

City of Oak Harbor

City Council Meeting Agenda for

September 4, 2012
6:00 p.m.



**Drive with caution
schools back in session**

Oak Harbor City Council
REGULAR MEETING
6:00 p.m., Tuesday, September 4, 2012

*As a courtesy to Council and the audience, **PLEASE TURN YOUR CELL PHONES OFF** before the meeting begins. 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 AND INVOCATION

ROLL CALL

MINUTES 7/31/12 Special Meeting, 8/8/12 Regular Meeting, 8/14/12 Special Meeting

NON-ACTION COUNCIL ITEMS:

1. Introduction of New Employees - Fire Department Staff, Angela Braunstein
2. Employee Recognition – Dina Nichols, 10 years.
3. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

4. Consent Agenda:

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- a. Noise Permit – Homecoming Parade.

Page 77

- b. Noise Permit – Veteran's Day Parade.

Page 81

- c. Referral of Change in the Use of Lodging Taxes to the Lodging Tax Advisory Committee.

Page 85

- d. Approval of Accounts Payable Vouchers (Pay Bills).

Page 121

5. Public Hearing and Final Consideration – Ordinance, Credit Card Fees.

Page 127

6. Public Hearing and Final Consideration – Administrative Approval of Noise Permits.

Page 131

7. Public Hearing and Final Consideration – Arts Commission Ordinance.

Page 137

8. Site Plan Extension – Franklin Manor.

Page 153

9. Council Rules Amendments.

Page 199

10. Revised Navy Jet Fuel Pipeline Easement.

Page 227

11. Bid Award – Rescue Unit.

Page 233

12. Future City Council Pending Items.

13. City Administrator's Comments.

14. Council Members' Comments.

15. Mayor's Comments.

ADJOURN

You are never too old to set another goal or to dream a new dream.

C. S. Lewis

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.

**City Council Special Meeting
Workshop – Wastewater Treatment Facility
Tuesday, July 31, 2012, 6:30 p.m.
Elk's Lodge, 155 NE Ernst Street, Oak Harbor**

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

ROLL CALL

Mayor Scott Dudley

5 Members of the Council,

Rick Almberg

Jim Campbell

Beth Munns

Joel Servatius

Bob Severns

Councilmembers Tara Hizon and Danny

Paggao were absent from this meeting.

Larry Cort, Interim City Administrator

Eric Johnston, City Engineer

Cathy Rosen, Public Works Director

Steve Bebee, Public Works Operations Manager

Also in attendance: Brian Matson, Carollo Engineers, Inc.
Alan Armstrong, MWA Architects, Inc.

This evening's meeting, which began with a public Open House from 5:00 p.m. - 6:30 p.m., offered information, allowed for Council questions, but was not meant for public comment or action during the workshop. Public comments will be allowed at the next Waste Water Treatment Facility Special Meeting/Council Workshop on August 14, 2012. Action is also anticipated on August 14, 2012.

A detailed PowerPoint was presented and led by Brian Matson, Alan Armstrong, and Eric Johnston and is attached to these minutes as Exhibit A. The goals for this evening's meeting, steps completed following Councils direction, and the meeting's agenda opened the presentation:

1. Site Refinements: What will it look like?
 - Charrette Process and Outcome
 - Potential Facility Layouts and Renderings
2. Cost Refinements: How much will it cost?
 - Review Prior Basis of Cost Estimates
 - Updated Total and Phase One Cost Estimates
 - Estimated Rate Impacts
3. Schedule for Moving Forward
4. Questions

Windjammer Vicinity

Mr. Armstrong talked about the charrette's results, the conceptual plan view, using the building as an edge and landscaping as a buffer, pedestrian boardwalks, and use of this site as a community focal point.

Council Questions

Does the preliminary estimate represent this preliminary site plan? Yes, but it does not include the commercial buildings. It was noted that Council could choose to retain or spin off property (shown in yellow on the site map) to a private developer. The size is 65 feet by 420 feet. Discussion followed about the possibility of relocating the library (was discussed during the charrette), with a focus on preserving commercially-viable land. Mr. Matson noted that these are conceptual plans with a number of possibilities (library, city hall, commercial space). Discussion continued about existing sewer mains and their directions (they come from three directions).

Does this plan take our existing site down to turf? Yes, the existing site will be gone. The existing RBC plant and pump station would be eventually demolished and converted back to park land.

Will the archaeological aspects be spoken about in costs? Archaeological aspects are difficult to quantify since the City would not know what is there until it is found. The sites are on an equal playing field with regard to archaeological discoveries and there is a risk of encountering archaeological discovery regardless of where the waste water treatment facility is built.

Once Council makes a site decision, will there be a pre-design center? Will Council have an opportunity for design input? Once a decision is made, the next step is developing a facility plan for the Department of Ecology. The site's appearance will be the City's decision. When Department of Ecology signs off on the facility plan, another series of charrettes will be planned and input will be collected from citizens, Council, Planning Commission, Parks Board and others including the operators who will be managing the facility.

Our next milestone then is submitting the facility plan by December 2012? Yes, pre-design will occur thereafter. Discussion continued regarding the new era of archaeology for the City; a new way in approaching projects and how to manage that risk.

Can the purple pipes at either site be used for water shortages, irrigation, fire needs? Yes, reclaimed water was one of the primary focuses for this project. The key is not so much the end user, but the process to create reclaimed water. Right now, we are using domestic drinking water to irrigate Windjammer Park. Reclaimed water can be provided by either site.

Would the larger footprint of a site and transport line create more probability of discovering archaeological findings? Yes, but not all sites have the same risk. An uplands area would carry lesser risk; it is more a function of the location rather than size. It was noted that it would be difficult to show historic areas of natural lands and pre-existing shoreline.

If the City does not own the property, when will the property owners be contacted? The appropriate time to broach property owners is after Council's site choice. There are

protections for both property owners and the City and this would be better served after Council's decision.

What if Council makes a site choice and the property owner says the land is not for sale? With regard to the public as a whole, if Council determines the property should be acquired for a public need, there is a process to acquire the property even if an owner does not want to sell. The process does not take the land from the property owner; it allows for fair compensation. The City will have to assume that there will be willing sellers. Contested property acquisition is an arduous process. Discussion continued about property owner contact; a phone call, to see if property is available.

What happens with unfunded mandates; what would happen if a mandate says there will be no more Activated Sludge (AS) plants and that process was chosen instead of MBR? Discussion followed about selecting the right process now rather than retrofitting at a later time.

Crescent Harbor North

Discussion followed about the conceptual site plan, wetlands, the uplands area, and the positive charrette results for this site. Buildings would still be used as edges and screened with landscaping. This area is agrarian in nature and the building should blend in with the site. An alternate concept was also discussed.

Council Questions

Since the proposed site is in the Urban Growth Area (UGA), can the property be annexed? Would there be a pushback from the County and would that delay annexation? Annexation is controlled solely by the City Council. Acquire the property, then the City as owner would apply for annexation (both as owner and annexation entity). The County would not have a jurisdictional say. A property owner outside of the UGA could not oppose but could express an opinion. Discussion followed about the City's investment of money into this project and that the project should be within the City limits. It was noted that the City would want to annex and have the building permit issued by the City rather than County. Discussion continued about the City's request to expand its UGA which went to the County. The County turned down that request with the exception of one small area next to the base. This particular property is already within the City's UGA.

Cost Refinements

Discussion followed regarding site specific costs, the treatment plant represents the largest share of the costs, conveyance and discharge costs remain unchanged, and that changes presented this evening represent charrette feedback and technical input. Page 7's bar graph in the PowerPoint attachment was discussed with attention to the light blue part of the graph - facilities for solids. Discussion continued regarding MBR costs, solids handling, the differential to choosing the MBR process for the Crescent Harbor North site, or retrofitting that site if AS is the chosen process.

Council Questions

Has there been a reassessment of the lagoon? That is coming up.

Is there a comparison of maintenance and operations costs for the two systems? MBR is about 10 percent more expensive with today's technology, power use, and equipment but efficiencies are improving.

The effect of pumping costs? At Crescent Harbor, that would make costs close. Taking advantage of gravity (or not) impacts costs.

Are maintenance and operations costs, M and O costs, about the same then?

Yes, if looking at labor, power, equipment replacement and chemical use - those are the four largest components.

Page 9 and 10 of the PowerPoint attachment provided a project cost comparison, summary of revised project costs, and the cost of an MBR facility by site. The summary of revised project costs, updated costs, project phasing considerations and the overall cost summary were discussed.

Council Questions

Is Activated Sludge (AS) technology old technology? AS has large tanks and using gravity, totally suspended solids. It is a less high quality process than MBR. Same aeration basins, but MBR removes the bug by a membrane and the water quality is clear. Membrane Bio-Reactor (MBR) is widely recognized as the best technology on the market to meet future regulations. However, there are many AS plants up and down Puget Sound. Many communities have elected for MBR for its benefits. MBR would be the only viable choice at the Windjammer Park site.

Is there a possibility for alternate energy sources at a plant? The buildings would be LEED-certified, but the power need is significant and most likely could not be totally met by alternate energy sources.

With the discussion of AS conversion and MBR costs, is AS still being used? AS can meet high-quality water requirements; would not suggest retrofitting AS to become an MBR process. Tertiary treatment could be added to the end of the AS process. Discussion continued about past plant visits by Council which have all been MBR plants.

Does the \$93 million and \$89 million include relocation of the existing pump station? Yes, and includes reinforced structure below grade but does not include street configuration. Roundabout at Crescent Harbor could be used without reconfiguration, but that is not a requirement.

Is there another site in the vicinity of Windjammer Park, such as vacant land next to Ramaley Park? Charrette results moved away from that area to protect the ballfields.

Overview of the 2010 Rate Study

History of the rate study was presented noting that any change in assumptions changes the scenario. Sean Koorn, HDR Engineering, will also be present on August 14th to talk about new assumptions associated with the rate study.

The rate impact summary was discussed noting a decision to phase has an impact on rates. Final thoughts presented in the PowerPoint used the triple bottom line concept. What is most sustainable for Oak Harbor as defined by community benefits.

Council Questions

How does the City dispose of solids if they are not shipped to the lagoon? Drying the solids, which does not require a lot of space, would create a Class A product which can be sold as compost. Solids costs were separated from liquid stream costs.

Will the Federal and/or State government help the City considering the risk placed on the City due to flooding? The City would be better served to be in control of its own destiny and not rely on Federal funds which would take aggressive lobbying in Congress. With possible Federal reclamation of the whole lagoon area, dealing with the Navy is an unknown.

With concern about the Crescent Harbor site and conveyance, does the City own the right-of-way for pipes? We have sufficient conveyance. It is a public street and there are some complications, but they are included in the costs.

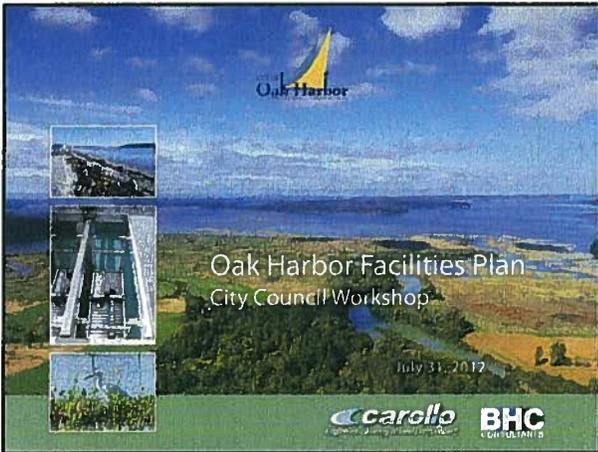
In conclusion, the schedule of Council actions and deadlines was discussed.

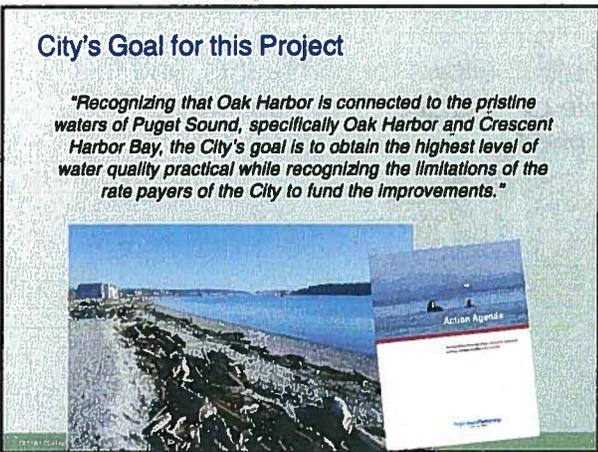
www.oakharborcleanwater.org offers great information, allows for comments, and this evening's PowerPoint presentation will be available on that site. The public was encouraged to call the Mayor, Council Members, and Mr. Johnston.

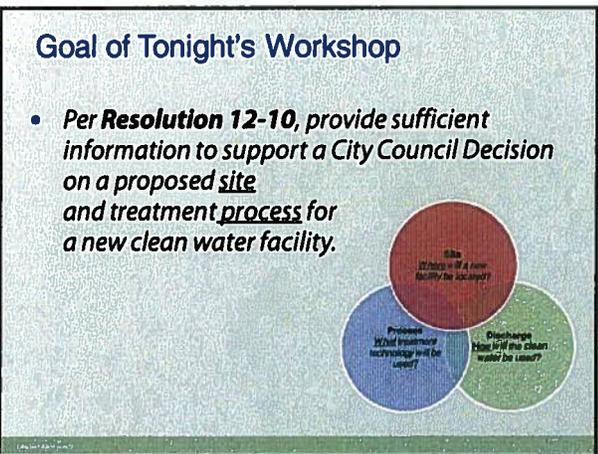
ADJOURN

The meeting was adjourned at 8:30 p.m.

Connie T. Wheeler
City Clerk







Steps Completed Following Council Direction Report to Council on April 17, 2012

- Develop information to directly compare and differentiate sites
 - “Master Plan” concepts at each location:
 - Where on the site could the facility go?
 - How would/could adjacent property fit in?
 - Added detail for the community:
 - What might the facility look like?
 - What kind of neighbor would this facility be?
 - Updated cost information:
 - Finalize estimated costs for “engineering” elements
 - Fine-tune “site-specific” costs
 - Compare Phase 1, long-term rate impacts

Tonight's Agenda

- Public Open House
- Site Refinements: **What will it look like?**
 - Charrette Process and Outcome
 - Potential Facility Layouts and Renderings
- Cost Refinements: **How much will it cost?**
 - Review Prior Basis of Cost Estimates
 - Updated Total and Phase 1 Cost Estimates
 - Estimated Rate Impacts
- Schedule Moving Forward
- Questions?

Site Refinements



Planning Charrette, Christensen Design Mgmt June 27 & 28, 2012



- Participants (Non City/Consultants)**
- David Acton, Ratepayer
 - Corky Bridgeford, Property owner
 - Mike Horrobin, Property owner
 - Gray Glordan, Waterside condos
 - Joanne & Russ Hartley, Property Owners
 - John Koetje, Ratepayer
 - Robyn Kolalis, Ratepayer
 - Jill Johnson, Chamber of Commerce
 - Bruce Nell, Planning Commission
 - Sean Rafferty, Ratepayer
 - Daisy Sapida, Parks Board
 - Dale Smith, Whidbey Island Bank
 - Jiff Trumbore, Ratepayer
 - Ken Tyler, North Whidbey Little League



Planning Charrette Objective

"If a clean water facility had to be located on this site, how could it best be incorporated to provide the greatest overall community benefit?"



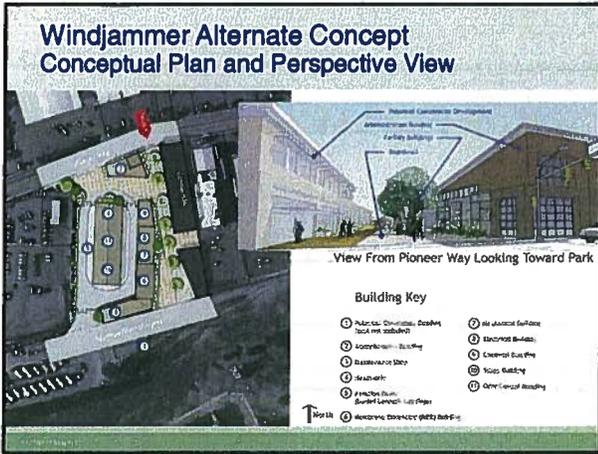
Day 1: Windjammer Vicinity



Day 2: Crescent Harbor North

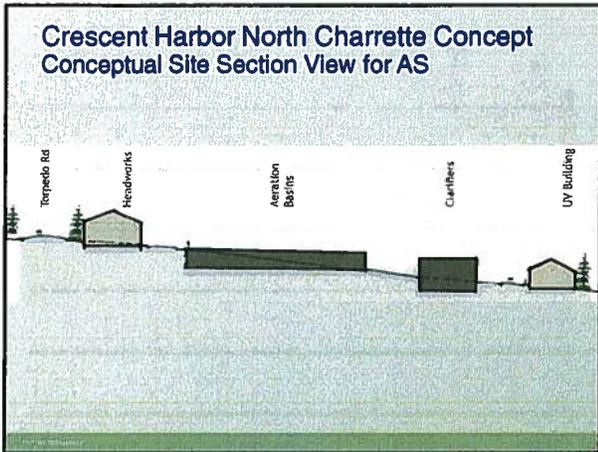
Windjammer Vicinity Conceptual Area Master Plan

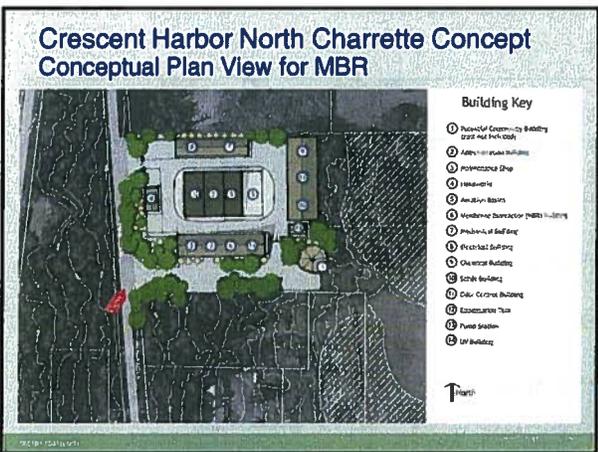


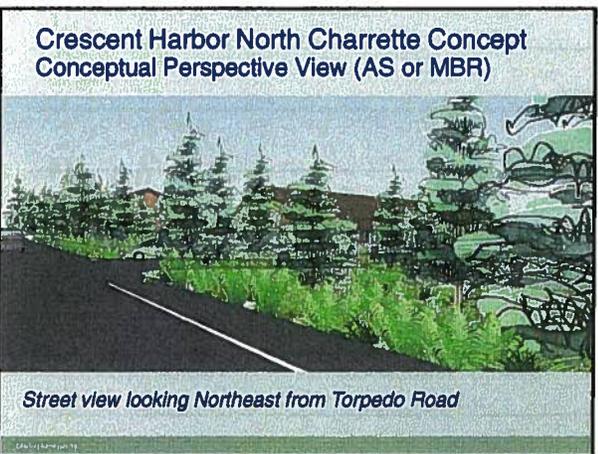


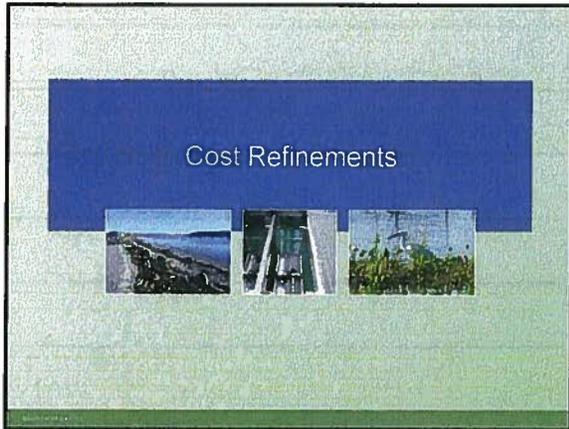


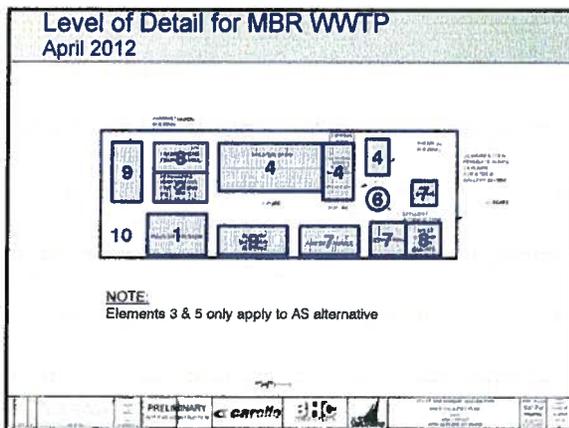








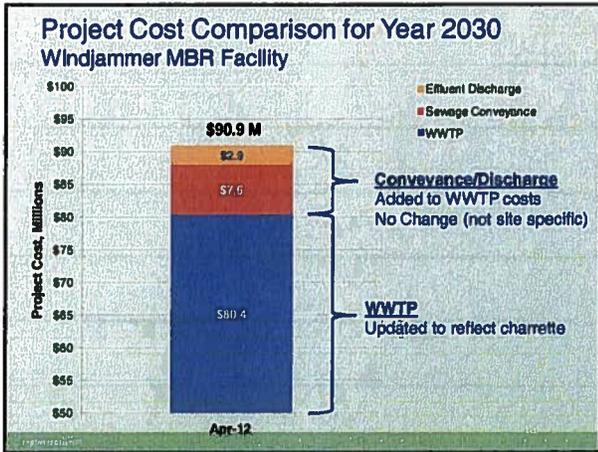


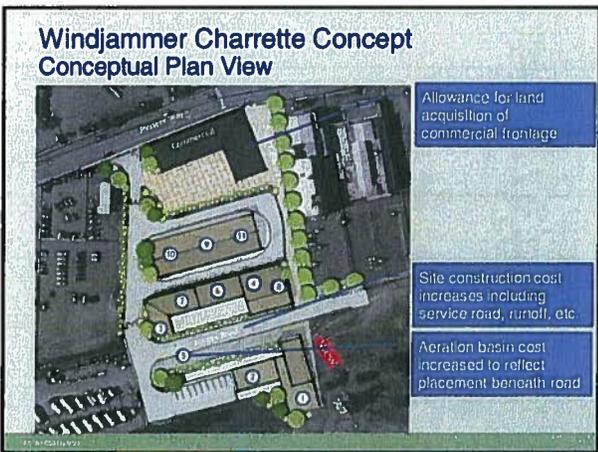


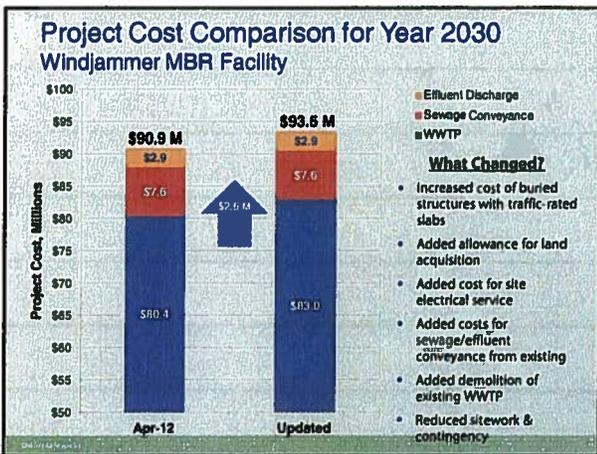
Basis of MBR Construction Cost Estimate April 2012

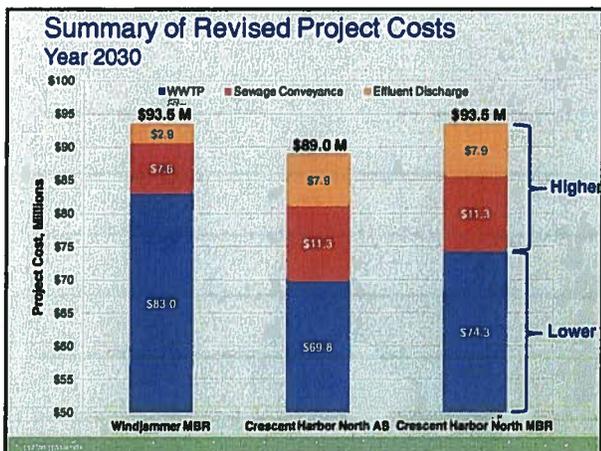
Process Element	MBR
1. Equalization	\$0.5
2. Headworks	\$5.0
3. Primary Treatment	—
4. Secondary Treatment	\$10.1
5. Tertiary Treatment	—
6. Disinfection	\$2.2
7. Solids Handling	\$4.2
8. Odor Control	\$3.0
9. Admin/Mint	\$2.3
10. Site Work	\$4.0
Total Direct Costs	\$31.3

Cost Component	MBR
Total Direct Costs	\$31.3
Indirect Costs (GCs, OH&P)	\$11.2
Subtotal	\$42.5
Sales Tax (8.7%)	\$3.7
Subtotal	\$46.2
Contingency (30%)	\$13.8
Total Construction Costs	\$60.0









- ### Summary of Updated Costs
- WWTP costs on all sites updated to reflect charrette process and higher level of detail
 - WWTP contingency has been reduced accordingly
 - Conveyance & Discharge costs remain the same
 - Results:
 - MBR facility costs nearly the same at both sites
 - AS facility at Crescent Harbor ~5% lower

- ### Project Phasing Considerations
- Phasing is required to reduce initial project cost
 - Year 2030 costs are all significantly above City's targeted budget
 - Phasing options reviewed during April 11 workshop
 - Capacity phasing
 - Component phasing
 - Performance phasing
 - Conveyance phasing

Phasing Potential differs for each, which reflects in the estimated cost.

