter 15 of “THE STANDARD CODE OF PARLIAMENTARY PROCEDURE”. Seconded by Councilmember Hizon. Motion carried.

**Motion:** Moved by Councilmember Servatius to amend Rule No. 4, Subsection 2 striking A at the beginning of the second sentence and replacing it with Each and placing a “,” after the word year at the end of the sentence and adding the words with no more than one councilmember participating electronically at a time. Seconded by Councilmember Severns. Motion carried unanimously.

**Motion:** Councilmember Servatius moved to approve Rule No 4 as amended. Councilmember Almberg seconded the motion & motion unanimously.

**Rule No. 5: Presiding officer – Mayor, Clerk pro tempore**

*No changes.*

**Rule No. 6: Agenda**

**Motion:** Councilmember Hizon moved to revise Subsection (3) (e) to extend the citizen comment period from 15 to 30 minutes. Motion failed from lack of a second. Rule 6 remains the same.

**Rule No. 7: Public hearing notices and notice of preliminary Council agenda.**

*No changes.*

**Rule No. 8: Minutes (City Clerk)**

*No changes.*

**Rule No. 9: Public Discussion**

Dr. Cort stated staff added under Subsection (1) last sentence after presiding officer, or (a majority of) Council. There was concurrence by the council.

**Rule No. 10: Presiding officer's duties.**

*No changes.*

**Rule No. 11: Debate/Discussion**

**Motion:** Councilmember Almberg moved under Subsection (3) that it remain the same and not be changed. Mayor Pro Tempore Paggao seconded the motion and the motion carried with Councilmember Hizon voting no.

**Motion:** Councilmember Severns moved to add under Rule No. 11, at the end of Subsection (1) to add Each councilmember shall be given an opportunity to speak once before anyone may speak a second time with the Mayor calling on the councilmembers around the table in turn. Councilmember Hizon seconded the motion.

Discussion ensued. Motion carried unanimously.

**Motion:** Councilmember Servatius moved to strike the amendment to Subsection (8) and keep it like it is. Councilmember Hizon seconded the motion. Upon a vote, the motion failed with Councilmember Servatius voting yes and Councilmembers Hizon, Almberg, Severns and Mayor Pro Tempore Paggao voting no.

**Motion:** Councilmember Almberg moved to adopt Rule No. 11 as amended in Subsection (1) and (3) and Subsection (6) as proposed by staff and Subsection (8) as proposed by staff. Councilmember Severns seconded motion and the motion carried unanimously.

**Rule No. 12: Motion in writing - When**

*No changes.*

**Rule No. 13: Motions - Priority**

**Motion:** Councilmember Servatius moved to take out the words (Fourth Edition) from Subsection (4) and insert the words after Chapter 5 of the most current edition. Councilmember Severns seconded the motion. Discussion followed. Councilmember Servatius amended the motion to strike the words Chapter 5 of Subsection (4). The amendment was seconded by

Councilmember Hizon. The amendment carried unanimously. The original motion as amended carried unanimously as well.

**Motion:** Councilmember AlMBERG moved and Councilmember Severns seconded to adopt Rule No. 14 as amended. The motion carried unanimously.

**Rule No. 15: Motions.**

*No Changes*

**Rule No 16: Motions – 2/3's vote required**

*No changes.*

**Rule No 17: Voting**

Council concurred with the change: *Shall include a show of hands.*

**Rule No 18: Adopted Rules of Order**

**Motion:** Councilmember Servatius moved to add after Chapters 15 the most current edition and strike (Fourth Edition) from the first paragraph. Councilmember Severns seconded the motion and the motion carried.

**Motion:** Councilmember Servatius moved to accept Rule No. 18 as amended. Councilmember AlMBERG seconded the motion and the motion carried unanimously.

**Rule No 19: Quasi-judicial matters – Site Visits**

*No change.*

**Rule No 19A: Quasi-judicial Procedure – Appearance of Fairness**

*No change.*

**Rule No 19B: Quasi-judicial Procedure – Ex Parte Contacts**

*No change.*

**Rule No 19C: Quasi-judicial Procedure – Testimony**

*No change.*

**Rule No 19D: Quasi-judicial Procedure – Advocacy**

*No change.*

**Rule No. 20: Requests for additional public hearings.**

*No change.*

**Rule No. 21: Written materials submitted subsequent to public hearings.**

*No change.*

**Rule No. 22: Reconsideration of quasi-judicial actions.**

*No change.*

**Rule No 23: Reconsideration of actions which are not quasi-judicial.**

*No change.*

**Rule No 24: Ratification**

*No change.*

**Rule No 25: Failure to follow rules.**

*No change.*

**Rule No 26: Interpretation.**

*No change.*

**Rule No 27: Standing Committees.**

*No change.*

**Rule No 28: Standing Committee Procedures**

*No change.*

A clarification was made for Councilmember Hizon under Rule 17 Subsection (1) all Councilmembers present must vote on all questions put to the Council.

Councilmember Almberg asked if a councilmember had to state a reason for an abstention.

City Attorney Weed stated although he could not state a law that governed this, it was the council's prerogative to request a reason.

Councilmember Hizon and Severn disagreed with giving a reason for abstention. Councilmembers Almberg, Servatius and Mayor Pro Tempore Paggao would support providing a reason for abstention.

**Motion:** Councilmember Almberg moved to insert a sentence under Rule 17 (1) after the third sentence ending in "or abstention." *Reasons for abstentions shall be explained to the Council.* Councilmember Servatius seconded the motion. Motion carried with Councilmember Severns and Hizon voting nay.

**Motion:** It was moved by Councilmember Almberg to accept Rule No. 17 as amended. Councilmember Servatius seconded the motion and the motion carried.

**Motion:** Councilmember Hizon moved to approve the **Administrative and Personnel Council Rules** as amended. Councilmember Severns seconded the motion and the motion carried.

**Revised Navy Jet Fuel Pipeline Easement**

Director Powers stated the agenda bill presents a revised easement with the United States of America and the Department of the Navy for the Council's consideration as well as a proposed purchase and sale agreement as a companion document to the easement. The Council, on June 18, 2012, had approved the granting of an easement to the United States of America and the Department of the Navy for the purpose of constructing a new jet fuel pipeline within the Regatta Avenue right-of-way. The easement includes a portion of the WSDOT right-of-way for SR-20. By state law, the City has authority and jurisdiction over the construction, use and maintenance of any portion of SR 20 in the city limits, with the concurrence of WSDOT.

RCW 47.24.020 also directs the revenue derived from the sale, vacation, rental or any non-transportation use of such rights-of-way shall be shared by the city and the state in the same proportion as the purchase costs were shared. The value of this portion of the easement was established at \$1,000.00 during the appraisal process.

Since the June 18<sup>th</sup> meeting the Navy, WSDOT staff and the City agreed the revisions would be addressed by revising certain portions of the easement with the city as follows:

- The revised easement clearly states in appropriate places that WSDOT’s concurrence is required for the granting of the easement.
- The total compensation for the easement (\$9,125.00) had not changed. However, the new easement deletes reference to the fact that this payment is to be made to the city and is not to be interpreted as meaning solely to the city. This simple change will allow the Navy to directly pay both the city and WSDOT the respective shares of the total compensation (\$8,125.00 and \$1,000.00 respectively.)

The final proposed amendment addresses the topic of “as-built” drawings. Due to security reasons, the Navy prefers that “as-built” drawings remain on file in their offices and not be provided to the city for storage in our offices. The city has no objection to this restriction.

Director Powers did inform the Council there may be the possibility of one additional change to the agreement for a slight lengthening of the easement area the city is granting. This request will come back to the Council if necessary.

Mayor Dudley asked for public comments. There were none.

**Motion:** Councilmember Hizon moved the City Council rescind prior action approving the easement and adopt the revised easement as proposed. Councilmember Almberg seconded the motion and the motion carried unanimously.

**Motion:** Councilmember Hizon moved the City Council adopt the purchase and sale agreement. Councilmember Almberg seconded the motion and the motion carried.

**Bid Award – Rescue Unit.**

Fire Chief Ray Merrill presented Agenda Bill 11. It recommended awarding a contract for the purchase of a rescue unit to North Star/Braun in the amount of \$131,288. 53.

**Mel Lance** supports a purchase of a vehicle, but wants it clearly specified in the motion that the bid was awarded to the second lowest bidder because the low bidder did not meet the bid specifications.

**Ron Hancock** encouraged the Council to provide a rescue unit the firefighters deserve.

The Mayor closed the public comments on this item.

Lengthy discussion ensued. There was concern about the age of the truck, where the monies would come from in the budget, waiting 240 days until one was built, the location of a repair shop within 300 miles of the Fire Department, possibly waiting until union negotiations with the fire department had concluded, revenue challenges with a reduction of sales tax not being received, not choosing the lowest bidder, waiting until the budget is approved, providing tools to the fire department in order to respond to emergencies, would it be money better spent to purchase a newer vehicle, bonds could be used to purchase big ticket items, a test drive of both the old and new vehicle definitely shows the need for a new vehicle and the current vehicle needs about \$10,000 worth of repairs.

### **Extension of Meeting**

**Motion:** Councilmember Servatius moved to extend the meeting until 9:30 p.m. Councilmember Almberg seconded the motion. Motion carried.