Phasing Option	Windjammer MBR	Crescent Harbor N AS	Crescent Harbor N MBR
Capacity ⁽¹⁾	●	●	●
Component	●	○	○
Performance	○	●	○
Conveyance	●	○	○
Overall	●	●	○
Est. Phase 1 Cost ⁽¹⁾	\$74.2	\$75.2	\$90.7

NOTE:
 (1) Current estimates do not include capacity phasing, which can be considered at all sites.

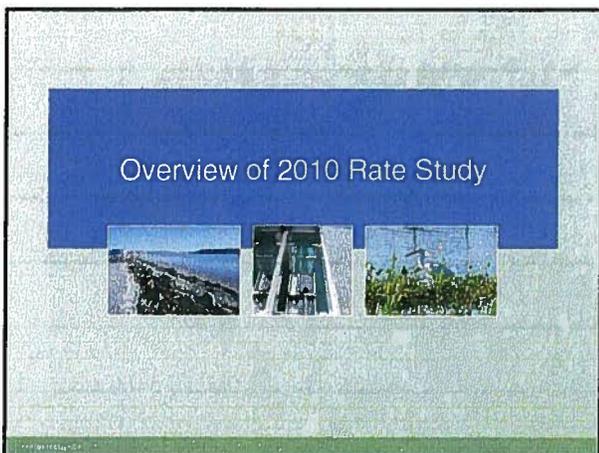
● Highest Potential ● Moderate Potential ○ Lowest Potential

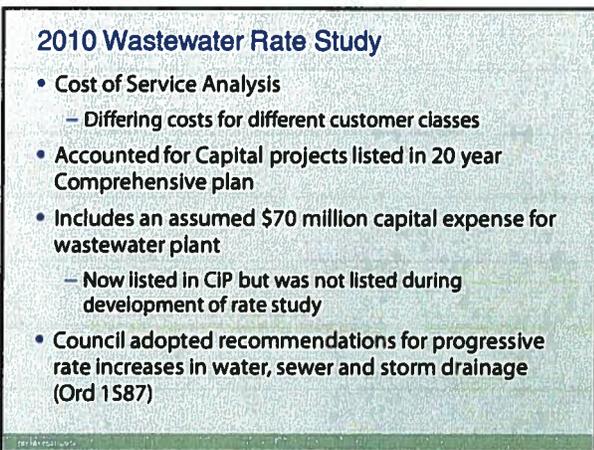
Phasing Risk differs for each, which does not reflect in the estimated cost.

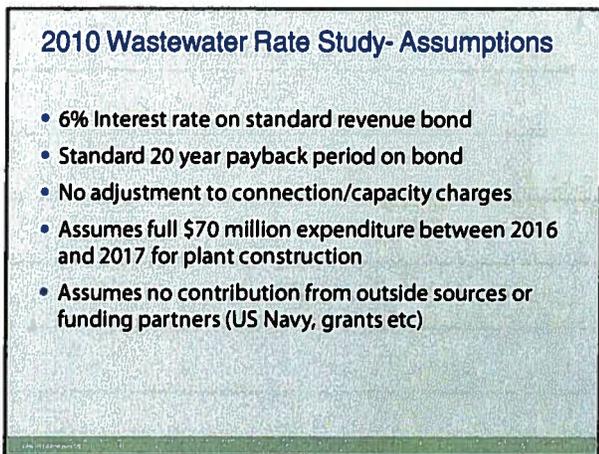
Phasing Option	Windjammer MBR	Crescent Harbor N AS	Crescent Harbor N MBR
Capacity	Low Risk (City Controlled)	Low Risk (City Controlled)	Low Risk (City Controlled)
Component	Higher Risk (Not City Controlled)	N/A	N/A
Performance	N/A	Moderate Risk (Not City Controlled)	N/A
Conveyance	Low Risk (City Controlled)	N/A	N/A
Overall Risk of Not Being Able to Phase	Higher	Moderate	Low

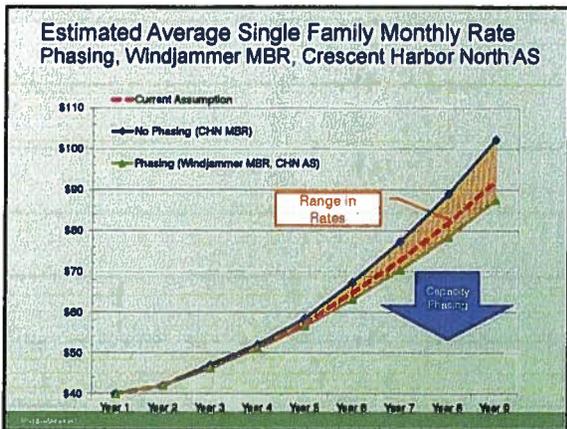
Overall Cost Summary

- Without phasing, est. year 2030 cost are all similar
- Both Windjammer MBR and Crescent Harbor North AS offer phasing options to reduce Phase 1 cost
 - Windjammer MBR: Interim use of Navy lagoon (higher risk)
 - Crescent Harbor North AS: phasing-in effluent quality (moderate risk)
- To further reduce cost, capacity phasing may be considered at either site once a selection is made
- Ultimately, rates are highly influenced by phasing and cost sharing (e.g. Navy, potential grants)









- ### Rate Impact Summary
- Current rate projections are based on series of assumptions that will be updated moving forward
 - Phasing approach
 - Level of cost-sharing
 - Available grant funding
 - Interest rates
 - Crescent Harbor North AS offers initial rates on the low end of range
 - Phasing risk for Windjammer MBR could create higher initial rates
 - Limited phasing potential for Crescent Harbor North MBR results in highest initial rates
 - The City could consider capacity phasing to reduce initial rates at both sites

Final Summary and Comparison of Alternatives

Consideration	Windjammer MBR	Crescent Harbor North AS	Crescent Harbor North MBR
TBL+ Rating	Similar (High)	Similar (High)	Similar (High)
Estimated Long-term Cost	\$93.5 million	\$88.9 million	\$93.5 million
Rate Impact (Range as shown)	Moderate potential for rates on low end of range	Highest potential for rates on low end of range	Highest potential for rates on high end of range
Community Benefit (Charrette Feedback)	Potential benefits to Windjammer Vicinity open space and transportation	Potential benefits to regional utility services and transportation	Potential benefits to regional utility services and transportation

Final Thoughts

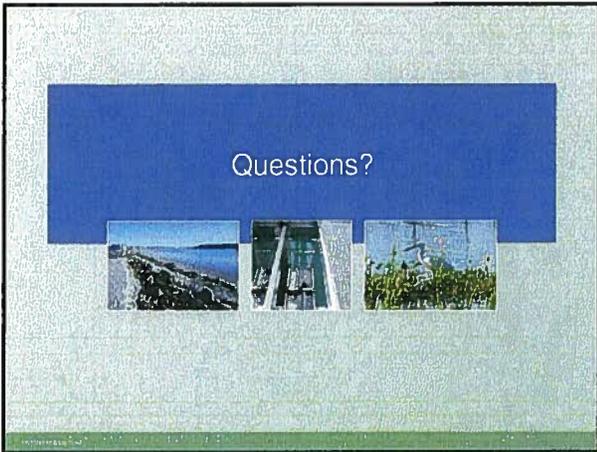
Technical	Financial	Social	Environmental
<ul style="list-style-type: none"> Reliable Performance Ease of Construction Overall System Efficiency 	<ul style="list-style-type: none"> Low Capital Cost Protect Assets for Future Economic Readiness Low Life-Cycle Cost 	<ul style="list-style-type: none"> Protect Public Health and Safety Promote/Enhance Local Public Assets/Use? Minimize Local Neighborhood Impact 	<ul style="list-style-type: none"> Protect Best Water Quality Protect Environmentally Sensitive Areas Minimize Carbon Footprint

- Alternatives are all technically viable
- Long-term alternative costs/rate impacts are similar
- Alternatives will all improve the environment
- What is the most sustainable alternative for Oak Harbor?

Schedule

Schedule - Council Actions & Deadlines

Jul 31, 2012	Q&A regarding additional evaluation per Resolution 12-10
Aug 14, 2012	Council resolution on proposed site for further planning and environmental review
Oct 16, 2012	Council resolution on proposed phasing plan
Dec 31, 2012	Required Facilities Plan submission to Washington Department of Ecology
Dec 31, 2014	Required engineering design submission to Washington Department of Ecology





**City Council Regular Meeting
Wednesday, August 8, 2012, 6:00 p.m.
City Hall – Council Chambers**

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

INVOCATION Councilmember Rick Alberg

ROLL CALL

Mayor Scott Dudley

Five Members of the Council,

Rick Alberg

Jim Campbell

Tara Hizon

Joel Servatius

Bob Severns

Larry Cort, Interim City Administrator

Grant Weed, Interim City Attorney

Doug Merriman, Finance Director

Cathy Rosen, Public Works Director

Eric Johnston, City Engineer

Sgt. Teri Gardner, OHPD

Ray Merrill, Fire Chief

Renée Recker, Executive Assistant to the Mayor

Councilmember Beth Munns and
Councilmember Danny Paggao were
absent from this meeting.

8/8/12 EXCUSED ABSENCE FOR COUNCILMEMBER BETH MUNNS

Motion: Councilmember Servatius moved to excuse Councilmember Beth Munns from this August 8, 2012 Council meeting, Councilmember Alberg seconded the motion. Councilmembers Alberg, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Campbell opposed. The motion carried.

EXECUTIVE SESSION

Motion: Councilmember Campbell moved that the Council would adjourn into executive session to discuss both pending and potential litigation. The motion was seconded by Councilmember Alberg and carried unanimously.

Motion: Councilmember Alberg moved to have the Council adjourn into executive session immediately after the consent agenda. The motion was seconded by Councilmember Severns.

Councilmember Hizon felt that moving the executive session from the end of the meeting to this point in the meeting would keep those who wished to make public comments waiting unnecessarily.

City Attorney Weed felt the executive session may take 15 minutes. Mayor Dudley thought it might require more time than 15 minutes. Mr. Weed added that Council could advise the public about a time extension, if needed. The audience was polled to see how many people wished to speak.

Vote on the

Motion: Councilmembers AlMBERG, Servatius, and Severns voted in favor of the motion. Councilmembers Campbell and Hizon opposed. The motion to move the executive session carried.

SECOND EXCUSED ABSENCE FOR COUNCILMEMBER BETH MUNNS - ADDITION TO THE AGENDA

Motion: Councilmember Servatius moved to place a second excused absence for Councilmember Beth Munns, a September 4, 2012 excused absence, ahead of public comments as a new agenda item. Councilmember AlMBERG seconded the motion. Councilmembers AlMBERG, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Campbell opposed. The motion carried.

ACCEPTED AGENDA

With no further changes or modifications to tonight's agenda, the agenda was accepted as amended.

MINUTES

7/3/12 Regular Meeting

Councilmember Severns recused from approval of these minutes since he did not attend this meeting. The 7/3/12 Regular Meeting minutes were accepted as presented.

7/12/12 Workshop

The 7/12/12 Workshop minutes were accepted as presented.

NON-ACTION COUNCIL ITEMS

Proclamation – National Assistance Dog Week

Councilmember AlMBERG read and presented this proclamation to Eric Mann, Summit Assistance Dogs. Mr. Mann introduced Fisher who is a demonstration dog for Summit.

Proclamation – Oak Harbor Library Summer Reading Week

Councilmember Servatius read and presented this proclamation to Jane Lopez Santillana who thanked Council and the community and also talked about the 1,000 children who had signed up for this program.

9/4/12 EXCUSED ABSENCE FOR COUNCILMEMBER BETH MUNNS

Motion: Councilmember Servatius moved to accept an excused absence from Councilmember Munns for the September 4, 2012 Council meeting. The motion was seconded by Councilmember Severns. Councilmembers AlMBERG, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Campbell opposed. The motion carried.

PUBLIC COMMENTS

Michael-John Paparella, Michael-John's Trading Post. Mr. Paparella talked about the Oak Harbor Music and Jazz Festival www.oakharbormusicfestival.com which will be held on Labor Day Weekend, and also spoke about the benefits of the Thousand Strong Campaign.

Jill Johnson, Oak Harbor Chamber of Commerce. Ms. Johnson spoke about Marti Malloy and what is being done to honor her 2012 Olympic bronze medal achievement. This celebration will also honor 100 years for the Oak Harbor School District.

CONSENT AGENDA

- A. Introduction – Ordinance, Credit Card Fees
- B. Introduction – Administrative Approval of Noise Permits
- C. Introduction – Arts Commission Ordinance
- D. Noise Permit – Oak Harbor Jazz and Music Festival
- E. Noise Permit – Pregnancy Care Clinic
- F. Noise Permit – Navy League, Military Appreciation Picnic
- G. Noise Permit – Island Vineyard Community Church
- H. Noise Permit – Teresa Anderson
- I. Noise Permit – Habitat for Humanity
- J. Noise Permit – McClung Memorial Run
- K. Noise Permit – Gizmo’s Skateshop Competition
- L. Noise Permit – Madeiros Block Party
- M. Approval of Accounts Payable Vouchers

Councilmember Hizon asked that Consent Agenda Item M be pulled for discussion of \$1,126.83 in charges for a single phone line.

Motion: Councilmember Severns moved to approve Consent Agenda Items A through L. The motion was seconded by Councilmember Almberg. Councilmembers Almberg, Campbell, Hizon, and Severns voted in favor of the motion. Councilmember Servatius opposed. The motion carried.

Consent Agenda Item M - Approval of Accounts Payable Vouchers

Motion: Councilmember Almberg moved to approve Consent Agenda Item M with the exception of the one line item regarding the \$1,126.83 in phone charges. Councilmember Campbell seconded the motion which carried unanimously. Consent Agenda Item M pays Accounts Payable Check Number 150593 in the amount of \$2,546.00, Accounts Payable Check Numbers 150594 - 150602 in the amount of \$737.19, Accounts Payable Check Numbers 150603 - 150770 in the amount of \$639,836.76, Accounts Payable Check Numbers 150771 - 150774 in the amount of \$49,470.35, Accounts Payable Check Numbers 150775 - 150787 in the amount of \$1,124.48, Accounts Payable Check Numbers 150788 - 150970 in the amount of \$827,449.98, Payroll Check Number 95681 in the amount of \$1,455.15, Payroll Check Numbers 95682 - 95694 in the amount of \$392,009.81, Payroll Check Numbers 95695 - 95725 in the amount of \$584,422.69, Payroll Check Numbers 95726 - 95750 in the amount of \$55,713.44, Payroll Check Numbers 95751 in the amount of \$195.80.

EXECUTIVE SESSION

At 6:30 p.m., Mayor Dudley announced that Council would adjourn into executive session to discuss pending and potential litigation for 25 minutes. At 6:55 p.m., Mayor Dudley extended the executive session for an additional 10 minutes. At 7:05 p.m., Mayor Dudley reconvened the meeting. No action was taken during the executive session.

Discussion Only – Animal Shelter Services

City Administrator Larry Cort presented this agenda bill in the absence of Interim Police Chief Tim Sterkel. This discussion-only agenda bill addressed the provision of animal shelter services in the City, the City's desire to issue a Request for Proposals (RFP) for animal shelter services, and Council direction on key points to be used in the RFP. Dr. Cort also presented the history of City shelter services and the timeline for preparing and releasing an RFP, contractor selection, and approval.

Mayor Dudley called for public comments.

Dr. Bob Baker, Member of Whidbey Animal Guild. Dr. Baker spoke with concern about the loss of the Navy building. His complete statement is attached to these minutes as Exhibit A.

Barbara Moran, Member of Whidbey Animal Guild. Ms. Moran spoke with concern about the animal sheltering contract. Ms. Moran's complete statement is attached to these minutes as Exhibit B.

Mel Vance, Oak Harbor. Mr. Vance spoke with concern about a shelter contractor also having to provide a shelter facility, how the City would pay for a facility, the need for specific language on how the animals will be treated, euthanasia as a last resort, and the animal control officer as a contracted position.

Stephen Paysee, WAIF Executive Director. Mr. Paysee spoke about the progress on building a new WAIF shelter, the barn, and that WAIF could accommodate the needs of Oak Harbor's dogs and cats. Mr. Paysee also spoke about the history of WAIF on Whidbey Island.

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

Council Discussion

Discussion followed about the feasibility of having a network of shelters/providers and crafting the RFP toward that possibility (might work for the six-day holding period but one organization should take control of the animals thereafter), progressive licensing, the use of new protocols, and records as defined by the Asilomar Accords.

Sheri Bibich, WAIF Shelter Manager spoke about the similarity to Asilomar of current statistical software and statistics provided to the City and that Asilomar is a good program to accept.

Council discussion continued about opportunities to work with the Navy and Navy payment of a prorated share, minimum or no-kill, no euthanasia within the six-day holding period, use of the 2004 Ad Hoc Committee recommendations, that the City's animal control officer is a full-time employee with an animal control vehicle, and that more time may be needed to come up with a good solution and progressive plan.

Discussion also followed about providing a City-built facility without depending on the Navy, that grants can also demand matching funds, and the City's fiscal emergency.

With questions about the June 30, 2013 extension date from the Navy for the shelter, Mayor Dudley responded that the Navy building was set to be demolished in January 2013. The City has requested an extension and the Navy verbally extended use of the existing building through June 2013.

Agreement – City Attorney Services with Weed, Graafstra and Benson

City Administrator Larry Cort presented this agenda bill and retainer agreement for interim City Attorney services. During the June 18, 2012 Council meeting, Council approved a retainer agreement for these services with the firm of Weed, Graafstra and Benson. That action included a contract termination date of August 8, 2012. This evening's agenda bill proposed renewal of the retainer agreement for interim City Attorney services under the same terms with an effective date of August 9, 2012 through December 31, 2012. The agreement remains the same with the exception of these dates. City staff has been pleased with this firm's services.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed about the process, expenses to date (\$17,000 in June, \$25,000 in July with Dr. Cort noting that there had been a fair amount of legal work in the past two months), the approved retainer of \$6,400 per month, and if the City Attorney's position has been advertised (advertisements will go out this week in accordance with the schedule established by past Human Resources Manager Neill-Hoyson). Discussion continued regarding the hourly rate of in-house legal staff (\$75 to \$80 per hour including benefits), a review of monthly legal costs or a review in several months, concern with extending this agreement through December 31, 2012, and concern with legal coverage if the agreement is not approved.

Motion: Councilmember Severns moved to authorize the Mayor to sign a retainer agreement for interim City Attorney services with the law firm of Weed, Graafstra and Benson for the period between August 9, 2012 and October 16, 2012. The motion was seconded by Councilmember Almberg.

Discussion followed about other attorneys who are also working for the City and the budget.

Vote on the

Motion: The motion carried unanimously.

Equinox (ERCI) Professional Services Agreement for Archaeological Services, Phase Three, Archaeological Recovery

City Engineer Eric Johnston gave a PowerPoint presentation and report seeking authorization and signature on Amendment No. 2 of the professional services agreement with Equinox Research and Consulting International (ERCI). ERCI President Kelly Bush was also present. Work is progressing well and within cost expectations and the Pit Road site is relatively on-schedule.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed about costs, property acquisition, property adequacy to handle the volume of material, how material will be placed, permit conditions, and Tribal agreements.

MOTION: Councilmember Alberg moved to authorize the Mayor to sign Amendment No. 2 to the Professional Services Agreement with Equinox Research and Consulting International (ERCI) to expand the scope of services to include Phase Three of the Archaeological Recovery Project and increasing the not-to-exceed amount by \$352,476.52, from \$318,758.25 to \$671,234.50. The motion was seconded by Councilmember Campbell and carried unanimously.

BREAK

Mayor Dudley called for a break at 8:30 p.m. and the meeting reconvened at 8:35 p.m.

Mutual Aid Agreement with the Naval Air Station Whidbey Island

Fire Chief Ray Merrill presented this agenda bill and talked about the history of this agreement, which began in the 1980s, and the revisions to the proposed agreement which include not only fire responses but hazardous materials, basic and advanced medical life support, and technical search and rescue incidents.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed about the language of the agreement.

MOTION: Councilmember Severns moved to authorize the Mayor to sign the Mutual Aid Agreement, the motion was seconded by Councilmember Hizon and carried unanimously.

Marin Property Annexation

Senior Planner Ethan Spoo gave a PowerPoint presentation and led discussion regarding the proposed Marin annexation and its history and the potential for annexing additional properties near it. The purpose was to obtain City Council input on what area, among the options presented, the Council wished to consider for annexation:

- Option One: Annex only the Marin property.
- Option Two: Annex the Marin property plus six additional properties.
- Option Three: Do not consider annexation of a smaller area.

Mayor Dudley called for public comments.

Tom Ford, Oak Harbor. Mr. Ford lives in Fairway Estates and spoke with concern about costs, water system upgrades and hook up to water, sewer, and gas, sidewalk and street expenses, and the cost of rubbish disposal. Mr. Ford asked for a City point of contact regarding new estimates on these costs.

Larry Larson, Oak Harbor. Mr. Larson spoke with concern about costs and the six properties in the second option four of which are on a well he maintains and the remaining two are on a separate well. Mr. Larson was also concerned about trash service and the time it will take to receive City service while still paying City taxes. Mr. Larson preferred Option One - annex only the Marin property.

Jeffrey Adams, Oak Harbor. Mr. Adams resides in the enclave, and spoke with concern about benefits versus profits that the Marins will receive.

Mel Vance, Oak Harbor. Mr. Vance spoke with concern about costs in light of the City's declaration of a fiscal emergency, the number of enclaves in the City, emergency response to enclaves, and an "all or nothing" approach to this annexation.

Brett Butler, Oak Harbor. Mr. Butler lives in Fairway Estates and spoke about the 60% State requirement and that they would not be forced into an annexation unless the majority rules.

Angie Homola, Island County Commissioner. Ms. Homola spoke with concern regarding the heavily-treed area with watershed and her familiarity with Putnam Drive. The County is currently looking at two culverts in that area and would like to work with the City to address tree retention, returning water to the site, the need for a cost benefit analysis, impact fees and development, and how this annexation will progress when it comes to a Council public hearing.

There were no other public comments.

Council Discussion

Discussion followed about the Urban Growth Area (UGA), concern with creating another enclave, suggestions about subdividing to leave a County connection, and the existing interlocal agreement with the County that if an applicant seeks to short plat they must come to the City and discuss annexation.

MEETING TIME EXTENSION

Motion: Councilmember Servatius moved to extend the meeting to 10:15 p.m. The motion was seconded by Councilmember Almberg and carried unanimously.

Discussion Continued

Discussion continued about the development process with regard to Mr. Vance's concerns: When a development application is presented to the County which is contiguous to City limits, the County tells the developer that they must first come to the City and discuss annexation. The Marins have done this. The City would then find a way to release the obligation and would not be in disagreement with processing a short plat. Even with a smaller enclaved piece, it would be difficult to avoid the enclave issue.

Mr. Powers was confident the City can work with the County on this issue but would want to avoid a platting problem that does not leave a good neighborhood. With three options, Development Services wanted to present more than an all or nothing approach.

Richard Marin was invited to speak: As a past City Council member in Edmonds for two terms, he has experienced annexations and understands the oddities in building standards including enclaves. Mr. Marin talked about the property's location, his family's history with the property, and how a development is envisioned which would connect the two dead ends, connect to Swantown, and remedy water leaving the property. The developer bears the full cost and the City gains all of the infrastructure at current standards.

Discussion Continued

Discussion followed with continued concern about denying an annexation because of an enclave.

Joe McMillan also commented with concern about the long-term cost of Option Two. Mr. McMillan's property has City sewer and water lines running through his property. Mr. McMillan also talked about those who signed the petition (two are selling their property; one wished to withdraw from the petition).

Council asked about the franchise agreements with Island Disposal (ten year franchise agreements) with a comment from Mayor Dudley that those customers do not receive a bill from the City for collection. Discussion followed about benefit to the property owners, achieving 60%, the Comp Plan goal of not having enclaves which is not a mandated goal, and the time limit for hooking up (only when a septic system fails). Mr. Powers noted that as part of WWTP planning, staff and the tech team have been asked about how to address enclaves; the City is working toward policy on how to provide sewer to these areas. Discussion returned to the impact on the Marins, that change in how to separate the property would create difficulties in providing City services, and that this property already meets an urban density.

Motion: Councilmember Hizon made a motion to consider Option One for the Marin Annexation at a City Council meeting and public hearing, the date to be determined by staff. The motion was seconded by Councilmember Severns. Councilmembers Campbell, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Almberg opposed. The motion carried.

Motion: Councilmember Hizon made a motion to accept the submitted annexation petitions and direct staff to forward these petitions to the Island County Assessor for a determination of sufficiency. The motion was seconded by Councilmember Severns. Councilmembers Campbell, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Almberg opposed. The motion carried.

Property Transfer – North Reservoir Site

City Engineer Eric Johnston presented this agenda bill asking for Council declaration that a five acre City General Fund property is surplus and authorize payment for and transfer of the asset from the General Fund to the Water Utility.

There were no public comments.

Motion: Councilmember Almberg moved to declare the five acre General Fund property, parcel number R13327-231-3630, as surplus. The motion was seconded by Councilmember Campbell and carried unanimously.

Motion: Councilmember Almberg moved to authorize payment to the general fund of \$17,500 from the water utility and transfer of the asset to the water utility. The motion was seconded by Councilmember Severns and carried unanimously.

Professional Services Agreement – Hedeem and Caditz, PLLC, North Reservoir Project

City Engineer Eric Johnston presented this agenda bill for a proposed contract with Hedeem and Caditz for legal services associated with the North Reservoir project contract documents and construction activity. Mr. Johnston noted a date correction in the contract's term which should be: August 8, 2012 - July 31, 2013.

There were no public comments.

Council Discussion

Discussion followed regarding a breakdown of their services, the intricacy needed in preparation for this project, that staff had planned to manage this project in-house prior to staffing changes, and Hedeem and Caditz' specialization in the field of public works projects. Mr. Grant noted that his firm also does contract review.

Motion: Councilmember Severns move to authorize the Mayor to execute the attached professional services agreement with Hedeem and Caditz for legal services associated with the North Reservoir project with a not-to-exceed limit of \$20,000. The motion was seconded by Councilmember Hizon and carried unanimously.

Councilmember Hizon talked about **Agenda Item 13 - Council Rules and Amendments** and the length of this evening's meeting.

Motion: Councilmember Hizon made a motion to postpone this agenda item until the September 4, 2012 Council meeting. The motion was seconded by Councilmember Almberg and carried unanimously.

KPG Engineering Contract – Solid Waste Transfer Station, Phase One, Engineering Services

City Engineer Eric Johnston presented this agenda bill for a contract with KPG Engineering for services regarding the proposed Solid Waste Transfer Station, Phase One. It was noted that funding would come from Solid Waste Fund 403 and these funds are in place.

Motion: Councilmember Alberg moved to authorize the Mayor to sign a contract with KPG to prepare Phase One engineering documents for a proposed Solid Waste and Recycling Transfer Station. The motion was seconded by Councilmember Servatius and carried unanimously.

Revised Navy Jet Fuel Pipeline Easement - removed from this evening's agenda
Development Services Director Steve Powers noted that this was requested by the Navy.

Motion: Councilmember Severns moved to postpone this agenda item until the September 4, 2012 Council meeting. The motion was seconded by Councilmember Alberg and carried unanimously.

Clarification of Fiscal Emergency

Finance Director Doug Merriman led this presentation asking for clarification and direction from the Council with respect to the declaration of fiscal state of emergency approved on June 18, 2012.

Mayor Dudley called for public comments.

Mel Vance, Oak Harbor. Mr. Vance spoke with concern about this agenda item coming before Council.

Council Discussion

Discussion followed about the 2003 contingency plan (drafted but not adopted), Mr. Merriman's memorandum, the possible shortfall, and a request by Council for department heads to bring forward a detailed, line-itemed proposed budget, and revenue projections. Discussion continued regarding a hold on staff positions at their current levels, excluding step promotions, until the budget process is completed including no lateral transfers or filling of vacant positions simply because funds exist in the budget. This discussion did not include vacant department head positions but was meant to address internal promotions. Council asked for a list of major purchases for 2012, 2013, and 2014 and City Administrator Cort asked for a dollar figure to define "major purchases" (possibly \$25,000-plus). As example, the rescue unit vehicle has been needed for some time, but there was Council concern about spending this money now while the City is in the preliminary stages of the budget review. Staff would need clarification to short circuit an interview process.

Discussion returned to non-department head positions which are currently being advertised (or interviewed) which also include at least one lateral transfer.

MEETING TIME EXTENSION

Motion: Councilmember Servatius moved to extend the meeting until 11:00 p.m.; the motion was seconded by Councilmember Almberg. Councilmembers Almberg, Campbell, Servatius and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.

Human Resources Director Cheryl Lawler noted that there are 23 openings in the City. The position open the longest is a police officer position which needs to be filled. All of these openings are needed positions and Ms. Lawler asked Council if they were suggesting the City try to function without staff. Council was concerned about hiring and potentially then having to face layoffs. Ms. Lawler felt that, in the best interest of the City, if the onus is put on remaining staff to cover these vacancies, people will continue to leave. Council asked for a list of positions that are not critical and City Administrator Cort responded that Council could be provided a list of openings.

Discussion continued that a workshop with more detailed information would be more productive, how to accommodate the budget process, that all 23 positions will not be filled at once, and that department heads and staff also need to weigh in on this discussion. In response to Council's question about the number of open positions, Ms. Lawler responded that this is a high number of vacancies. Discussion followed about leave balances, filling department head positions, the City's reserve percentage and balance, and how declaration of a fiscal emergency affects cities.

Mayor Dudley thanked Mr. Merriman, felt the City is financially sound, asked Council if the City is in a fiscal emergency then hiring would not be in order with interims in place, at what point would the City no longer declare a fiscal emergency, and how Council wished to proceed.

Council talked about interim wages which are not the same as the permanent wage, that interims are doing the work of two people and the cost savings are not realistic, and that lost leadership and institutional knowledge represents intangible costs.

Ms. Lawler asked if the City should move forward with hiring the Human Resources Manager, City Administrator, Lateral-Entry Police Officer, Police Chief and positions currently advertised and posted.

Motion: Councilmember Almberg moved to advertise the Department Head vacancies and City Engineer position. Councilmember Severns seconded the motion.

Amendment to the

Motion: Councilmember Hizon moved to add the Lateral-Entry Police Officer position.

City Administrator Cort felt a more systematic approach should be used since both the City Engineer and City Clerk positions are mandated by law. This is not filling holes; our responsibility is to serve the community and there is a commensurate level of service. If this is tied to the budget and where staffing is going to fall out that is one thing, but the City needs to look at the positions and the effect on these positions.

Amendment Withdrawn

Councilmember Hizon withdrew the amendment to the motion.

Councilmember Campbell felt the heavy positions are Police Chief, Human Resources Manager, City Attorney, City Engineer, and City Clerk and City Administrator Cort noted that are all essential positions.

Friendly Amendment:

Councilmember Campbell made a friendly amendment to add these positions and the motion was seconded by Councilmember AlMBERG.

Vote on the Amendment:

Councilmembers AlMBERG, Campbell, Servatius and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.

Vote on the Original

Motion: Councilmembers AlMBERG, Campbell, Servatius and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.

Mayor Dudley asked again about clarification of the fiscal emergency and at what point the City would no longer be declared in a fiscal emergency.

Councilmember AlMBERG felt that would be up to Council's discretion after going through the budget process, and Councilmember Servatius, for the record, took the Mayor's tone as an affront. Mayor Dudley continued that interim positions are not hired to "fill shoes," Councilmember AlMBERG called for a point of order stating that Mayor Dudley was testifying, Councilmember Servatius concurred and called for a point of order stating the Mayor's obligation is to run this meeting.

Future Pending Items

As presented in the Council packet.

City Administrator Comments

Dr. Cort talked about positions and hiring for positions: The Human Resources Manager position closed and there are three qualified applicants, City Attorney recruitment goes out this week, and the Police Chief position will be moving ahead with interviews of five candidates, and a review team is being formed. Mayor Dudley will comment on the City Administrator position. Dr. Cort also talked about the Navy's work on the Maylor Beach restoration which will last several months (August 27th through December 6th) and the trail will be closed along the beach line. Council asked about the Police Chief position and why that position's interview process was not continued since three applicants have been lost (per Ms. Lawler, this did not move forward with the declaration of a fiscal emergency in June), that the Human Resources Manager position continued to move forward, and that Human Resources did not receive such direction from Council regarding the Police Chief position. Dr. Cort noted that part of this is due to the transition which occurred in the Human Resources Department.

MEETING TIME EXTENSION

Motion: At 11:00 p.m., Councilmember Servatius moved to extend the meeting another fifteen minutes. The motion was seconded by Councilmember Almberg and carried unanimously.

Council asked Ms. Lawler if she was directed to stop this process (yes) and Mayor Dudley stated that he took responsibility for this since Council had declared a fiscal emergency which also brought this agenda bill forward - clarification of the fiscal emergency. Councilmember Almberg stated for the record: There was a declaration of fiscal emergency for two reasons: the 25% of general fund and change in authorization of contract amounts to \$10,000, and hiring was never talked about.

Discussion continued that Councilmember Munns had strongly asked to have these positions filled. Dr. Cort noted that the City is on track with regard to the Human Resources Manager and City Attorney and realized some complications with the Police Chief interviews and had to adjust the procedure; this was not an effort to stop the hiring process. This has not varied from the plan that past Human Resources Manager Jessica Neil-Hoyson had laid out. Ms. Lawler noted that she was told not to move forward with the professional recruitment needed for the City Administrator's position since that type of recruitment effort would incur a cost beyond \$10,000. There was some distress for Ms. Lawler since she reports to both the City Administrator and the Mayor. Councilmember Campbell remarked that Council is meant to set policy and the budget and not micro-manage.

Motion to Adjourn: Councilmember Campbell moved to adjourn the meeting at this point, the motion was seconded by Council Almberg and carried unanimously. The meeting adjourned at 11:10 p.m.

Connie T. Wheeler
City Clerk

(Dr. Bob Baker re: loss of Navy building)

Oak Harbor is losing a crowded Quonset hut that floods during winter storms. In reality, Oak Harbor deserves a public facility it can be proud of and that will remain under the auspices of its citizens. Requiring shelter contractors to provide buildings is not always realistic, fair, or conducive to a cohesive, accountable system.

The Whidbey Animal Guild has two recommendations:

1. one – adopt the Calgary plan, otherwise known as progressive licensing, to generate revenues to build a decent city shelter.

Progressive licensing, developed by Calgary's animal control director Bill Bruce – is popular and effective. It allows lost, licensed pets to be returned home and never enter a shelter. Why should citizens be treated like criminals if a licensed pet gets lost?

This return home policy saves stress and the pet's exposure to disease, and it saves taxpayer sheltering costs. Licenses are easily available and often provide multi-pet and senior discounts, along with certain waivers.

The goal is to provide public services to responsible pet owners and education to the non-responsible. Proceeds can help provide remedial training classes, and other needed services.

For example, humanely reducing feral cat populations through subsidized spay/neuter programs is better than killing them, which your current contractor told the Whidbey News Times it was required to do, although city officials said there was no such requirement. (see attached)

2. Secondly, please institute an online lost pets page for strays. Photos can be quickly uploaded to the Internet, which helps working people, the elderly, and the disabled find their pets faster. And the faster pets are reclaimed, the less taxpayers spend on sheltering costs. And if the pet isn't licensed, it can be when it's reclaimed.

Calgary has a 90 percent licensing rate, and used its revenues to build a new public shelter that is never full due to its innovative care, reunification, and adoption programs.

Please adopt modern methods that are cost-effective, accountable, truly humane, and respectful to citizens and pets.

Thank you.

Editorial: Help WAIF help homeless critters

FEBRUARY 16, 2010 · UPDATED 2:54 PM

It's admirable that Whidbey Animals' Improvement Foundation, commonly known as WAIF, has a very low rate of animal euthanasia when compared to shelters across the nation. Yet the conversation about how the community deals with unwanted pets should be a lot wider than just the question of how many dogs and cats are put down. For anyone who loves animals, a trip to an animal shelter on Whidbey or just about anywhere else can be heartbreaking. The dogs and cats aren't happy in cages and they want out. Their fate depends on the goodwill of the community. Generous giving from pet lovers in the community already accounts for more than half of the group's \$250,000-a-year budget. Realistically, the best ways to improve the welfare of the homeless pets is for more residents to donate their time or money to WAIF. And dog and cat owners need to purchase licenses for their animals. The revenue goes toward the animal programs.

Budget is closer to \$1 million; about half goes to sala

The WAIF nonprofit group contracts with Island County and Oak Harbor to run the animal shelters. They are considered minimum-kill facilities, which means the that dogs and cats are only put to sleep if they are sick beyond treatment or too dangerous to be adopted out. The one exception is that the city of Oak Harbor has a policy of euthanizing feral cats that are trapped and brought to the city's shelter. Shelter staff members don't like the policy and they hope it will change, but for now it's in the contract with Oak Harbor.

OH officials said no such policy exists in any form

WAIF's greatest challenge is that the facilities are in poor shape. Island County owns the shelter building near Coupeville; the group has spent a lot of money trying to improve the building, but it's still far from ideal. Fortunately, the group plans to build a new shelter across the street someday, as soon as funds can be raised. Oak Harbor's shelter is located in a cramped, ramshackle building on the Navy's Seaplane Base. At one time, city leaders placed the construction of a new shelter on a list of capital facilities projects. That idea has apparently fallen by the wayside, but the Navy has reportedly offered a more suitable building for the shelter. With luck and the continued support of the community, better days may be ahead for Whidbey's strays.

the Calgary plan

Find this article at:

<http://www.whidbeynewstimes.com/opinion/84513922.html>

(Barbara Moran Re: animal sheltering contract)
The Whidbey Animal Guild, which includes Oak Harbor residents, is not so concerned with who gets the contract, but with what's in the contract and how it will be enforced.

WAG urges adoption of animal data reporting per the Asilomar Accords to help our region move closer to getting Maddie's Funds, as have a number of areas around us. Also,

2. please review your practice of giving animals away to one vendor at the end of the mandatory hold period; instead, also allow other nonprofit rescue organizations to take harder to place animals that they are chartered to assist. This prevents animals from being caged long-term or needlessly killed, and can help ease shelter overcrowding.

3. please ensure that any contractor and animal control both adhere to city code 7.20.015 requiring a complete intake and disposition ledger. This gives citizens data needed for grants, research, and tax allocation decisions. It helps people find out what happened to their lost pets.

it cannot be determined how many animals enter the system or what ultimately happens to them. How do you really know what to pay for sheltering services, or what taxpayers are getting for their money? The city's shelter is currently under investigation by the state Dept. of Health in relation to records for euthanasias. Intake and disposition records are incomplete, incompatible, non-verifiable, and largely inaccessible. The Asilomar Accords would fix much of this.

4. Per the state auditor's recommendation, please enforce the 7.20.040 provision calling for a veterinary opinion when animals are destroyed during the mandatory hold period, which is the six days owners are supposed to have to re-claim their pets.

5. To avoid any hint of conflict of interest, perhaps Mayor Dudley would consider recusing himself from contract negotiations since he is WAIF's former financial advisor with ties to key people there.

6. Finally, please consider re-instating all the provisions that were removed from previous no-bid contracts. (a copy is included.)

All the stricken provisions guarantee basic humane care to Oak Harbor's neediest animals. Contractors should be willing to commit to these standards of care as guiding principles in exchange for tax dollars and the citizens' trust.

Thank you

ALL THESE PROVISIONS
REMOVED FROM CONTRACTS WITH
OAK HARBOR

- (4) ~~Accept animals for surrender at shelter facility in timely manner.~~
- (5) ~~Maintain a minimal kill philosophy that ensures no animal will be euthanized for space or time limits.~~
- (6) ~~Arrange for the humane destruction and disposal of animals euthanized by Contractor or under its direct care and control at Contractor's expense, and based upon humane practices.~~
- (7) ~~Provide proper food, water, housing and humane care for all animals under its control pursuant to this contract at the animal control holding facility.~~
- (8) ~~Maintain sanitation and cleaning protocols as stated in Contractor's proposal to minimize disease transmission.~~
- (9) ~~Provide basic medical care, including vaccinations, de-worming and flea treatment, if needed, to incoming animals and cats introduced into the animal control holding facility.~~
- (10) ~~The Contractor shall require any person adopting an animal to obtain a license from the jurisdiction in which the animal will reside.~~
- (11) ~~The Contractor shall require any person reclaiming an animal to obtain a license and pay any fees or fines before removal from the shelter.~~
- (12) ~~Contractor will establish and maintain a foster care program for unwanted animals.~~
- (13) ~~Contractor will operate a spay and neuter program for adopted animals to reduce the number of unwanted animals.~~
- (14) ~~Contractor will establish and maintain a volunteer program to help operate and staff programs.~~
- (15) ~~Contractor will establish and provide exercise program for animals for dogs and cats kept at the shelter/holding facility, within the geographical boundaries designated by the Navy or City.~~
- (16) ~~Contractor will assist the City in an aggressive licensing program for dogs and cats.~~

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**City Council Special Meeting
Waste Water Treatment Facility
Tuesday, August 14, 2012, 6:00 p.m.
City Hall – Council Chambers**

CALL TO ORDER

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

ROLL CALL

Mayor Scott Dudley

Six Members of the Council,

Rick Almberg

Jim Campbell

Tara Hizon

Beth Munns

Joel Servatius

Bob Severns

Larry Cort, Interim City Administrator

Cathy Rosen, Public Works Director

Eric Johnston, City Engineer

Renée Recker, Executive Assistant to the Mayor

Councilmember Danny Paggao was absent from this meeting.

ALSO IN ATTENDANCE

Brian Matson, Carollo Engineers

Sean Koorn, HDR Engineering, via Skype

City Engineer Eric Johnston opened the meeting and talked about possible action this evening to proceed forward with a decision that affects the next generation. The City has been working toward this decision for three years now, and Mr. Johnston appreciated the opportunity to have been a part of this project. Mr. Johnston gave a history of the project and talked about the demonstration jars of water shown this evening and the documents provided for Council:

- Inter-Office Memo from Steve Powers to Larry Cort
- Inter-Office Memo from Doug Merriman to Mayor Dudley and Larry Cort
- Memorandum from Reclamation Treatment Plant Staff
- Public Forum Comments
- Draft Resolutions 12-17, 12-18, and 12-19
- This evening's PowerPoint presentation (attached as Exhibit A)

Mr. Johnston noted that Mr. Merriman's memo talks about financial participation by the Navy and that Mr. Merriman worked with information available at the time and additional information will be shared with Mr. Merriman. Mr. Johnston had not broken out the Navy share versus the City share. These numbers are useful as a comparative between site options based on costs known today. Mr. Johnston also spoke about Council's 2010 action which factored in all criteria, not just costs.