### **Bid Award – Rescue Unit Continued**

**Motion:** Councilmember Almberg moved to defer this decision until after the City Council has completed their budget for 2013-2014 and the city has resolution with the firefighter's union. Councilmember Servatius seconded the motion. Upon vote, Councilmembers Severn, Almberg and Servatius voted to postpone the decision and Mayor Pro Tempore Paggao and Councilmember Hizon voted no. The motion carried 3-2.

Mayor Dudley recessed the meeting for 5 minutes and reconvened it at 9:23 p.m.

### **Future City Council Pending Items.**

This calendar has been placed in the agenda Packet.

### **City Administrator's Comments.**

The City is introducing the three finalists for Police Chief at a Meet and Greet this week at the Fire Department and following up with an interview panel consisting of three Councilmembers, two citizens, an outside law enforcement official from Whatcom County and two police department personnel.

Initial recruitment for an HR Director had been completed. There were three candidates, two were not suited and one withdrew. The city has repackaged and re-advertised. The position closes on Friday. He hopes for a good pool of candidates.

The City Attorney position closes on Friday. The city has received several of applications and he hopes for a good pool of candidates as well.

The City Engineer & City Clerk position announcements are being put together by the HR staff.

Dr. Cort gave a big thank you to all of the staff including the street department, solid waste, police and fire, public safety and Renee Recker who kept the administrative side of the Jazz Festival going. He also thanked Rhonda Severns for her great devotion to the work in putting the Festival together. He further acknowledged Michael John Paperalla, Margaret Livermore and Lyn Goebel for working day by day to get the event going and a boatload of volunteers and community members.

### **Extension of Meeting**

Councilmember Servatius moved to extend the meeting until 10:30 p.m. Mayor Pro Tempore Paggao seconded the motion and the motion carried.

### **Councilmember Comments**

Mayor Pro Tempore Paggao stated a Public Works Standing Committee meeting was not held last month, but has been scheduled for Thursday September 6, 2012 at 3:30 p.m.

Councilmember Almborg stated the next Finance Committee meeting will be held September 18<sup>th</sup> at 3:30 p.m.

Councilmember Severns informed council there was an Economic Development lunch on the 19<sup>th</sup> that he will try to attend on behalf of the council. He stated he was very proud of Rhonda and her great work on the Festival.

Councilmember Hizon echoed the same sentiments and was so impressed with the Festival and the fact it was put together in less than 8 weeks. She had the privilege of being MC and she was looking forward to next year as well. A United Way fund raiser at the Elks Lodge, this Saturday there is the Military Appreciation Picnic at Windjammer Park.

Councilmember Almborg shared that Councilmember Hizon has a beautiful voice. She sang the star spangled banner.

Councilmember Servatius wanted to thank, in no particular order or degree of merit, John Dyer, Karen Crouch, Connie Wheeler and Eric Johnston for supporting him as a new councilmember. With those employees leaving the city, there was 56 years of accumulated experience going someplace else and he was sorry to see that.

### **Mayor's Comments**

The Mayor stated on the wall behind him the city was featuring a new artist, Kit Christopherson, the Oak Harbor High School Arts Instructor who has served on the Arts Commission for four years. Each piece displayed poses some element of movement, progression or structure left evident or exposed.

The next city council meeting is September 18<sup>th</sup> and a special meeting is scheduled for September 19<sup>th</sup> where the Mayor will be providing his state of the city/future vision message. He will be speaking about his priorities as Mayor.

The Mayor expressed his disappointment in the decision of the Council in not going forward with the purchase of a rescue aid vehicle for the fire department. Based on the city's current financial position it would have been a good, necessary and needed purchase. A stabilization ordinance is in place if the council is concerned about the reserves. He doesn't understand the need to postpone this action. The safety of the public is his concern. He feels the citizens will scratch their heads concerning the decision of the council.

The Mayor has received several positive comments about the music and jazz festival. Hats off to the volunteers. Citizens couldn't stop raving about what a wonderful event it was.

A few months ago the Mayor formed an Economic Development Committee to stimulate the economy by making the City more business friendly and by attracting more businesses, as well as a Sister City's Committee looking at having a sister city for cultural education and an Events and Activity Committee where Michael Johnson suggested doing a jazz festival. Thanks to the sponsors that supported the event.

**Executive Session**

At 9:50 p.m. council adjourned to an Executive session concerning pending litigation and potential litigation.

Councilmember Almberg recused himself from the executive session at 10:06 p.m. because of a conflict with the potential litigation.

At 10:10 p.m. the mayor declared the executive session would last until 10:15 p.m.

The Executive Session concluded at 10:13 p.m.

The Mayor reconvened the regular meeting.

**Adjournment**

Councilmember Severns moved to adjourn and Mayor Pro Tempore Paggao seconded the motion, the motion carried unanimously and the meeting adjourned at 10:13p.m.