Brian Matson led the PowerPoint presentation with this agenda:

- Overview of Windjammer Vicinity MBR
- Overview of Crescent Harbor North AS
- Overview of Crescent Harbor North MBR
- Rate Analysis Update
- Public Comments Summary
- Schedule
- Questions

Sean Koorn addressed the rate analysis update and review of WWTP funding assumptions: Summary of the previous rate study, current project cost and revised funding assumptions, alternative funding options, additional outside funding opportunities, and a summary of funding alternatives.

The schedule for Council action and deadlines was reviewed with desired action this evening being the selection of a site for future planning and environmental review.

Final thoughts included:

- Alternatives are all technically viable
- Long-term alternative costs/rate impacts are similar
- Alternatives will all improve the environment
- What is the most sustainable alternative for Oak Harbor

The three resolutions were clarified:

- 12-17 MBR at Windjammer Park site
- 12-18 MBR at Crescent Harbor North site
- 12-19 AS at Crescent Harbor North site

Mayor Dudley called for public comments.

Duane Dillard, Oak Harbor. Mr. Dillard thanked the citizen committee - great job. Mr. Dillard then spoke with concern about the Crescent Harbor North site and its proximity to the Navy jet fuel line pipeline project. Mr. Dillard spoke in support of the Windjammer Park site which offers a central location for the whole community with future additions (community center or conference center, possible City Hall, library, etc.).

Sean Rafferty, Oak Harbor, Little League Board Member. Mr. Rafferty spoke with concern about the Windjammer Park site and asked that, if Bayshore Drive is re-done, a new ballfield facility be in place first. Do not forget our children. Mr. Rafferty also thought the Crescent Harbor site is not central to the City.

Jeff Trumbore, Oak Harbor, Member of the Citizens Committee. Mr. Trumbore felt that Council was presented with viable options: Windjammer Park has a higher potential for archaeological discovery, has different soil conditions than Crescent Harbor North, and a potential for rising water and high tides. Mr. Trumbore supported the Crescent Harbor North site because it can support other land uses and would not be as costly as the Windjammer Park site.

Corky Bridgeford, Oak Harbor. Mr. Bridgeford is a property owner at the Crescent Harbor North site. Mr. Bridgeford spoke with concern about the Windjammer Park site and in support of the Crescent Harbor North site which offers more room, could act as a site for compostable solids which can be sold, could house a solid waste transfer station, and in the long-term, save the City some money although initial site costs are comparably the same.

Mel Vance, Oak Harbor. Mr. Vance spoke with concern about the choice of an AS process and plant if it has to be retrofitted or replaced in 50 years. Mr. Vance supported MBR as a process but not the Windjammer Park location due to public concern. Mr. Vance felt an opportunity had been missed in not offering a proposed site to the west or south.

Helen Chatfield-Weeks, Oak Harbor. Ms. Chatfield-Weeks felt this evening offered a well-presented and intelligent discussion and supported the Windjammer Park site. Ms. Chatfield-Weeks added: Eric Johnston is a fine and intelligent engineer and thanked Mr. Johnston for his work on this project.

JoAnn Hartley, Oak Harbor. Ms. Hartley is a property owner at the Crescent Harbor North site. Ms. Hartley felt that both sites were comparable but initially had concern with the Navy jet fuel line which is now not a concern to her. Ms. Hartley spoke in support of the Crescent Harbor North site with MBR as the process and the lesser environmental impact to the riparian terrain and deer there.

Ron Hancock, Oak Harbor. Mr. Hancock spoke with concern about the impact of placing a plant in a waterfront park; there is only so much waterfront left. Future generations will suffer or benefit from the quality of life we are giving them and Mr. Hancock did not think a plant at Windjammer Park would add to a pristine environment. Mr. Hancock spoke in support of the Crescent Harbor North site and hoped for an aesthetically pleasing structure committed to a multi-use concept.

There were no other public comments.

BREAK

Mayor Dudley called for a break at 7:20 p.m. and the meeting reconvened at 7:25 p.m.

Council Discussion and Questions

Discussion followed about the facility that would remain at Windjammer if Crescent Harbor North was chosen (a small footprint pump station; the rest of the RBC plant would be removed and the land returned to the park), the same question was asked of the Windjammer Park site (nothing, existing infrastructure would be removed and new infrastructure would be shifted to the site). Discussion continued regarding rates in 2010 and rates in comparable cities, the need to acquire and annex the site for Crescent Harbor North (this is one of the assumptions; would not build otherwise), if either site favors grants or low interest loans based on the project choice (no), if rates will double over the next five years (yes), phasing and expansion at each of the sites, potential for archaeological discovery (more potential at Windjammer), and if there is risk regarding the Navy fuel line as mentioned by Ms. Hartley (not a greater risk). Discussion followed about land acquisition and the process which protects the property owner, and if funds could be used for Bayshore (not usable; funds are for the WWTP only), and the intrusiveness/disruptiveness of the work to build a plant. Discussion returned to soils at each site, and phasing,

Motion: Councilmember Almberg moved to adopt Resolution 12-18 to continue with the engineering for an MBR plant at Crescent Harbor North. The motion was seconded by Councilmember Munns.

Discussion continued about ancillary components of the sites, expansion availability for each site, the effect of the Windjammer Park site on the park, and the "moving parts" and elevation of the Crescent Harbor North site.

MEETING TIME EXTENSION

Motion: At 8:00 p.m., Councilmember Servatius moved to extend the meeting to 9:00 p.m. The motion was seconded by Councilmember Campbell and carried unanimously.

Discussion followed about the Navy and if the Navy had been contacted. Mr. Johnston noted that there has been regular discussion with counterparts at NASWI which included cost share. The Navy is prepared to begin their own feasibility study. Discussion continued about \$93 million covering only the waste water facility portion and not the additional buildings (conference center, commercial space, etc.), a note that City has a better understanding of archaeological discovery, and the positive impact of a downtown facility which would create a destination.

Discussion returned to loss of park land, the 42-inch outfall, and the years it will take to add community buildings to the facility without losing enthusiasm or vision. Discussion followed about Mr. Trumbore's concern with a rise in sea level and the factor of saltwater intrusion (costs include a solid vertical but a consideration for sea level rise would be appropriate). Other discussion did not see that much park land being lost, possible berming for an amphitheatre, and a central location with Windjammer that benefits the community. Discussion returned to the Crescent Harbor North site, the choice of MBR over AS for that site, and the plant operators' support of Crescent Harbor North. Salmon recovery at Crescent Harbor North was discussed, how reclaimed water can be used, and that tonight's decision is on the plant and process, not the additional buildings.

Vote on the

Motion: Councilmembers Almberg, Hizon, and Munns voted in favor of the motion. Councilmembers Campbell, Servatius, and Severns opposed; a 3:3 vote. Mayor Dudley broke the tie and opposed the motion due to costs. The motion was defeated.

Motion: Councilmember Campbell moved to approve Resolution 12-17. Councilmember Severns seconded the motion.

Councilmember Severns spoke to his second (as earlier stated by Councilmember Campbell and Councilmember Servatius) asking to build as little as possible in the existing Windjammer Park.

Clerk's Note: Resolution 12-17 called for the Windjammer Park Site using a membrane bioreactor process (MBR).

Friendly Amendment to the Motion:

Councilmember Almberg made a friendly amendment to include the condition that there is no net loss to Windjammer Park as a result of this project.

Mayor Dudley noted that this meeting is addressing only the site and process; this will come later and is premature.

Councilmember Almberg's friendly amendment stood.

Mayor Dudley asked City Administrator Cort about modification of an existing resolution. Dr. Cort felt that Mr. Almberg's amendment spoke to the existing footprint of the existing plant and stated it was difficult to imagine a site that would reduce the park itself. Discussion continued about encroachment on the auto dealerships, not removing land from public use, and no net loss to the surface area of public domain for the park noting removal of the existing plant opens up park area.

Second to the Friendly Amendment:

Councilmember Munns seconded the friendly amendment.

Discussion followed about other areas in this vicinity with note that the design charrette is reflected in the Windjammer Park site map and that this discussion could continue during the design phase. Mr. Matson talked about submission of the facilities plan to the Department of Ecology and that Ecology looks more to the process than the footprint; there is a defined footprint, but there is flexibility to modify the site.

Vote on the Friendly Amendment:

Councilmembers Almberg, Hizon, and Munns voted in favor of the friendly amendment. Councilmembers Campbell, Servatius, and Severns opposed; a 3:3 vote. Mayor Dudley broke the tie and opposed the friendly amendment. Mayor Dudley felt the City would gain park area. The motion was defeated.

Vote on the Original Motion:

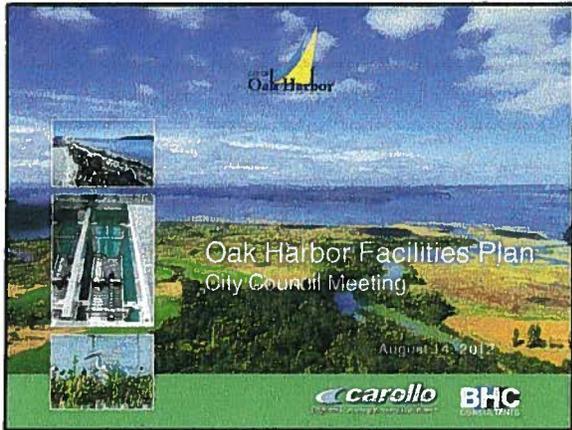
The original motion to approve Resolution 12-17 carried unanimously.

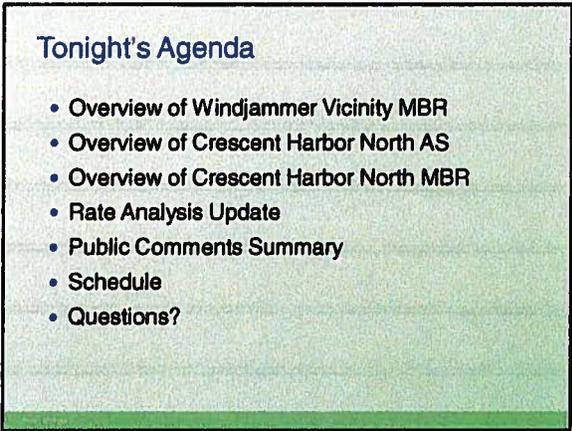
Mayor Dudley thanked everyone, most importantly the public, and looked forward to the design process for the waste water treatment facility.

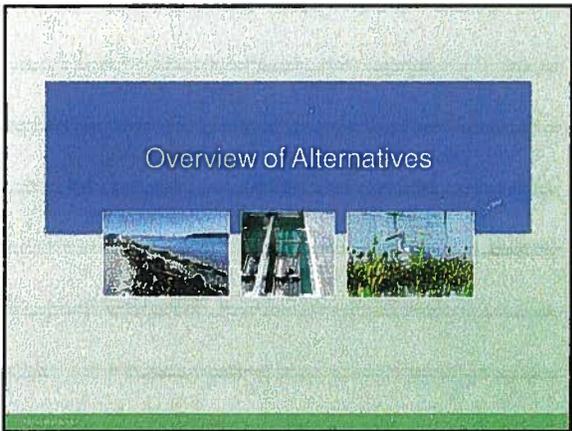
ADJOURN

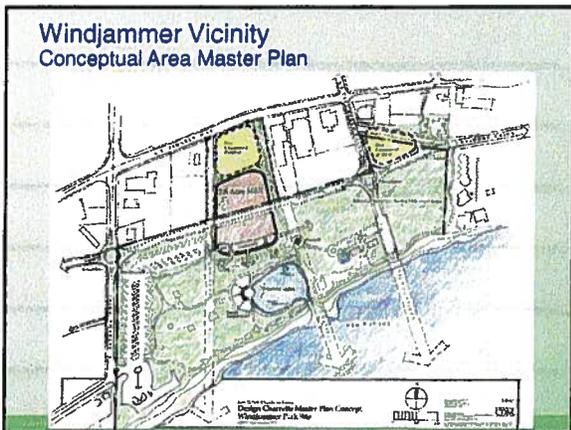
The meeting adjourned at 8:30 p.m.

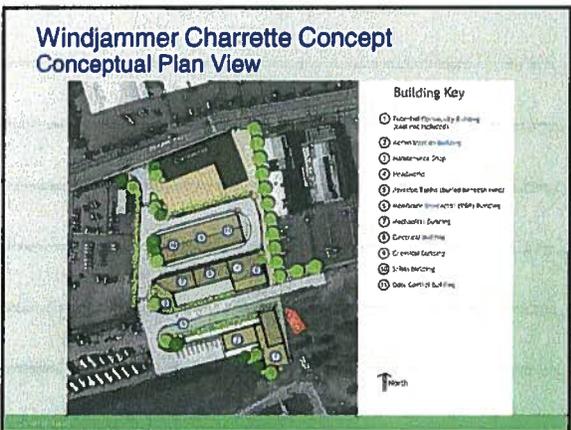
Connie T. Wheeler
City Clerk

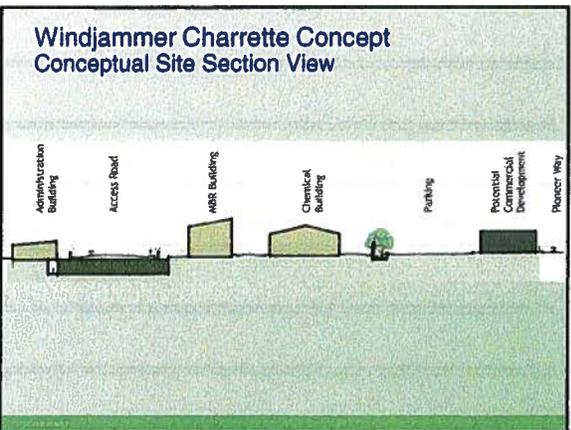




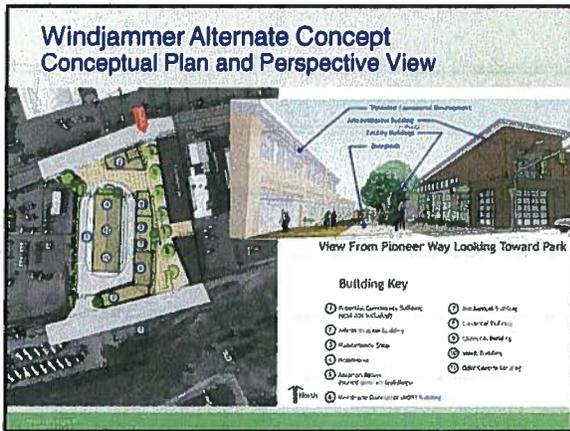


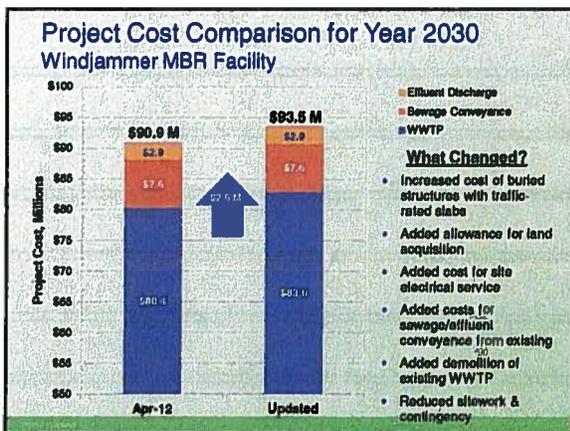












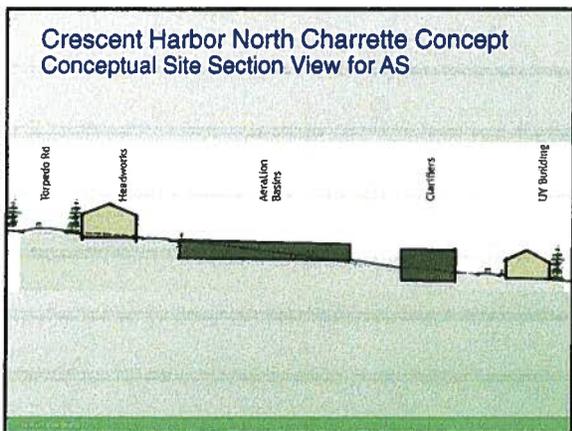
Key Considerations Windjammer Vicinity MBR

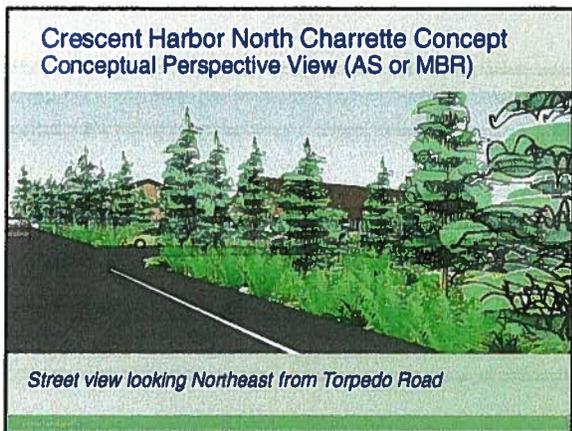
Consideration	Year 2030 Facilities	Phase 1 Facilities
Estimated Project Cost	\$93.6 million	\$81.1 million
20-Year Net Present Value (NPV) of Annual O&M ⁽¹⁾	\$20.3 million (\$1.6 million/year)	
Total 20-Year NPV	\$113.8 million	
Ability to Phase	Phase 1 costs assume continued use of Sceptane Lagoon for solids (high risk assumption)	
Community Considerations	Potential benefits to Windjammer Vicinity open space and transportation	

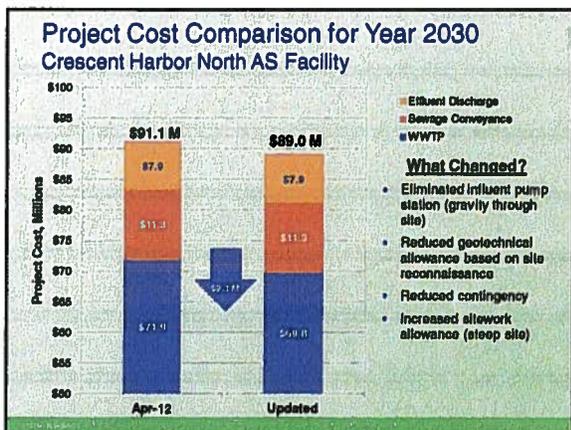
NOTES:
(1) Operations & Maintenance (O&M) costs include power, chemicals, labor, equipment replacement, and solids handling.









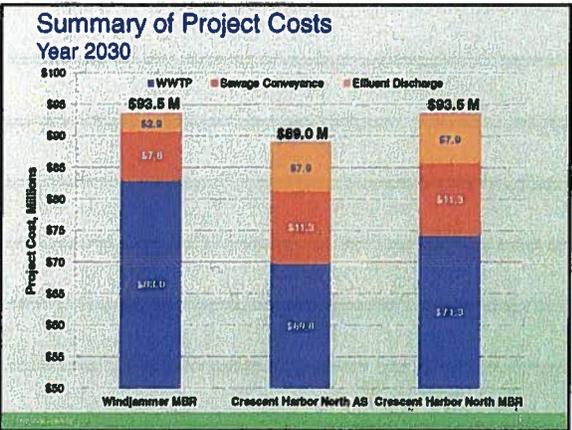


Key Considerations Crescent Harbor North AS

Consideration	Year 2030 Facilities	Phase 1 Facilities
Estimated Project Cost	\$89.0 million	\$78.0 million
20-Year Net Present Value (NPV) of Annual O&M ⁽¹⁾	\$20.9 million (\$1.7 million/year)	
Total 20-Year NPV	\$109.9 million	
Ability to Phase	Phase 1 costs assume facilities for nitrogen removal and filtration are deferred (moderate risk assumption)	
Community Considerations	Potential benefits to regional utility services and transportation	

NOTES:
 (1) Operations & Maintenance (O&M) costs include power, chemicals, labor, equipment replacement, solids handling, and maintenance of the pump stations and pipelines used to convey flow between Windjammer and Crescent Harbor North.

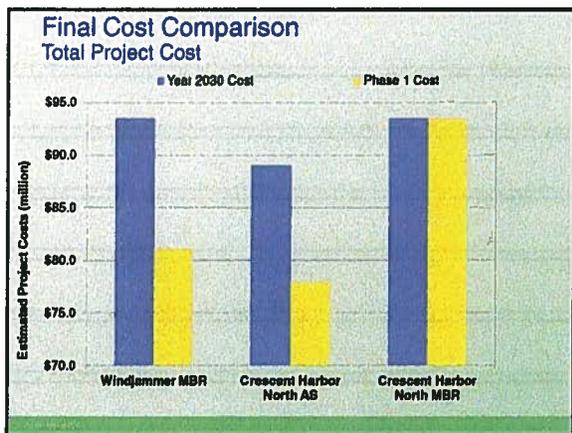




Key Considerations Crescent Harbor North MBR

Consideration	Year 2030 Facilities	Phase 1 Facilities
Estimated Project Cost	\$93.6 million	--
20-Year Net Present Value (NPV) of Annual O&M ⁽¹⁾	\$22.4 million (\$1.8 million/yr)	
Total 20-Year NPV	\$115.9 million	
Ability to Phase	Alternative does not allow for component performance, or conveyance phasing	
Community Considerations	Potential benefits to regional utility services and transportation	

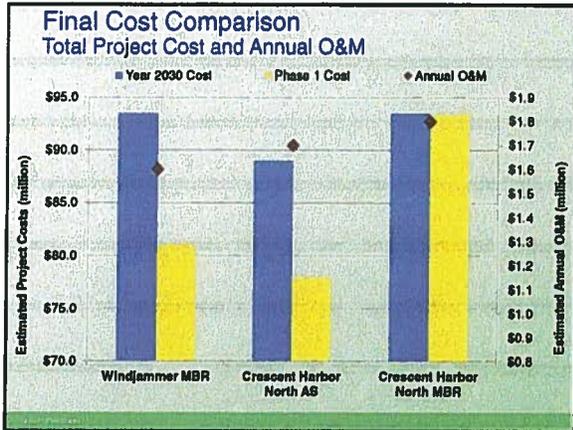
NOTES:
(1) Operations & Maintenance (O&M) costs include power, chemicals, labor, equipment replacement, solids handling, and maintenance of the pump stations and pipelines used to convey flow between Windjammer and Crescent Harbor North.

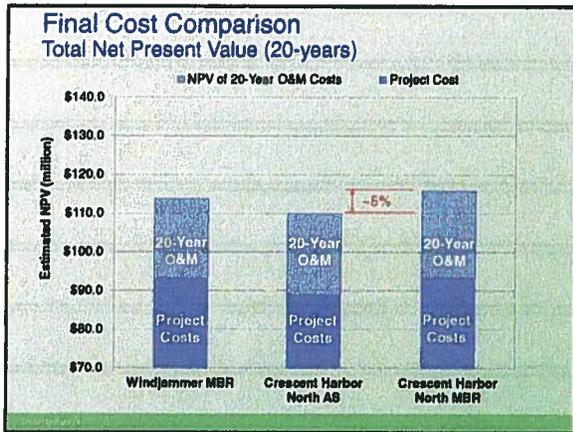


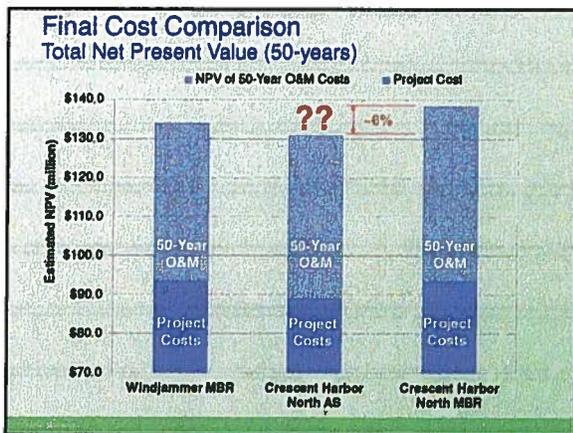
Estimated O&M Cost Summary

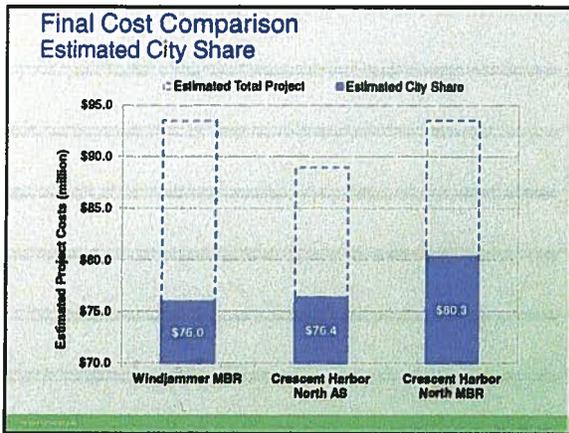
	Windjammer MBR	Crescent Harbor North AS	Crescent Harbor North MBR
Labor	\$610,000	\$610,000	\$610,000
Power/Fuel	\$430,000	\$260,000	\$430,000
Equipment Replacement	\$610,000	\$470,000	\$510,000
Chemicals	\$50,000	\$80,000	\$50,000
Solids Handling	\$10,000	\$80,000	\$10,000
Subtotal WWTP	\$1,610,000	\$1,490,000	\$1,610,000
Conveyance Power ⁽¹⁾	--	\$130,000	\$130,000
Conveyance O&M ⁽¹⁾	--	\$40,000	\$40,000
Subtotal Conveyance	--	\$170,000	\$170,000
Total Annual	\$1,610,000	\$1,660,000	\$1,780,000

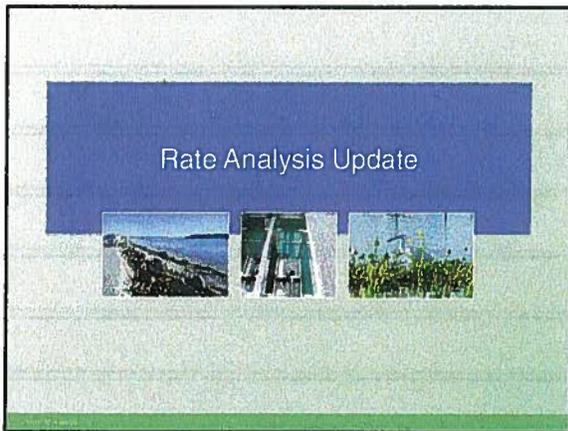
NOTES:
(1) Estimated costs for conveying raw sewage and effluent between Windjammer and Crescent Harbor North.











- ### WWTP Funding Assumption Review
- 2010 rate study included assumptions for the WWTP funding
 - Assumptions were conservative given the project was 5 plus years in the future
 - Revised assumptions are conservative yet still reflect current conditions
 - *Question:* How do the assumptions impact the adopted rate transition plan

Summary of the Previous Rate Study Assumptions

- Wastewater Treatment Plant Upgrade cost of \$70 million
- Rates are funding approximately \$6.4 million
- Reserves are funding approximately \$10 million
- Total revenue bond \$53.7 million
 - interest rate of 6.0% for 20 years
- Estimated annual debt service payment is approximately \$4.7 million
- No additional outside funding for the upgrade

Current Project Cost and Revised Funding Assumptions

- Wastewater Treatment Plant Upgrade cost estimates have increased to \$93.5 million
- Activated sludge treatment plant would reduce rate impacts compared to MBR
 - Additional future costs may be necessary
- Alternative Options Considered Include:
 - Current long-term borrowing rates and terms
 - Navy contribution
- No additional outside funding has been included at this time
 - Low-interest loans
 - Grants

Summary of Alternative Funding Options

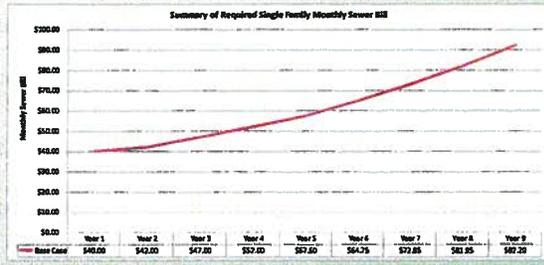
Base Case	ALTERNATIVE OPTIONS				
	Option 1	Option 2 (A)	Option 2 (B)	Option 3 (A)	Option 3 (B)
Revenue Bond					
Term In Years	20	20	20	30	30
Rate	6.00%	6.00%	4.75%	5.25%	5.25%
Project Cost	\$70,000,000	\$93,500,000	\$93,500,000	\$93,500,000	\$93,500,000
Navy Contribution	0	0	0	8,000,000	17,500,000
Net City Cost	\$70,000,000	\$93,500,000	\$93,500,000	\$85,500,000	\$76,000,000
Total Revenue Bond	\$53,700,000	\$77,200,000	\$77,200,000	\$68,200,000	\$68,700,000
Annual Payment	\$4,181,811	\$4,730,648	\$4,064,096	\$5,145,987	\$4,630,452

Note: Option 3 (A and B) are the only alternatives that include additional outside funding, assuming a contribution from the navy for treatment and conveyance.

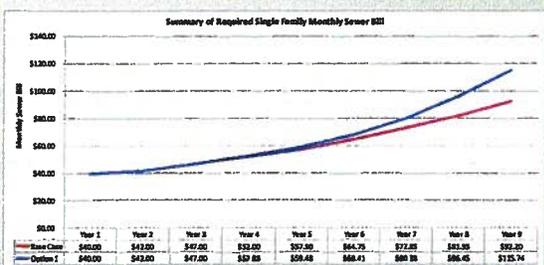
Additional Outside Funding Opportunities

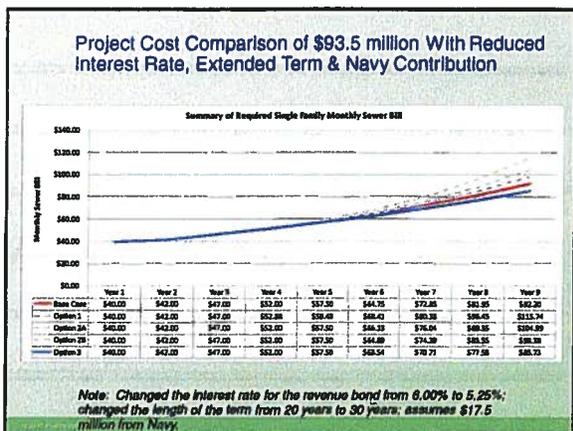
- Other additional funding the City will attempt to obtain:
 - Grants
 - Low-interest Loans
- Additional low interest loans or grants will reduce the rate impacts even further

Project Cost of \$70 million Base Case Assumptions

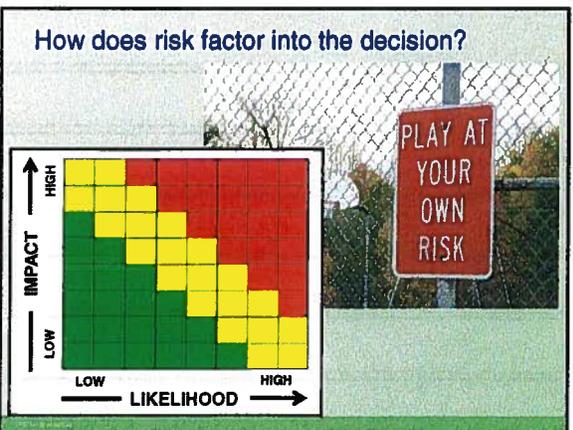


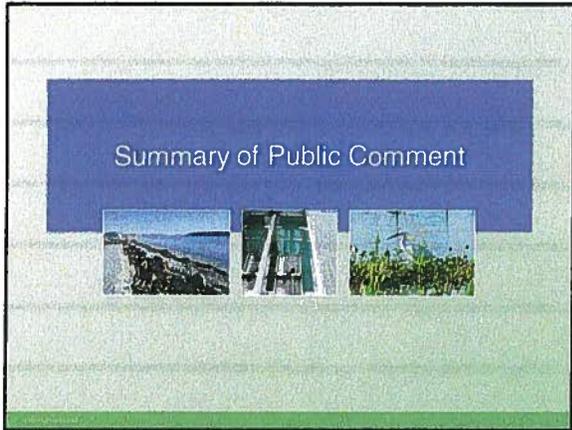
Project Cost Comparison of \$93.5 million

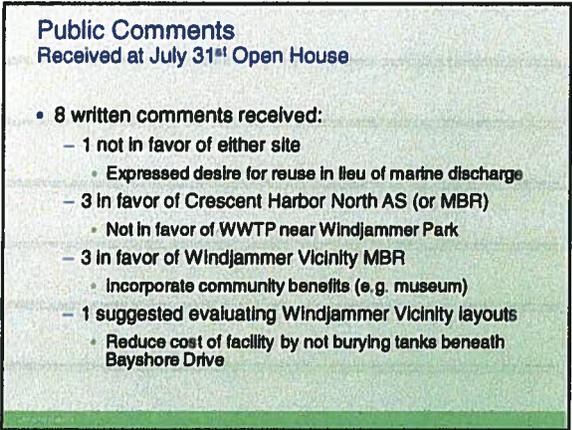


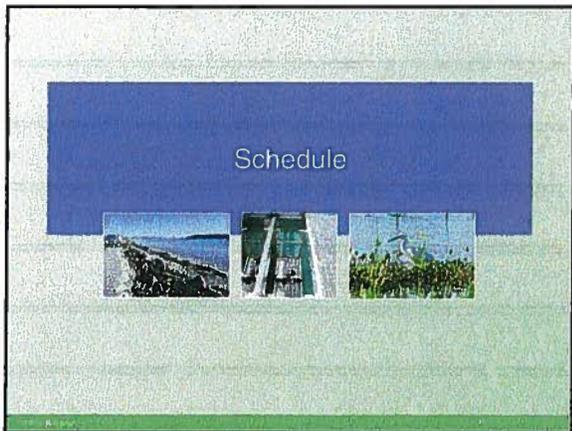


- ### Summary of Review Funding Alternatives
- Original funding assumptions were conservative given the time frame (i.e., 5 years out).
 - Revising long-term funding assumptions are based on conservative market information
 - Rates will change over the next three years
 - Revised funding assumptions are reasonable estimates of available funding opportunities
 - Additional low interest loans or grants can reduce the rate impact even further
 - Revised assumptions allow the City to maintain the proposed rate transition plan even with increased project costs









Schedule - Council Actions & Deadlines

- Aug 14, 2012 Council resolution on proposed site for further planning and environmental review
- Oct 16, 2012 Council resolution on proposed phasing plan
- Dec 31, 2012 Required Facilities Plan submission to Washington Department of Ecology
- Dec 31, 2014 Required engineering design submission to Washington Department of Ecology

Final Thoughts

Technical	Financial	Health and Safety	Environmental
• Hydraulic Performance	• Low Capital Cost	• Protect Public Health and Safety	• Produce Best Water Quality
• Ease of Construction	• Protect Assets for Future Economic Development	• Promote/Enhance Local Public Amenities?	• Protect Carbon-neutral Sustainability
• Overall System Efficiency	• Low Life Cycle Cost	• Minimize Local Neighborhood Impact	• Minimize Carbon Footprint

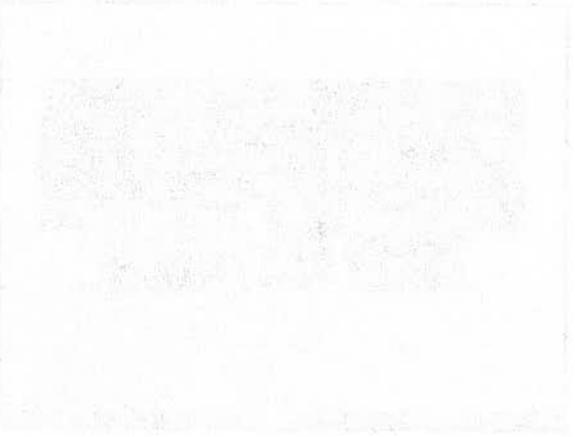
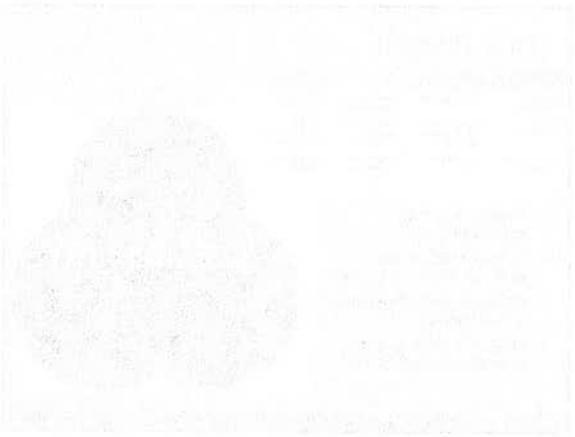
- Alternatives are all technically viable
- Long-term alternative costs/rate impacts are similar
- Alternatives will all improve the environment
- What is the most sustainable alternative for Oak Harbor?



Questions?



Lined writing area for notes.



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

Bill No. 2
Date: September 4, 2012
Subject: Employee Recognition -
Dina Nichols

FROM: **Scott Dudley** *[Signature]*
Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:
[Signature] Larry Cort, Interim City Administrator
[Signature] Doug Merriman, Finance Director
[Signature] Grant Weed, Interim City Attorney, as to form

PURPOSE

To recognize City employees for 10 years, or more, of service.

AUTHORITY

It is the practice of the City to recognize dedicated employees who have completed 10 years, and then every five years thereafter, of service.

FISCAL IMPACT DESCRIPTION

Funds Required: \$0.00
Appropriation Source: n/a

SUMMARY STATEMENT

The Mayor and City Council will recognize Dina Nichols for 10 years of service with the City.

STANDING COMMITTEE REPORT

None.

RECOMMENDED ACTION

Congratulate Ms. Nichols for her 10 years of service.

ATTACHMENTS

None.



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

Bill No. 3
Date: 9-4-2012
Subject: PUBLIC COMMENTS

FROM: Scott Dudley, Mayor *SD*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

LC Larry Cort, Interim City Administrator
DM Doug Merriman, Finance Director
GW Grant Weed, Interim 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.

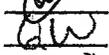
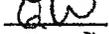


**City of Oak Harbor
City Council Agenda Bill**

Agenda Bill No. CH 4a
Date: September 4, 2012
Subject: Noise Permit – Oak Harbor High
School Homecoming Parade

FROM:  Larry Cott, Interim City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Doug Merriman, Finance Director
 Grant Weed, Interim City Attorney, as to form

PURPOSE:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Oak Harbor High School for marching bands and the use of amplified sound associated with the Homecoming Parade scheduled for October 18, 2012 on Pioneer Way, starting at SE City Beach Street and ending at SE Midway Boulevard.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

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.

The Application was reviewed by Fire, Police, and Public Works Departments.

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for marching bands and amplified sound allowing announcements during the Homecoming Parade.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: Oak Harbor High School

Location of Event: SE Pioneer Way

Date of Event: October 18, 2012

Hours of Operation: 5:30pm to 7:00pm

Permitted Noise: Amplified sound for announcements
and marching bands

Approval Conditions: None

Date of City Council
Approval: _____

Issued this ___ day of September, 2012.

Renée Recker, Interim Special Events Coordinator

This Noise Permit is limited to the date and time specified.

Please post this notice on site

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: Oak Harbor High School

Location of Event: 22 Pioneer Way

Date of Event: October 18, 2012

Hours of Operation: 7:00am to 1:00pm

Permitted Noise: A certified sound box is required for all noise events and sound levels must be maintained below 65 dBA.

Applicant Signature: _____

Date of City Council Approval: _____

Issued this _____ day of September 2012.

In the presence of the following witnesses: _____

This Noise Permit is limited to the date and time specified.

For a complete copy of the _____

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

Agenda Bill No. C/A 4b
Date: September 4, 2012
Subject: Noise Permit – VFW Veterans Day Parade

FROM:  Larry Cox, Interim City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Doug Merriman, Finance Director
 Grant Weed, Interim City Attorney, as to form

PURPOSE:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Veterans of Foreign Wars, Post 7392 for marching bands and the use of amplified sound associated with the Veterans Day Parade scheduled for November 10, 2012 on Pioneer Way, starting at SE Midway Boulevard and ending in front of Ace Hardware.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

Terry Lacey of Veterans of Foreign Wars Post 7392 submitted a Noise Permit request for marching bands and amplified sound associated with announcements for the Veterans Day Parade.

The Application was reviewed by Fire, Police, and Public Works Departments.

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for marching bands and amplified sound allowing announcements during the Veterans Day Parade.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: Veterans of Foreign Wars, Post 7392

Location of Event: SE Pioneer Way

Date of Event: November 10, 2012

Hours of Operation: 1:00pm to 3:00pm

Permitted Noise: Amplified sound for announcements
and marching bands

Approval Conditions: None

Date of City Council
Approval: _____

Issued this ___ day of September, 2012.

Renée Recker, Interim Special Events Coordinator

This Noise Permit is limited to the date and time specified.

Please post this notice on site

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: _____

Location of Event: _____

Date of Event: _____

Hours of Operation: _____

Applicant's Name and Address: _____
City: _____

Approved by: _____

Date of City Council Approval: _____

Issued this _____ day of _____, 2012.

This permit is valid for the duration of the event.

All other applicable rules and regulations shall apply.

Please contact the City Clerk for more information.

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

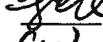
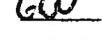
Bill No. C/A 4c

Date: September 4, 2012

Subject: Referral of Change in the Use of
Lodging Taxes to Lodging Tax
Advisory Committee.

FROM: Doug Merriman, Finance Director 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, Interim City Administrator
 Grant Weed, Interim City Attorney, as to form

PURPOSE

This agenda bill refers to the Lodging Tax Advisory Committee, any changes in the use Lodging Taxes (2% Funds) that may be considered by the City. Under RCW 67.28.1817, Council needs to refer any changes to the Lodging Tax Advisory Committee for considering at least 45 prior to taking action on any such changes.

AUTHORITY

RCW 67.28.180 Lodging tax authorized – Conditions: Establishes City authority to levy the “basic” hotel-motel tax of 2%.

RCW 67.28.181 Special excise taxes authorized: Establishes City authority to levy an “additional” hotel-motel tax of 2%.

Under RCW 67.28.1817, any municipality that proposes imposition of a 2% lodging tax, an increase in the rate of an existing lodging tax, repeal of an exemption from a lodging tax, or a change in the use of lodging tax revenue received under shall submit the proposal to the lodging tax advisory committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The Advisory Committee may deliver its comments prior to the 45 day time period. The Advisory Committee shall submit comments on the proposal through generally applicable public comment procedures.

BACKGROUND INFORMATON

Based on this requirement, an action is required to refer to the committee a request to consider topics regarding 2% that include but are not limited to the following subjects:

- 1) To discuss possible changes in funding options, currently designated through a multi-agency interlocal agreement, for the City’s participation in the island wide marketing promotion program.
- 2) To review policy considerations and the funding options for marketing of events within the city limits.
- 3) To discuss and review application procedures for Lodging Tax Grant Program.

City of Oak Harbor City Council Agenda Bill

STANDING COMMITTEE REVIEW:

The Finance Standing Committee discussed this item at its August 8, 2012 meeting.

RECOMMENDED ACTION

1) A motion to refer potential changes in the use of 2% funds to the Lodging Tax Advisory Committee for review and comment.

ATTACHMENTS:

RCW 67.28.1817

MAYOR'S COMMENTS

City of Oak Harbor City Council Agenda Bill

RCW 67.28.1817

Lodging tax advisory committee in large municipalities--Submission of proposal for imposition of or change in tax or use--Comments.

(1) Before proposing imposition of a new tax under this chapter, an increase in the rate of a tax imposed under this chapter, repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter, a municipality with a population of five thousand or more shall establish a lodging tax advisory committee under this section. A lodging tax advisory committee shall consist of at least five members, appointed by the legislative body of the municipality, unless the municipality has a charter providing for a different appointment authority. The committee membership shall include: (a) At least two members who are representatives of businesses required to collect tax under this chapter; and (b) at least two members who are persons involved in activities authorized to be funded by revenue received under this chapter. Persons who are eligible for appointment under (a) of this subsection are not eligible for appointment under (b) of this subsection. Persons who are eligible for appointment under (b) of this subsection are not eligible for appointment under (a) of this subsection. Organizations representing businesses required to collect tax under this chapter, organizations involved in activities authorized to be funded by revenue received under this chapter, and local agencies involved in tourism promotion may submit recommendations for membership on the committee. The number of members who are representatives of businesses required to collect tax under this chapter shall equal the number of members who are involved in activities authorized to be funded by revenue received under this chapter. One member shall be an elected official of the municipality who shall serve as chair of the committee. An advisory committee for a county may include one nonvoting member who is an elected official of a city or town in the county. An advisory committee for a city or town may include one nonvoting member who is an elected official of the county in which the city or town is located. The appointing authority shall review the membership of the advisory committee annually and make changes as appropriate.

(2) Any municipality that proposes imposition of a tax under this chapter, an increase in the rate of a tax imposed under this chapter, repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter shall submit the proposal to the lodging tax advisory committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the fund created under RCW 67.28.1815. Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the municipality from acting on the proposal. A municipality is not required to submit an amended proposal to an advisory committee under this section.

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

Bill No.

C/A 4d

Date:

9-4-2012

Subject:

Approval of Accounts Payable
Vouchers

FROM: Doug Merriman, Finance Director 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, Interim City Administrator
 Grant Weed, Interim City Attorney

SUMMARY

Oak Harbor Municipal Code Chapter 3.72 establishes procedures for claims (vouchers) payment. The documentation that regularly supports the signature cover sheets is included in this agenda packet. Claim cover sheets will continue to be on hand prior to the City Council meeting for City Council signatures.

AUTHORITY

Oak Harbor Municipal Code Chapter 3.72.

RECOMMENDED ACTION

Approve accounts payable vouchers.

vchlist
08/15/2012 4:00:25PM

Voucher List
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150971	8/2/2012	0006843 CHELAN COUNTY DISTRICT COURT	080212		BAIL/WARRANT#CHS2Z0003228	1,000.00
					Total :	1,000.00
150972	8/6/2012	0000066 AWC EMPLOYEES BENEFITS TRUST	073112		PREMIUMS	44.67
					Total :	44.67
150973	8/8/2012	0000860 STANDARD INSURANCE COMPANY	073112		LONG TERM DISABILITY	4,192.69
					Total :	4,192.69
150974	8/15/2012	0006845 48 NORTH	31887		AUG 2012/ADVERTISING	228.00
					Total :	228.00
150975	8/15/2012	0006846 AKAHOSHI, KAREN	1		TRAVEL REFUND	29.00
					Total :	29.00
150976	8/15/2012	0000424 ALL BATTERY SALES AND SERVICE	453049		BATTERIES	234.68
					Total :	234.68
150977	8/15/2012	0000028 ALL ISLAND LOCK & KEY	45089		DOOR LOCK REPAIR	97.83
					Total :	97.83
150978	8/15/2012	0000029 ALL PHASE ELECTRIC SUPPLY	0952-618579		LKG RCPT	207.50
					Total :	207.50
150979	8/15/2012	0000036 AMERICAN PUBLIC WORKS	2012616		REGISTRATION/STOWELL	425.00
					Total :	425.00
150980	8/15/2012	0000042 ANACORTES, CITY OF	900-9080-00 901-9080-01 901-9080-02		APR 2012WATER PURCHASED APR 2012WATER PURCHASED APR 2012WATER PURCHASED	72,716.58 130.04 8,479.72
					Total :	81,326.34
150981	8/15/2012	0005001 ARAMARK	516793000		JUL 2012/UNIFORM SERVICES	1,789.49
					Total :	1,789.49
150982	8/15/2012	0000053 ARROW PEST CONTROL, INC	142235		PEST CONTROL	108.70



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08/15/2012 4:00:25PM

Voucher List
City of Oak Harbor

Page: 2

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150982	8/15/2012	0000053	0000053 ARROW PEST CONTROL, INC		(Continued)	Total : 108.70
150983	8/15/2012	0004019	ASSOCIATED PETROLEUM PRODUCTS 0331417-IN		FUEL	Total : 4,818.08
150984	8/15/2012	0000078	BARNETT IMPLEMENT COMPANY		ROLLER/BRG FERR	Total : 923.55
150985	8/15/2012	0004733	BARRON HEATING & AIR COND, INC		RESPONSE SERVICE	Total : 293.49
150986	8/15/2012	0000083	BAZA, ALVIN		WELLNESS INCENTIVE	Total : 20.00
150987	8/15/2012	0000103	BLADE CHEVROLET, INC		FILTER CAP JUL 2012/VEHICLE RENTAL	Total : 717.13
150988	8/15/2012	0004631	BLAKE, KAY		TRAVEL REFUND TRAVEL REFUND	Total : 30.00
150989	8/15/2012	0000109	BLUMENTHAL UNIFORMS		VEST/ESPIRITU HOLSTER/BAILEY COLLARS	Total : 834.00
150990	8/15/2012	0002551	BOS, BRYON		EXP REIMB	Total : 61.00
150991	8/15/2012	0003097	BOYER, TALLIE		WELLNESS INCENTIVE	Total : 20.00
150992	8/15/2012	0002943	BRAUNSTEIN, ANGELA		EXP REIMB	Total : 48.68
150993	8/15/2012	0001074	BRAUNSTEIN, BRIAN		WELLNESS INCENTIVE	Total : 20.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150993	8/15/2012	0001074 0001074 BRAUNSTEIN, BRIAN	(Continued)			Total : 20.00
150994	8/15/2012	0006115 BRIGHT, RUSSELL	4842		MOORAGE REFUND	Total : 216.50
150995	8/15/2012	0000137 BRIM TRACTOR COMPANY	IM58742 IM59158		FILLER PUMP	Total : 216.50 75.71 510.68 586.39
150996	8/15/2012	0006847 BUEHLER, JANICE	1		TRAVEL REFUND	Total : 20.00
150997	8/15/2012	0000160 CENTRAL WELDING SUPPLY	RN07120993		CENTRASHIELD	Total : 20.00
150998	8/15/2012	0006076 CODE 4 PUBLIC SAFETY EDUCATION	10805		REGISTRATION/CARTER	Total : 12.17
150999	8/15/2012	0000188 CODE PUBLISHING COMPANY	41338		MUNICIPAL CODE UPDATES	Total : 99.00
151000	8/15/2012	0001433 COLE, DONNA	1		TRAVEL REFUND	Total : 938.42
151001	8/15/2012	0005773 COMCAST	8498300270032028		XFINITY	Total : 29.00
151002	8/15/2012	0000197 CONCRETE NORWEST	816710 818956 819887		CONCRETE CONCRETE CRUSHED ROCK	Total : 29.00 8.04 8.04
151003	8/15/2012	0001559 CONTROL CONTRACTORS SERVICE	SR11026*01A		AC REPLACEMENT	Total : 374.47
151004	8/15/2012	0003065 COVENANT JANITORIAL	1335697		JUL 2012/JANITORIAL SERVICES	Total : 273.38
						Total : 81.53
						Total : 729.38
						Total : 689.60
						Total : 689.60
						Total : 3,465.40
						Total : 3,465.40

vchlist
08/15/2012 4:00:25PM

Voucher List
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151005	8/15/2012	0000211 CREDIT BUREAU OF ISLAND COUNTY	080712		COLLECTION FEE/ROTH	249.73
					Total :	249.73
151006	8/15/2012	0000222 CUSTOM ENGRAVING	12-884		RETIREMENT PLAQUE/NAME TAG	65.22
					Total :	65.22
151007	8/15/2012	0004032 DARQUEST INDUSTRIES, CORP	4700		CONVEYOR BELT	289.44
					Total :	289.44
151008	8/15/2012	0004084 DFAS CLEVELAND	20120731T060		JUL 2012/ANIMAL SHELTER	253.52
					Total :	253.52
151009	8/15/2012	0000247 DIAMOND RENTALS	1165		PUMP ASSEMBLY	497.30
			500608-7		PORTABLES	49.95
			500612-7		PORTABLES	49.95
			500613-7		PORTABLES	99.90
			500619-7		PORTABLES	85.00
			500627-7		PORTABLES	49.95
			501366-5		PORTABLES	170.00
			501576-4		PORTABLES	49.95
			501579-4		PORTABLES	49.95
			501582-4		PORTABLES	85.00
			502653-2		PORTABLES	49.95
			502855		PORTABLES	49.95
			502855-3		PORTABLES	49.95
			504121		CAN PUMPING	175.45
			504122		CAN PUMPING	239.25
			504133		BLADE	295.20
			504226		CAN PUMPING	63.80
					Total :	2,110.50
151010	8/15/2012	0000253 DIVERSINT	97613		UPGRADES	1,965.62
					Total :	1,965.62
151011	8/15/2012	0000175 DUNN-TERRY, ROXANN			EXP REIMB	531.00
					EXP REIMB	3,000.00
					Total :	3,531.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151012	8/15/2012	0000267 DUTCH MAID CLEANERS	1009		CLEANING SERVICES	6.52
					Total :	6.52
151013	8/15/2012	0000967 ECOLOGY, WASHINGTON STATE DEPT 2013-WA0020567			WASTEWATER PERMIT	10,299.96
					Total :	10,299.96
151014	8/15/2012	0002302 ECONOMY FENCE CENTER	13201		LATCH/BRACE BANDS	6.44
					Total :	6.44
151015	8/15/2012	0000273 EDGE ANALYTICAL, INC	12-13607		TESTING SERVICES	260.00
					Total :	260.00
151016	8/15/2012	0000283 ENTENMANN-ROVIN COMPANY	0082491-IN		TOOLING/BADGE	224.36
					Total :	224.36
151017	8/15/2012	0001666 ENVIRO-CLEAN EQUIPMENT	3694816		PUMP	731.42
					Total :	731.42
151018	8/15/2012	0005826 ESPARZA, NIKKI	080312		JUL 2012/PROF SVC	7,500.00
					Total :	7,500.00
151019	8/15/2012	0005086 EZINE INDUSTRIES, INC	812258		JUL 2012/COMMUNITY ALERT NET	9.75
					Total :	9.75
151020	8/15/2012	0002900 FASTENAL			BLADE	-145.64
					WAOAK11290C	
					WAOAK11451	110.91
					WAOAK11797	123.91
					WAOAK11857	7.97
					WAOAK11958	0.72
					WAOAK12003	52.35
					WAOAK12103	26.01
					WAOAK12225	5.96
					WAOAK12230	24.09
					WAOAK8422	-195.64
					Total :	10.64
151021	8/15/2012	0000309 FERGUSON, LARRY	080812		WELLNESS INCENTIVE	20.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151021	8/15/2012	0000309 FERGUSON, LARRY	(Continued)			20.00
151022	8/15/2012	0006836 FINDLEY, JACKIE	1		TRAVEL REFUND	35.00
					Total :	35.00
151023	8/15/2012	0000954 FIRE CHIEFS, WASHINGTON STATE AS	09-5107		REGISTRATION/RILEY	500.00
					Total :	500.00
151024	8/15/2012	0006850 FIXED ASSET CONSULTING, LLC	000118		FIXED ASSETS TRACK PACK	7,649.95
					Total :	7,649.95
151025	8/15/2012	0000355 FRONTIER			CURRENT PHONE CHARGES	60.04
					CURRENT PHONE CHARGES	59.74
					CURRENT PHONE CHARGES	41.28
					CURRENT PHONE CHARGES	59.87
					CURRENT PHONE CHARGES	55.65
					Total :	276.58
151026	8/15/2012	0000326 FRONTIER BUILDING SUPPLY	66586		GREEN DOUGLAS FIR	211.14
					Total :	211.14
151027	8/15/2012	0000336 GERALDS JEWELRY	001-93743		BADGE	10.87
					Total :	10.87
151028	8/15/2012	0000340 GIFFORD, KATHY	080812		WELLNESS INCENTIVE	20.00
					Total :	20.00
151029	8/15/2012	0002072 GILES, JOYCE	1		TRAVEL REFUND	10.00
					Total :	10.00
151030	8/15/2012	0000345 GREATER OAK HBR CHAMBER OF COM	030121		AUG 2012/TOURIST PROMOTION	6,667.00
					Total :	6,667.00
151031	8/15/2012	0006848 HAMPTON, BARBARA	1		TRAVEL REFUND	20.00
					Total :	20.00
151032	8/15/2012	0004408 HANNAN, ERIC	EXP REIMB		EXP REIMB	61.00

Bank code :	bank								
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
151032	8/15/2012	0004408 HANNAN, ERIC	(Continued)			61.00			
151033	8/15/2012	0000323 HD FOWLER COMPANY	13187725		SEWER PIPE/LUBE	594.87			
					Total :	594.87			
151034	8/15/2012	0000694 HD SUPPLY WATERWORKS	5163281		BREAKAWAY	395.90			
					Total :	395.90			
151035	8/15/2012	0001222 HODGES, MARY JO	1		TRAVEL REFUND	20.00			
					Total :	20.00			
151036	8/15/2012	0003095 HOME DEPOT CREDIT SERVICES	2031770		BRUSH/KLZTOT1PRMQT	13.54			
			3029904		COMPACT FRIG	183.70			
			3029946		WALLPLATE	0.87			
			3031353		ROUNDUP	81.50			
			4029535		BALLAST	27.91			
			4029549		SILTF/18MMOAK	84.76			
			4029680		SOCKETS	12.92			
			4044239		SPRINGS	43.21			
			5029198		TANK/8OZ TSL	166.26			
			5029373		SHEETING/LIQ NAIL	57.49			
			6021035		CHNL ENDCAP/OUTLET	21.38			
			6021767		1/2PPCLMPSTRS	6.19			
			6021886		ARMOR/LUMBER	93.18			
			7020671		DRAIN TAPE/DRAIN	13.87			
			7030522		SAND/SAKRETE/HOSE REPAIR/RMD	59.18			
			7044654		EMT/INCTBNDR/CNDFTG&RMS/CO	128.84			
			7590802		MG LFALEDS/WAND	33.60			
			8024249		FOLDING TABLE	43.47			
			8024251		ANSH/SAKRETE	216.64			
			8030321		FLT BF/FILES	20.52			
			9023929		RUP PITBXT	29.28			
			9023931		UPRIGHT/SHELVES/SCREWS/BRA	70.23			
			9030143		SIGNS	30.36			
			9035062		BALLAST	27.91			
					Total :	1,466.81			

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151037	8/15/2012	0005250 HONEYMOON BAY COFFEE ROASTER	542881		COFFEE SUPPLIES	154.44
					Total :	154.44
151038	8/15/2012	0006520 HOPKINS, CAMERON	080812		WELLNESS INCENTIVE	20.00
					Total :	20.00
151039	8/15/2012	0000627 HSBC BUSINESS SOLUTIONS	130703125211 189679415211		SUPPLIES SUPPLIES	401.67 523.28
					Total :	924.95
151040	8/15/2012	0000392 HUBBARD, SCOTT	080812		WELLNESS INCENTIVE	20.00
					Total :	20.00
151041	8/15/2012	0000394 HUMAN RESOURCE SERVICES	072412		AUG 2012/UNEMPLOYMENT SERVI	110.00
					Total :	110.00
151042	8/15/2012	0005872 IMPAIRED DRIVING IMPACT PANEL	080112		DU/UNDERAGE DRINKING PREVEI	200.00
					Total :	200.00
151043	8/15/2012	0001207 IN THE SWIM	001382119		TABS	246.93
					Total :	246.93
151044	8/15/2012	0000417 INDUSTRIAL BOLT & SUPPLY	514417-1 515141-1		WING NUTS TEES/NUTS/O-RINGS/CLIPS	97.40 142.53
					Total :	239.93
151045	8/15/2012	0000410 ISLAND COUNTY SOLID WASTE	073112		JUL 2012/TIPPING FEES	68,837.86
					Total :	68,837.86
151046	8/15/2012	0000415 ISLAND DISPOSAL	080112 080312		JUL 2012/RECYCLING SERVICES JUL 2012/DISPOSAL CHARGES	4,473.45 15,224.77
					Total :	19,698.22
151047	8/15/2012	0000441 ISLAND SYSTEMS	158425 158813		WATER/MARINA WATER/MARINA	17.70 17.70
					Total :	35.40
151048	8/15/2012	0000447 JAMESON, KEITH	080812		WELLNESS INCENTIVE	20.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151048	8/15/2012	0000447 JAMESON, KEITH	(Continued)			20.00
151049	8/15/2012	0006852 JORNALES, JOANNE	081312		KEY DEPOSIT REFUND	5.00
					Total :	5.00
151050	8/15/2012	0006163 KESSLER, JAMES			TRAVEL REFUND	35.00
					Total :	35.00
151051	8/15/2012	0005628 KESSLER, ROSE			TRAVEL REFUND	10.00
					TRAVEL REFUND	40.00
					Total :	50.00
151052	8/15/2012	0001801 KING, EILEEN	080312		KEY DEPOSIT REFUND	5.00
					Total :	5.00
151053	8/15/2012	0000494 LAKESIDE INDUSTRIES			ASPHALT	133.21
					ASPHALT	127.35
					ASPHALT	273.13
					ASPHALT	579.02
					Total :	1,112.71
151054	8/15/2012	0006844 LAWLER, CHERYL			EXP REIMB	10.50
					Total :	10.50
151055	8/15/2012	0000979 LES SCHWAB	41400011679		THRUST ANGLE	61.14
					Total :	61.14
151056	8/15/2012	0004502 LEXISNEXIS RISK DATA MANAGE	1404645-20120731		JUL 2012MINIMUM COMMITMENT	54.35
					Total :	54.35
151057	8/15/2012	0000950 LICENSING, WASHINGTON STATE DEP	080112		CONCEALED WEAPON PERMITS	504.00
					Total :	504.00
151058	8/15/2012	0003460 LISZAK, ANN			TRAVEL REFUND	20.00
					Total :	20.00
151059	8/15/2012	0001909 LONG, JAY			DRIVING SERVICES	135.00
					Total :	135.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151059	8/15/2012	0001909 0001909 LONG, JAY	(Continued)			Total : 135.00
151060	8/15/2012	0002448 LOPER, MARGARET B	1		TRAVEL REFUND	Total : 10.00
151061	8/15/2012	0000522 LUEHR, TOM	1		DRIVING SERVICES	Total : 108.00
151062	8/15/2012	0000530 MAILLIARD'S LANDING NURSERY	60372		YARD WASTE	Total : 108.00
			60786		COMPOST	100.45
			61011		YARD WASTE	336.75
			61055		YARD WASTE	172.55
			61117		YARD WASTE	151.20
			61178		YARD WASTE	296.10
			61344		YARD WASTE	357.70
			61391		YARD WASTE	186.20
			61457		YARD WASTE	172.20
			61513		YARD WASTE	190.05
			61538		YARD WASTE	215.60
			61667		YARD WASTE	244.65
			61728		YARD WASTE	10.00
			61804		YARD WASTE	5.00
			61808		YARD WASTE	490.00
			61924		YARD WASTE	595.00
			61951		YARD WASTE	126.35
			61995		YARD WASTE	105.70
			62017		YARD WASTE	185.50
			62038		YARD WASTE	5.00
			62102		YARD WASTE	171.15
			62247		YARD WASTE	225.75
			62274		YARD WASTE	179.20
						Total : 153.65
151063	8/15/2012	0000660 MARKET PLACE FOOD & DRUG	682949		GROCERIES	Total : 337.06
			682972		GROCERIES	442.21
						Total : 779.27

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151064	8/15/2012	0000362 MARSH-MCBIRNEY - HACH COMPANY	7870631		TEST STRIPS/REAGENT	143.81
					Total :	143.81
151065	8/15/2012	0006072 MASTERS TOUCH, LLC	P25863 P25864		JUL 2012/POSTAGE FOR LATE NOT JUL 2012/POSTAGE FOR STATEMEI	393.56 2,616.61
					Total :	3,010.17
151066	8/15/2012	0006072 MASTERS TOUCH, LLC	25863 25864		JUL 2012/MAILING SERVICES FOR JUL 2012/MAILING SERVICES FOR	249.14 1,485.43
					Total :	1,734.57
151067	8/15/2012	0006299 MEYER, CAROL	1		TRAVEL REFUND	60.00
					Total :	60.00
151068	8/15/2012	0000587 MOTOR TRUCKS, INC	MV24720 MV24745 MV24791		PUMP HOSE HOSE	235.70 7.76 39.57
					Total :	283.03
151069	8/15/2012	0000586 MOTOROLA SOLUTIONS, INC	13909714		MOBILES	13,855.89
					Total :	13,855.89
151070	8/15/2012	0000601 NATIONAL FIRE PROTECTION	5582000X		SUBSCRIPTION RENEWAL	950.00
					Total :	950.00
151071	8/15/2012	0000608 NC MACHINERY COMPANY	MVCS0216028		LAMP	126.23
					Total :	126.23
151072	8/15/2012	0000618 NEXTEL COMMUNICATIONS	343702312-128		CURRENT COMM CHARGES	4,149.21
					Total :	4,149.21
151073	8/15/2012	0000621 NIIRO, CEDRIC	080812		WELLNESS INCENTIVE	20.00
					Total :	20.00
151074	8/15/2012	0001921 NORTHRUP GRUMMAN, INC	21508		SOFTWARE UPGRADE	1,733.77
					Total :	1,733.77
151075	8/15/2012	0005669 NORTHWEST HOT SPRING SPAS	201984-1		PUMP AQUATRON BSKT	10.59

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151075	8/15/2012	0005669	0005669 NORTHWEST HOT SPRING SPAS (Continued)			10.59
151076	8/15/2012	0006486	NORTHWEST LININGS & GEOTEXTILE 0044024-IN		DURASKRIM	924.20
					Total :	924.20
151077	8/15/2012	0000649	NORTHWEST PLAYGROUND EQUIPME 34619		RUSTOM BARRIER	562.32
					Total :	562.32
151078	8/15/2012	0001430	NORTON, BERNIECE	1	TRAVEL REFUND	29.00
					Total :	29.00
151079	8/15/2012	0000672	OAK HARBOR ACE		BODY CONDUIT/NIPPLE	10.96
					LOPPER	36.95
					PRUNER/SHEARS	29.32
					HAND SANITIZER	17.36
					RSTP	74.96
					BOLTS/WASHERS/SOCKET/INSERT	6.88
					RSTP	4.88
					TORCH TRIGGER	29.34
					SPRYKRYLON/RIVET	33.10
					SPRAYPAINT	30.36
					NIPPLES/ELBOWS	19.96
					NUMBERS/MARKERS/WIRE/SPRAY	19.81
					ELECTRICAL SUPPLIES	8.67
					SOIL	8.67
					WHEELS	13.00
					KEY/CORD/MARKERS	13.61
					Total :	357.83
151080	8/15/2012	0000668	OAK HARBOR AUTO CENTER		FILTERS	16.75
					ANTIFREEZE	61.96
					SEALANT	17.58
					FILTERS	43.62
					ANTIFREEZE	62.92
					ANTIFREEZE	251.67
					ANTIFREEZE	63.59
					ANTIFREEZE	63.59

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151080	8/15/2012	0000668 OAK HARBOR AUTO CENTER	(Continued) 001-139554 001-139555 001-139880 001-139890		FILTERS FILTERS BATTERY BOX FILTERS	76.97 13.40 13.08 142.40 827.53
151081	8/15/2012	0006743 OAK HARBOR ELKS LODGE	757041		BEVERAGE STATIONS	Total : 50.00 50.00
151082	8/15/2012	0000669 OAK HARBOR FIRE DEPARTMENT	071112		PETTY CASH	Total : 74.62 74.62
151083	8/15/2012	0003007 OFFICE DEPOT	617810581001		TONER	Total : 228.81 228.81
151084	8/15/2012	0001286 OFFICE OF THE CODE REVISOR	080612		WASHINGTON LEGISLATIVE SESSI	Total : 34.78 34.78
151085	8/15/2012	0005867 PACIFIC POWER BATTERIES	16064241		BATTERIES	Total : 217.88 217.88
151086	8/15/2012	0002985 PACIFIC TIRE CO. INC	0058919		TIRES	Total : 47.61 47.61
151087	8/15/2012	0001431 PORTER, OLIVE	1		TRAVEL REFUND	Total : 29.00 29.00
151088	8/15/2012	0004622 POWERS, LISA	080812		WELLNESS INCENTIVE	Total : 20.00 20.00
151089	8/15/2012	0000743 PUGET SOUND ENERGY	0682202007 1306445121 6240913613 6847901524		ELECTRICITY/SW ERIE ST SW BAR ELECTRICITY/CITY BEACH PARK ELECTRICITY/2075 SW FT NUGENT ELECTRICITY/PARKS	158.21 138.19 375.76 57.31 729.47
151090	8/15/2012	0000960 REVENUE, WASHINGTON STATE DEPT	081012		JUL 2012/SALES/USE TAX	Total : 43,824.47 43,824.47

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : bank						
151090	8/15/2012	0000960	0000960 REVENUE, WASHINGTON STATE C (Continued)			43,824.47
151091	8/15/2012	0002508	RINEY PRODUCTION SERVICES	10-850	PRODUCTION SERVICES	2,009.16
					Total :	2,009.16
151092	8/15/2012	0004816	ROODZANT, LONA	1	TRAVEL REFUND	113.00
					Total :	113.00
151093	8/15/2012	0000789	SCHAEFER SYSTEMS INTERNATIONAL WARARA141589 WARARA141616		ROLL CARTS ROLL CART	41,110.01 27,319.57
					Total :	68,429.58
151094	8/15/2012	0006455	SCHNEIDER, BRIAN		EXP REIMB	50.00
					Total :	50.00
151095	8/15/2012	0000799	SCOTTIES PLUMBING AND REPAIR	34693	KIT INSTALLATION	439.96
					Total :	439.96
151096	8/15/2012	0005967	SEATTLE AUTOMOTIVE DIST	06-781176	MOTOR	46.71
					Total :	46.71
151097	8/15/2012	0005274	SEATTLE OPERA	080812	TICKETS	1,180.00
					Total :	1,180.00
151098	8/15/2012	0001708	SELVETT, VERNYCE	1	TRAVEL REFUND	20.00
					Total :	20.00
151099	8/15/2012	0002358	SERVICEMASTER OF THE ISLAND	8480	AUG 2012/JANITORIAL SERVICE	775.00
					Total :	775.00
151100	8/15/2012	0000719	SEVERNS, RHONDA	080812	WELLNESS INCENTIVE	20.00
					Total :	20.00
151101	8/15/2012	0000822	SHRED-IT WEST WASHINGTON	101203216 101231364	SHREDDING SHREDDING	49.50 58.00
					Total :	107.50
151102	8/15/2012	0000831	SIX ROBBLEES, INC	14-254590	DES CART	93.95

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151102	8/15/2012	0000831 SIX ROBBLEES, INC	(Continued) 14-254597		BRACKET KIT	36.13
					Total :	130.08
151103	8/15/2012	0000814 SKAGIT FARMERS SUPPLY	309043 310030 310587		FENCE POSTS/SALT FENCE POSTS PROPANE/CROSSBOW/ROUNDUP	22.81 21.73 281.86
					Total :	326.40
151104	8/15/2012	0000853 SKAGIT RIVER STEEL & RECYCLING	23002		PLATE	143.53
					Total :	143.53
151105	8/15/2012	0000851 SPRINT	140239187 144603707		LONG DISTANCE LONG DISTANCE	8.84 13.81
					Total :	22.65
151106	8/15/2012	0003883 STAPLES BUSINESS ADVANTAGE	3178607356 3178607360 3179008607		PENS/BATTERIES/FILES SPLS FOLDERS/PACKING TAPENOTES	29.63 267.60 46.07
					Total :	343.30
151107	8/15/2012	0005786 STOWES SHOES & CLOTHING	0008231		BOOTS/ROBBINS	150.00
					Total :	150.00
151108	8/15/2012	0003749 STUMP, PATRICK L	1 1		DRIVING SERVICES DRIVING SERVICES	108.00 126.00
					Total :	234.00
151109	8/15/2012	0000874 SURETY PEST CONTROL	330506 330507 330508 330509 330510 330511		PEST EXTERMINATION PEST EXTERMINATION PEST EXTERMINATION PEST EXTERMINATION PEST EXTERMINATION PEST EXTERMINATION	32.61 43.48 30.44 30.44 43.48 38.05
					Total :	218.50
151110	8/15/2012	0000897 TMG SERVICES, INC	0033405-IN		ELECTRODE SERVICE	1,230.13
					Total :	1,230.13

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151110	8/15/2012	0000897	0000897 TMG SERVICES, INC		(Continued)	1,230.13
151111	8/15/2012	0004633	TRAFFIC COUNT CONSULTANTS, INC	0219	TRAFFIC COUNTING SERVICES	200.00
					Total :	200.00
151112	8/15/2012	0000918	UNITED FIRE SERVICE	28661	SCREEN INTAKE	76.07
					Total :	76.07
151113	8/15/2012	0000923	UNITED PARCEL SERVICE	0000A0182W302	SHIPPING	13.09
					Total :	13.09
151114	8/15/2012	0000922	UNUM LIFE INSURANCE COMPANY	071812	LONG TERM CARE	141.00
					Total :	141.00
151115	8/15/2012	0004903	US BANK	4485590001557665	CREDIT CARD PURCHASES	449.05
					Total :	449.05
151116	8/15/2012	0006851	US MOWER	204470	MOWER GATE	189.35
					Total :	189.35
151117	8/15/2012	0000934	UTILITIES UNDERGROUND LOCATION	2070160	JUL 2012/LOCATES	102.95
					Total :	102.95
151118	8/15/2012	0005514	WAGNER, SUE	1	TRAVEL REFUND	29.00
					Total :	29.00
151119	8/15/2012	0000969	WASHINGTON STATE FERRIES	*RK186159	ANNUAL MAINTENANCE FEE	50.00
					Total :	50.00
151120	8/15/2012	0001052	WASHINGTON STATE PATROL	I13000424 I13000700	BACKGROUND CHECKS BACKGROUND CHECKS	10.00 709.50
					Total :	719.50
151121	8/15/2012	0002591	WELLIVER PLUMBING & ELECTRIC	466665	CLOCK TIMER FOR EXTERIOR LIGI	359.26
					Total :	359.26
151122	8/15/2012	0001039	WESTERN PETERBILT, INC	S762512	VALVE	176.94
					Total :	176.94

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151123	8/15/2012	0003067 WHIDBEY ANIMALS IMPROVEMENT	1176		JUL 2012/ANIMAL SHELTER	7,083.33
					Total :	7,083.33
151124	8/15/2012	0001000 WHIDBEY AUTO PARTS, INC.	147863		CONCENTRATE	88.10
					Total :	88.10
151125	8/15/2012	0000675 WHIDBEY COMMUNITY PHYSICIANS	644048		PHYSICAL/HOLMAN	210.00
			644612		PHYSICAL/BAZA	210.00
					Total :	420.00
151126	8/15/2012	0001005 WHIDBEY GENERAL HOSPITAL	1216800073		INMATE SERVICES	1,016.60
					Total :	1,016.60
151127	8/15/2012	0006151 WHIDBEY MARKETPLACE & NEWS,LLC	5906		ADVERTISING	395.00
					Total :	395.00
151128	8/15/2012	0001010 WHIDBEY TELECOM	3463488		CURRENT NET SERVICES	41.45
					Total :	41.45
151129	8/15/2012	0001019 WILBUR-ELLIS COMPANY	6532099		SPEED ZONE BROADLEAF	1,265.94
					Total :	1,265.94
151130	8/15/2012	0002579 WIZARD ENTERPRISES, INC	A-54017		PORTABLES	1,215.40
					Total :	1,215.40
151131	8/15/2012	0003634 WS SIGN DESIGN CORP	11323		SIGNS	8,862.24
					Total :	8,862.24
151132	8/15/2012	0006849 YATES, JACK	1929		MOORAGE REFUND	221.48
					Total :	221.48
151133	8/15/2012	0001068 ZUMAR INDUSTRIES, INC	0156773		STENCILS	252.99
					Total :	252.99
					Bank total :	421,397.86
					Total vouchers :	421,397.86

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163 Vouchers in this report

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151134	8/29/2012	0000033 ALPINE PRODUCTS, INC	TM-126383		MARKERS	288.00
					Total :	288.00
151135	8/29/2012	0000034 AMERICAN PLANNING ASSOCIATION	087067-1256		ZONING PRACTICE	95.00
					Total :	95.00
151136	8/29/2012	0000712 AMERIGAS			PROPANE/MARINA	223.04
					PROPANE/MARINA	135.30
					Total :	358.34
151137	8/29/2012	0002044 ANACORTES.NET/HOW IT WORKS			AUG 2012WEB HOSTING	75.00
					WEB HOSTING	15.95
					Total :	90.95
151138	8/29/2012	0004019 ASSOCIATED PETROLEUM PRODUCTS	0331229-IN		FUEL	30,444.97
					FUEL	28,530.37
					FUEL	3,665.51
					Total :	62,630.85
151139	8/29/2012	0000065 AVOCET ENVIRONMENTAL TESTING	1202575-IN		TESTING SERVICES	110.00
					Total :	110.00
151140	8/29/2012	0000091 BENS CLEANER SALES, INC	228019		CHEMICAL INJECTOR/PLUG/SOCKI	496.05
					Total :	496.05
151141	8/29/2012	0006857 BUDGET TOWING AND REPAIR	50884		TOWING	568.05
					Total :	568.05
151142	8/29/2012	0002644 C JOHNSON CONSTRUCTION, INC	3		PROF SVC/GUN CLUB ROAD WATE	252,436.03
					Total :	252,436.03
151143	8/29/2012	0006215 CAROLLO			PROF SVC/PRELIMINARY ENGINEE	13,304.54
					PROF SVC/PRELIMINARY ENGINEE	41,292.09
					Total :	54,596.63
151144	8/29/2012	0000153 CASCADE COLUMBIA DISTRIBUTION	575473		SODIUM FLUORIDE	2,201.18

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151144	8/29/2012	0000153	0000153 CASCADE COLUMBIA DISTRIBUTIC (Continued)			2,201.18
151145	8/29/2012	0000160	CENTRAL WELDING SUPPLY		CENTRASHIELD/OXYGEN	369.40
			14214		ACETYLENE	89.75
			632297		Total :	459.15
151146	8/29/2012	0000173	CINTAS CORPORATION #460		MATS/TOWELS	67.59
			460466242		Total :	67.59
151147	8/29/2012	0005773	COMCAST		XFINITY TV	8.04
			8498300270032028		Total :	8.04
151148	8/29/2012	0000197	CONCRETE NORTHWEST		SCREENINGS	364.47
			821595		DUMP FEE	13.59
			821602		PIT RUN	103.27
			821896		SCREENINGS	163.61
			822363		SCREENINGS	1,093.19
			822709		DUMP TRUCK RENTAL	1,847.90
			822721		SCREENINGS	1,181.42
			823054		DUMP TRUCK RENTAL	1,956.60
			823064		SCREENINGS	683.18
			823345		DUMP TRUCK RENTAL	1,195.70
			823354		SCREENINGS	353.23
			823506		SOIL/RENTAL	1,797.90
			823514		Total :	10,754.06
151149	8/29/2012	0005012	CUTTING EDGE TRAINING		REGISTRATION/WILKIE/BAILEY/GA	327.00
			082212		Total :	327.00
151150	8/29/2012	0005416	DIGITAL SAFETY TECHNOLOGIES		TRANSMITTER/RECEIVER/CHARGE	2,255.53
			21215		KITS/CABLE ASSY/DOCKING PORT	6,698.09
			21216		Total :	8,953.62
151151	8/29/2012	0000175	DUNN-TERRY, ROXANN		EXP REIMB	132.00
			EXP REIMB		Total :	132.00
151152	8/29/2012	0000257	DUTCH MAID CLEANERS		AUG 2012/LAUNDRY SERVICES	577.60
			083112			

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151152	8/29/2012	0000257	0000257 DUTCH MAID CLEANERS			577.60
			(Continued)			
151153	8/29/2012	0000967	ECOLOGY, WASHINGTON STATE DEPT 2013-BT0706		BIOSOLIDS PERMIT	1,942.31
					Total :	1,942.31
151154	8/29/2012	0002377	EL DORADO CARTOGRAPHY		ADVERTISING	1,800.00
			E10593-1		Total :	1,800.00
151155	8/29/2012	0006858	ENERSPECT MEDICAL SOLUTIONS		HEARTSTART SMART PADS	204.36
			7319		Total :	204.36
151156	8/29/2012	0000283	ENTENMANN-ROVIN COMPANY		BADGES	181.36
			0082886-IN		Total :	181.36
151157	8/29/2012	0006747	EQUINOX RESEARCH & CONSULTING		PROF SVC/PJT ROAD	195,496.31
			11-413-5		Total :	195,496.31
151158	8/29/2012	0006861	FARRENS, MICHAEL		MOORAGE REFUND	134.52
			5298		Total :	134.52
151159	8/29/2012	0002900	FASTENAL		IC WB FLO PINK	76.09
			WAOAK12251		B&G	30.83
			WAOAK12252		SCOOP	73.18
			WAOAK12306		PROLINE	14.52
					Total :	194.62
151160	8/29/2012	0000956	FINANCE OFFICERS, WASHINGTON AS 11304		REGISTRATION/NITCHER	50.00
					Total :	50.00
151161	8/29/2012	0000322	FOSTER PEPPER PLLC		2012 CIVIL SERVICE CONFERENCE	50.00
			081512		PROF SVC/DOWNTOWN IMPROVE	51.00
			1014296		Total :	101.00
151162	8/29/2012	0000355	FRONTIER		CURRENT PHONE CHARGES	282.32
			007-9244		CURRENT PHONE CHARGES	89.58
			240-0614		CURRENT PHONE CHARGES	68.68
			279-0841		CURRENT PHONE CHARGES	58.76
			675-1572		CURRENT PHONE CHARGES	59.19
			675-2111			

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151162	8/29/2012	0000355 FRONTIER	(Continued) 675-3121 675-6794 679-3541 679-4091 679-5551 679-8702 770-2694 770-2715		CURRENT PHONE CHARGES CURRENT PHONE CHARGES	53.43 54.54 51.78 87.54 183.84 57.28 40.11 31.50
					Total :	1,118.55
151163	8/29/2012	0001706 GARDNER, PAT	EXP REIMB EXP REIMB EXP REIMB		EXP REIMB EXP REIMB EXP REIMB	128.26 1,410.86 150.00
					Total :	1,689.12
151164	8/29/2012	0006854 GEARIETY LAW OFFICE, PLLC	382-12		PROF SVC/HUMAN RESOURCES LI	5,000.00
					Total :	5,000.00
151165	8/29/2012	0000349 GRAINGER	9899545223 9900270274 9904532752 9904532760		BANDCLAMP PADS V-BELTS BALL BEARING	75.44 117.94 33.97 53.37
					Total :	280.72
151166	8/29/2012	0002747 GUARDIAN SECURITY	1395077 1399846		ALARM MONITORING ALARM MONITORING	1,284.00 1,250.05
					Total :	2,534.05
151167	8/29/2012	0005008 HAMMER, RENEE	TRAVEL REIMB		TRAVEL REIMB	39.00
					Total :	39.00
151168	8/29/2012	0003095 HOME DEPOT CREDIT SERVICES	1034847 2031956 4033974 4034037 5027463		BOLTMWD-40 BENDSWASHERS 12V 5MAH/SCOOPPLY DOORSTOPS PAINT/SIMPLE GREEN	14.30 10.49 56.47 9.16 62.97

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151168	8/29/2012	0003095 HOME DEPOT CREDIT SERVICES	(Continued) 5027467 5031187 5036383 7023801 7026844 7035787 8571750 9032698 9168758		PUSH BROOM CONDUTITS/CONNECTORS 27X48VINYLWH TIMER RKTAPCLNGAL/SIMPLE GREEN/BR DRILL/RPKBAT AEROSOL AXT/PERFT SET/BOTTLE STAPLES/PWLKSPIKES ANNUAL/S/GRASS/COLEUS	21.72 62.67 13.27 21.74 87.81 302.20 64.33 34.47 48.63 810.23
151169	8/29/2012	0006047 HORIZON	3M069744		CLUTCH KIT	399.84
151170	8/29/2012	0000417 INDUSTRIAL BOLT & SUPPLY	516329-1		PINS/NIPPLES/DRILL/CONNECTOR	71.52
151171	8/29/2012	0001469 INTERNATIONAL CODE COUNCIL	INV0167913		FIRE INSPECTOR GUIDE/SINGLE/S	615.80
151172	8/29/2012	0000415 ISLAND DISPOSAL	2939145		RECYCLING	91.14
151173	8/29/2012	0000454 JET CITY EQUIPMENT RENTAL	RR07913 RR07914 RR07919		RENTAL EXCAVATOR RENTAL EXCAVATOR RENTAL	108.70 2,581.63 273.52
151174	8/29/2012	0002828 KAR MART	082312		VEHICLE PURCHASE	26,684.49
151175	8/29/2012	0005033 KAY PARK-REC CORP	00168250		FRAME	937.00
151176	8/29/2012	0006362 KBA, INC	3000702		PROF SVC/GUN CLUB ROAD WATE	5,491.17
					Total :	5,491.17

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151177	8/29/2012	0000476 KERR, JACK	08-12		AUG 2012/PUBLIC DEFENSE SCORE	1,400.00
					Total :	1,400.00
151178	8/29/2012	0005628 KESSLER, ROSE	1		TRAVEL REFUND	10.00
					Total :	10.00
151179	8/29/2012	0000494 LAKESIDE INDUSTRIES			ASPHALT	310.47
					Total :	310.47
151180	8/29/2012	0005959 LANGABEER & TULL, PS			PROF SVC/NAVY PIPELINE	1,415.25
					Total :	1,415.25
151181	8/29/2012	0005814 LIBERTY MUTUAL			NOTARY BOND/SAMPSON	100.00
					Total :	100.00
151182	8/29/2012	0000950 LICENSING, WASHINGTON STATE DEP	082312		CONCEALED WEAPON PERMITS	489.00
					Total :	489.00
151183	8/29/2012	0000950 LICENSING, WASHINGTON STATE DEP	0045019		NOTARY BOND/SAMPSON	30.00
					Total :	30.00
151184	8/29/2012	0000221 LN CURTIS & SONS			FLOW ADAPTER	20.95
					Total :	20.95
151185	8/29/2012	0001909 LONG, JAY	1		DRIVING SERVICES	147.00
			2		DRIVING SERVICES	138.00
					Total :	285.00
151186	8/29/2012	0000524 LYNDEN ICE			ICE	129.60
					Total :	129.60
151187	8/29/2012	0000530 MAILLARD'S LANDING NURSERY			YARD WASTE	15.00
					Total :	15.00
151188	8/29/2012	0000660 MARKET PLACE FOOD & DRUG			GROCERIES	574.94
					GROCERIES	301.64
					Total :	876.58

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151189	8/29/2012	0000544 MATERIALS TESTING & CONSULTING	9310		PROF SVC/GUN CLUB ROAD WATE	2,471.00
					Total :	2,471.00
151190	8/29/2012	0006862 MAYS, DENNIS	082712		KEY DEPOSIT REFUND	5.00
					Total :	5.00
151191	8/29/2012	0006860 MCEWAN, ROBERT	6620		MOORAGE REFUND	11.40
					Total :	11.40
151192	8/29/2012	0004818 MICHAEL BOBBINK LAND USE SRVCS	081912		AUG 2012/HEARING EXAMINER SE	1,500.00
					Total :	1,500.00
151193	8/29/2012	0005445 MONTROYA, MATTHEW J	79		AUG 2012/PUBLIC DEFENSE	5,500.00
					Total :	5,500.00
151194	8/29/2012	0004423 MUNICIPAL EMERGENCY SERVICES	00335220_SNV		CONSOLE BOARD/QUARTER POST	2,902.73
					Total :	2,902.73
151195	8/29/2012	0000612 NELSON PETROLEUM	0480701-IN		FUEL	1,186.59
					Total :	1,186.59
151196	8/29/2012	0000633 NORTH SOUND BUSINESS SYSTEMS	9037		CARTRIDGES	73.92
					Total :	73.92
151197	8/29/2012	0000635 NORTH WHIDBEY PARKS/RECREATION	764		RECREATION PROTECTION	15,949.00
					Total :	15,949.00
151198	8/29/2012	0006855 NORTHWEST YACHTING MAGAZINE	42966		ADVERTISING	432.00
					Total :	432.00
151199	8/29/2012	0000672 OAK HARBOR ACE	207590		RSTP	14.64
			207919		DISH SOAP	4.35
			207934		GREAT STUFF BIG GAP	4.66
			208044		LYSOL	4.88
			208082		TOWEL	4.88
			208094		PAINT MARKERS	16.91
			208098		BRUSH/ROPE/COLANDER/FLEX TE	58.65
			208100		OIL	15.05

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151199	8/29/2012	0000672 OAK HARBOR ACE	(Continued)			
			208116		FUNNEL	3.03
			208128		CHAIN	10.86
			208177		BLADES	14.64
			208180		NOZZLE/WASP & HORNET CONTR	23.87
			208222		FASTENERS	6.07
			208241		DRILL BIT	3.25
			208261		ROD	3.03
			208282		COUPLES/ADAPTERS	21.15
			208295		CABLE TIES	30.41
			208341		COVER	7.17
			208381		FASTENERS/SPRAYER	52.18
			208456		PIPE/COVER/FITTINGS/CEMENT/AT	56.34
			208531		BOLTS	5.84
			208546		FASTENERS	10.44
			208576		HOSES	65.20
			208581		BATTERIES	16.27
			208600		CARTON CUTTER/BLADES	5.29
				Total :		459.06
151200	8/29/2012	0000668 OAK HARBOR AUTO CENTER	001-140375		ANCHOR/NET	42.43
				Total :		42.43
151201	8/29/2012	0001635 OAK HARBOR INTERNAL MEDICINE	522486		INMATE SERVICES	141.00
				Total :		141.00
151202	8/29/2012	0000681 OAK HARBOR SCHOOL DISTRICT	0000110573		AUG 2012/COMPUTER NETWORK	6,708.33
				Total :		6,708.33
151203	8/29/2012	0006081 OAK HARBOR YOUTH FOOTBALL	081512		HYDRANT DEPOSIT REFUND	128.80
				Total :		128.80
151204	8/29/2012	0000665 OFFICEMAX, INC	786828		LAM SUPPLIES	14.68
			786829		INK	95.30
				Total :		109.98
151205	8/29/2012	0000089 OWEN EQUIPMENT COMPANY	00065060		HOSE TRACK	414.40

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151205	8/29/2012	0000089 OWEN EQUIPMENT COMPANY	(Continued)			414.40
151206	8/29/2012	0000698 P & L GENERAL CONTRACTORS	2700		TRAILER RENTAL	217.40
					Total :	217.40
151207	8/29/2012	0005591 PANNIER	149038		PANELS	1,366.00
					Total :	1,366.00
151208	8/29/2012	0000709 PERS	00941152		JUL 2012/UNFUNDED LIABILITY	26.98
					Total :	26.98
151209	8/29/2012	0004041 PETERSCHMIDT, ARNOLD	EXP REIMB		EXP REIMB	116.00
					Total :	116.00
151210	8/29/2012	0000724 PONY MAILING & BUSINESS CENTER	198399		SHIPPING	13.85
					Total :	13.85
151211	8/29/2012	0003995 PRORIDER, INC	56588		BIKE HELMETS	246.69
					Total :	246.69
151212	8/29/2012	0000746 PUGET SAFETY EQUIPMENT	0006696-IN		GLOVES	247.69
					Total :	247.69
151213	8/29/2012	0000743 PUGET SOUND ENERGY	0889461000 0908850001 0948350004 1306440155 1306440387 1306444926 1306447796 1306449073 1306449248 2069491005 2117261004 2149541001 2438649366 2668731009 2728350006		ELECTRICITY/SEWAGE LAGOON S ELECTRICITY/285 SE JEROME STR ELECTRICITY/KITCHEN EAST SIDE ELECTRICITY/180 PIT ROAD ELECTRICITY/SR 20 & SW 24 ST ELECTRICITY/34777 STATE ROUTE ELECTRICITY/2000 SW SCENIC HE ELECTRICITY/1780 SW SPRINGFIE ELECTRICITY/3285 SW SCENIC HE ELECTRICITY/1577 NW 8TH AVENU ELECTRICITY/CITY BEACH PARK ELECTRICITY/945 E WHIDBEY AVE ELECTRICITY/NW CROSBY AVE & I ELECTRICITY/SENIOR CENTER ELECTRICITY/ANNEX	5,788.63 21.58 16.09 20.39 184.71 68.08 18.08 10.27 79.35 9.66 1,271.52 21.58 69.72 549.20 16.09

Bank code : bank

Voucher 151213 Date 8/29/2012 Vendor 0000743 PUGET SOUND ENERGY

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
			(Continued)			
			2972721001		ELECTRICITY/2081 NE 9TH AVENUE	11.03
			3004881003		ELECTRICITY/HELLER RD AND 700	46.34
			3069491003		ELECTRICITY/1678 SW 8TH AVENUE	9.66
			3223642657		ELECTRICITY/SAB 4993 SR 20 E SII	192.16
			3415305956		ELECTRICITY/MIDWAY & SE 8TH S	10.94
			3460950003		ELECTRICITY/SEWAGE LIFT PMP 9	98.61
			3997850007		ELECTRICITY/LIFT STATION E PION	9.66
			4249160005		ELECTRICITY/SMITH PARK	105.25
			4763991009		ELECTRICITY/1137 NW KATHLEEN	9.66
			5039160006		ELECTRICITY/90 SE PIONEER WAY	41.99
			5145502000		ELECTRICITY/700 AV W & MIDWAY	39.37
			5315850007		ELECTRICITY/1957 SW FORT NUGI	135.11
			5410100654		ELECTRICITY/HELLER RD TELEME	154.09
			5462650002		ELECTRICITY/NEIL PK & HOLLAND	299.02
			5528850000		ELECTRICITY/DISPOSAL PLANT	28.75
			5839160008		ELECTRICITY/FIDALGO & HATHAW	2,948.72
			5848181003		ELECTRICITY/3300 OLD GOLDIE R	14.25
			6012561814		ELECTRICITY/SWANTOWN RIDGE	68.57
			6012568561		ELECTRICITY/1285 NE TAFTSON S	163.49
			6160160005		ELECTRICITY/1501 S BEEKSMA DR	31.80
			6768202001		ELECTRICITY/1948 NW CROSBY AV	23.45
			6847904155		ELECTRICITY/1661 NE 16TH AVENUE	83.25
			6847904528		ELECTRICITY/MIDWAY AVENUE STI	19.93
			6847906499		ELECTRICITY/651 SE BAYSHORE D	205.07
			6847906598		ELECTRICITY/CITY BEACH PARK	58.18
			6847908149		ELECTRICITY/SE PIONEER WAY &	12.14
			6847908198		ELECTRICITY/1300 NE BIG BERRY	159.13
			6847908362		ELECTRICITY/MIDWAY & SE 4TH S	9.66
			6847909006		ELECTRICITY/SE PIONEER WAY &	107.78
			6847909394		ELECTRICITY/MIDWAY & SE 4TH S	126.63
			6847909501		ELECTRICITY/SE PIONEER WAY &	68.36
			6902550000		ELECTRICITY/MCCROHAN & BARR	31.43
			6969160008		ELECTRICITY/PUMP STA ULT FLD	6.33
			7195081000		ELECTRICITY/600 NE 7TH AVENUE	87.83
			7258350003		ELECTRICITY/CITY BEACH COMFR	237.09
			7479771003		ELECTRICITY/552 NW CLIPPER STI	9.66

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151213	8/29/2012	0000743 PUGET SOUND ENERGY	(Continued)			
			7647999403		ELECTRICITY/SE CITY BEACH STR	68.74
			7848350000		ELECTRICITY/75 SE JEROME STRE	9.66
			7944581003		ELECTRICITY/5941 STATE ROUTE;	12.04
			8191791048		ELECTRICITY/ADULT CARE CENTE	10.50
			8258350001		ELECTRICITY/RESTROOM KITCHEI	38.90
			8291970286		ELECTRICITY/2330 SW ROSARIO P	36.53
			8382791005		ELECTRICITY/FABER ST & HARVES	9.66
			8549402009		ELECTRICITY/2075 SW FT NUGENT	21.58
			8639451007		ELECTRICITY/1301 SE CATALINA D	35.42
			8833451001		ELECTRICITY/700 AV W & 80 NW	275.37
			8848350008		ELECTRICITY/CITY BEACH PARK	27.73
			8922751006		ELECTRICITY/128 E WHIDBEY AVEI	9.66
			8926771000		ELECTRICITY/PIONEER PARK	15.07
			9045851004		ELECTRICITY/1370 SE DOCK STRE	65.97
			9049160006		ELECTRICITY/CITY HALL	884.35
			91442061002		ELECTRICITY/SR 20 & 650 AV W	728.62
			9173951006		ELECTRICITY/287 SE CABOT DRIVE	61.23
			9269160009		ELECTRICITY/MARINA	1,751.00
			9374761006		ELECTRICITY/TREATMENT PLANT	2,507.24
			9406881004		ELECTRICITY/CITY SHOP	1,778.79
			9640160009		ELECTRICITY/VALVE PIT E SIDE	18.27
			9816271002		ELECTRICITY/FIRE STATION	1,128.66
			9848350006		ELECTRICITY/BATHHOUSE EAST BE	102.83
					Total :	23,407.16
151214	8/29/2012	0000747 PUMPTech, INC	0057303-JN		WEAR RING	729.29
					Total :	729.29
151215	8/29/2012	0002997 QUINTON DESIGN & ELECTRICAL	2114		TIMECLOCK REPAIRS	214.14
					Total :	214.14
151216	8/29/2012	0000754 RAINBOW METALS	10567		PLAQUE	153.04
					Total :	153.04
151217	8/29/2012	0002508 RINEY PRODUCTION SERVICES	10-860		TAPING SERVICES	1,892.19

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151217	8/29/2012	0002508	0002508 RINEY PRODUCTION SERVICES (Continued)			Total : 1,892.19
151218	8/29/2012	0002511	SCHOOL RESOURCE OFFICERS, INC, ↑ 6223WA		REGISTRATION/DICKINSON	Total : 395.00
151219	8/29/2012	0000809	SENIOR SERVICES OF ISLAND		JUL 2012/SENIOR SERVICES	Total : 1,500.00
151220	8/29/2012	0003782	SHARP ELECTRONICS CORPORATION C754060-701		JUL 2012/MAINTENANCE CONTRAC	Total : 29.27
151221	8/29/2012	0005444	SIERRA, GEORGINA D		AUG 2012/PUBLIC DEFENSE	Total : 2,500.00
151222	8/29/2012	0006859	SIRCHIE FINGERPRINT		REAGENT	Total : 53.30
151223	8/29/2012	0000831	SIX ROBBLEES', INC		SPRING BRAKE/FRONT WHEEL AX CAMSHAFTS/BUSHING TOOL NON CHLORINATED BRAKE	Total : 152.81 241.50 93.92
151224	8/29/2012	0000814	SKAGIT FARMERS SUPPLY		PROPANE LAWN SEED	Total : 72.63 15.21
151225	8/29/2012	0000853	SKAGIT RIVER STEEL & RECYCLING		EXPANDED METAL FLAT	Total : 88.70
151226	8/29/2012	0000877	SKAGIT VALLEY HERALD		SUBSCRIPTION RENEWAL	Total : 141.00
151227	8/29/2012	0004537	SKAGIT/ISLAND COUNTIES		MEMBERSHIP RENEWAL/LANDERSK	Total : 420.00
151228	8/29/2012	0000843	SOLID WASTE SYSTEMS, INC		WHEELS/PINS/RINGS	Total : 414.32

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151229	8/29/2012	0000846 SOUND PUBLISHING	479970 651793		JUL 2012/PUBLICATIONS-ACCT#80 CC 12-19 FAIRWAY	1,069.09 99.68
					Total :	1,168.77
151230	8/29/2012	0000851 SPRINT	694209817-057		CURRENT CELL CHARGES	839.86
					Total :	839.86
151231	8/29/2012	0000851 SPRINT	414568819-057		CURRENT CELL CHARGES	514.09
					Total :	514.09
151232	8/29/2012	0000851 SPRINT	182311697		CURRENT LONG DISTANCE	5.66
					Total :	5.66
151233	8/29/2012	0000860 STANDARD INSURANCE COMPANY	082112		LIFE INSURANCE/POCFF	262.50
					Total :	262.50
151234	8/29/2012	0003883 STAPLES BUSINESS ADVANTAGE	3178607357 3178607358 3178607359 3179008608 3179610713 3179610714 3179610717 3179610718 3179935545 3179935546 3179935547 3179935548 3179935549		CERTIFICATE HOLDERS FOLDERS/LEAD REFILLS INK POUCHES/DRY ERASER LASER LABELS BINDERS BUNDERS FAX SHIPPING LABELS SPLS/BATTERIES MARKERS/DVDS/BINDERS/CLIPS INK TONER/RWBCAM	32.00 19.01 113.00 102.32 45.77 27.83 55.65 249.96 18.61 228.90 256.48 56.50 243.03
					Total :	1,449.06
151235	8/29/2012	0006460 STATEWIDE RENT-A-FENCE, INC	24641		PANEL RENTAL	114.51
					Total :	114.51
151236	8/29/2012	0006190 STOWELL, JOSEPH	TRAVEL REIMB		TRAVEL REIMB	14.40
					Total :	14.40
151237	8/29/2012	0003749 STUMP, PATRICK L	1		DRIVING SERVICES	132.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151237	8/29/2012	0003749 STUMP, PATRICK L	(Continued) 2		DRIVING SERVICES	126.00
					Total :	258.00
151238	8/29/2012	0000872 SUPERIOR SYSTEMS, INC	S20127044		PIPE HANGERS	811.50
					Total :	811.50
151239	8/29/2012	0000874 SURETY PEST CONTROL	332746 333666		PEST EXTERMINATION PEST EXTERMINATIION	59.79 43.48
					Total :	103.27
151240	8/29/2012	0006739 SUSAN ELIZABETH DRUMMOND, PLLC	315 343		PROF SVC/MWGMHB PROF SVC/MWGMHB	3,500.00 9,611.50
					Total :	13,111.50
151241	8/29/2012	0006540 SWCA ENVIRONMENTAL CONSULTANT	13358		PROF SVC/PIONEER WAY ARCHAE	3,253.50
					Total :	3,253.50
151242	8/29/2012	0006856 TOPPENISH MURAL TOURS	080912		TOUR DEPOSIT	848.00
					Total :	848.00
151243	8/29/2012	0001053 TREASURER, WASHINGTON STATE	081512		SPECIAL ACTIVITY PERMIT	250.00
					Total :	250.00
151244	8/29/2012	0000918 UNITED FIRE SERVICE	28683		SCREEN	50.10
					Total :	50.10
151245	8/29/2012	0000923 UNITED PARCEL SERVICE	0000A0182W332		SHIPPING	10.21
					Total :	10.21
151246	8/29/2012	0004434 US TREASURY	FY13		TELEPHONE CHARGES	180.00
					Total :	180.00
151247	8/29/2012	0003917 WALTON, DAVID	EXP REIMB		EXP REIMB	70.00
					Total :	70.00
151248	8/29/2012	0006853 WEED, GRAAFSTRA & BENSON, INC, L I	2		PROF SVC/GENERAL 2012 PROF SVC/GENERAL 2012/LITIGAT	17,078.00 26,545.61
					Total :	43,623.61

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
151248	8/29/2012	0006853 WEED, GRAAFSTRA & BENSON, IN (Continued)				Total : 43,623.61
151249	8/29/2012	0000996 WEST PUBLISHING COMPANY	825404955		JUL 2012WEST INFORMATION CH/	Total : 606.87
						Total : 606.87
151250	8/29/2012	0001000 WHIDBEY AUTO PARTS, INC.	149026		DISPENSE	Total : 38.52
						Total : 38.52
151251	8/29/2012	0000675 WHIDBEY COMMUNITY PHYSICIANS	645448		PHYSICAL/HANNAN	Total : 210.00
			647463		PHYSICAL/ROBBINS	Total : 210.00
			648174		PHYSICAL/WELSHANS	Total : 210.00
						Total : 630.00
151252	8/29/2012	0001005 WHIDBEY GENERAL HOSPITAL	1216800084		INMATE SERVICES	Total : 573.15
			1216800084		INMATE SERVICES	Total : 354.66
						Total : 927.81
151253	8/29/2012	0002272 WHIDBEY GOLF & COUNTRY CLUB	081312		REIMBURSEMENT COSTS	Total : 2,002.69
						Total : 2,002.69
151254	8/29/2012	0001017 WHIDBEY PRINTERS	45624		SUMMER STATEMENTS	Total : 656.98
			45642		BUSINESS CARDS/MATTHEWS	Total : 77.72
			45648		BUSINESS CARDS/LEE	Total : 77.72
			45652		LETTERHEAD	Total : 330.35
			45657		REGULAR ENVELOPES	Total : 493.50
						Total : 1,636.27
151255	8/29/2012	0005653 WILSON, PAUL	082112		KEY DEPOSIT REFUND	Total : 5.00
						Total : 5.00
151256	8/29/2012	0001061 XEROX CORPORATION	058851615		NOV 2011/COPIER RENTAL	Total : 393.96
						Total : 393.96
151257	8/29/2012	0001067 ZEP SALES & SERVICE	63076081		SUPER CLEANER	Total : 377.06
						Total : 377.06
124 Vouchers for bank code : bank						Bank total : 795,403.40

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
124	Vouchers in this report					
Total vouchers :						795,403.40

DATE: 10/10/2019 TIME: 10:10 AM

NAME: [REDACTED] ADDRESS: [REDACTED]

PHONE: [REDACTED] EMAIL: [REDACTED]

DOB: [REDACTED] SEX: [REDACTED]

HEIGHT: [REDACTED] WEIGHT: [REDACTED]

HAIR: [REDACTED] EYES: [REDACTED]

SKIN: [REDACTED] BLOOD: [REDACTED]

HEALTH: [REDACTED] ALLERGIES: [REDACTED]

DIAGNOSIS: [REDACTED] TREATMENT: [REDACTED]

PROGNOSIS: [REDACTED] FOLLOW-UP: [REDACTED]

PHYSICIAN: [REDACTED] NURSE: [REDACTED]

HOSPITAL: [REDACTED] DEPARTMENT: [REDACTED]

ADMISSION: [REDACTED] DISCHARGE: [REDACTED]

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

Bill No. 5
Date: September 4, 2012
Subject: Credit Card Fee Ordinance

FROM: Doug Merriman, Finance Director 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, Interim City Administrator
 Grant Weed, Interim City Attorney, as to form

PURPOSE

An ordinance allowing the City of Oak Harbor to pay the transactional costs related to customer use of debit and credit cards.

AUTHORITY

Under RCW 35A.11.020, The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees;

SUMMARY STATEMENT

Currently, the City accepts payments for goods and services from customers using cash and credit methods. Customers paying by cash pay for the actual cost of the goods and services being purchased. Credit or debit card customers pay the actual cost, plus a small transactional fee for their using a card or debit card. This difference in cost to two different groups of customers creates difficulties in the payment process. First, customer feedback has provided that a credit customer being charged an additional fee is unfair. Second, many credit and debit card vendors contractually prohibit cities from charging an add-on fee to customers simply for the privilege of using a card. Finally, the cost of logistically requiring an additional fee with the related internal control safeguards and programming challenges outweigh the revenue gained from charging a fee (example: Registration expo for the Whidbey Island Marathon).

The City of Oak Harbor is encouraging the use of credit or debit card processes for customers purchasing goods and services, especially as commercial transactions are becoming more electronic. The benefits to the customer are the speed of the transaction and the convenience of making online payments. The related benefits to the City are the ability to streamline the payment process, and the ability to avoid the increased costs of additional staffing and administrative processing required for payments received over the counter in the Utilities office. To implement the mutually beneficial process of the customer use of credit or debit card payments, the Finance Department proposes an ordinance authorizing the City to remove the requirement for credit or debit card users to pay the transactional fees related to credit or debit card transactions.

FISCAL IMPACT DESCRIPTION

Funds Required: \$ Not Applicable
Appropriation Source: Not Applicable

Impact of eliminating transaction fee is minimal. Cost savings from eliminating collection procedures outweighs revenue obtained.

STANDING COMMITTEE REPORT

This topic has not been presented to Standing Committees.

RECOMMENDED ACTION

1. Hold public hearing.
2. Pass ordinance approving the absorption of credit card fees

ATTACHMENTS

1. Draft Ordinance
2. State Auditor response to SAO Help Desk ticket #6494.

AN ORDINANCE AUTHORIZING THE CITY OF OAK HARBOR TO ABSORB THE TRANSACTION COSTS/FEEES ASSOCIATED WITH PAYMENT MADE WITH CREDIT AND DEBIT CARDS AND AMENDING OAK HARBOR MUNICIPAL CODE CHAPTER 3.68.

WHEREAS, 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;

WHEREAS, providing customers with the ability to make such payments has resulted in cost savings to the City and has resulted in increased convenience to the City's customers;

WHEREAS, there are certain transactional costs associated with the use of credit and debit cards to purchase goods and services;

WHEREAS, the cost savings to the City outweighs any associated transactional costs;

WHEREAS, it is the desire of the City Council to pay the transactional costs without passing those additional costs on to its customers that choose to make payments through the use of credit or debit cards;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR DO ORDAIN as follows:

Section 1. Chapter 3.68, of the Oak Harbor Municipal Code is hereby amended to read as follows:

**Chapter 3.68
BANK CHECKS OR WARRANTS**

Sections:

3.68.010 Claims – Payment.

3.68.020 Banks.

3.68.030 Authorized officers.

3.68.040 Payment of city obligations.

~~3.68.041 City obligations excluded from electronic payment.~~

3.68.010 Claims – Payment.

The ~~city clerk-treasurer~~ Finance Director is authorized to pay claims or other obligations of the city which are payable out of solvent funds by warrant or check; provided, that no check shall be issued when the applicable fund is not solvent at the time payment is ordered, but a warrant shall be issued therefor. (Ord. 752 § 1, 1986).

3.68.020 Banks.

The banks in which such funds may be placed and upon which checks can be drawn are as follows:

(1) ~~Mt. Baker Mutual Savings Bank~~ U.S. Bank of Washington

(2) Whidbey Island Bank;

(3) ~~Interwest Bank~~ Wells Fargo Bank.

3.68.030 Authorized officers.

~~The authorized officers to sign such checks are the city clerk-treasurer, or the deputy clerk-treasurer in the absence of the city clerk-treasurer and the mayor, or the city supervisor in the absence of the mayor. (Ord. 752 § 3, 1986).~~ The authorized officers to sign checks or warrants are the Mayor and the Finance Director. The City Clerk may sign in the absence of the Finance Director. The City Administrator may sign in the absence of the Mayor.

3.68.040 Payment of city obligations.

The city finance department is authorized to accept credit cards, charge cards, debit cards, federal wire, and automatic clearinghouse system transactions, or other electronic communication, for payment of fees, rates, and charges. ~~A payer desiring to pay by a credit card, charge card, debit card, federal wire, automatic clearinghouse system, or other electronic communication shall bear the cost of processing the transaction in an amount to be determined by the finance department. Such determination shall be based upon costs incurred by the finance department including handling, collecting, discount, disbursing, and accounting for the transaction. (Ord. 1098 § 4, 1997).~~ The City of Oak Harbor shall pay the transactional costs associated with credit and debit card payments and those costs will not be passed on to the customers as the City and its customers realize the cost savings and benefits associated with the ability to make credit or debit card payments.

3.68.041 City obligations excluded from electronic payment.

~~Any payment applying to the city's current expense fund will be excluded from electronic payment. (Ord. 1098 § 4, 1997).~~

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED and approved by the City Council this _____ day of _____ 2012.

THE CITY OF OAK HARBOR

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Douglas A. Merriman

From: State Auditor's Office [WASateAuditorSubscriptions@sao.wa.gov]
Sent: Tuesday, February 28, 2012 4:35 PM
To: Douglas A. Merriman
Subject: Client Helpdesk Request 6494 Confirmation

Thank you for using the State Auditor's Office client helpdesk. This is an automated e-mail to confirm our receipt of your request, which is question # 6494

Your question was:

May a City elect to absorb the transaction costs/fees associated with payments made with credit and debit cards in regards to all types of funds - governmental and proprietary?

The background information you provided was:

RCW 36.29.190 allows Counties to absorb the cost of credit card fees, rather than passing them on to the user, if the legislative body determines it is in the best interest of the County to not to pass the fees on to customers. Is there a similar provision for cities to absorb the transaction costs/fees associated with payments made with credit and debit cards in an effort to streamline the payment process and to reduce costs to the City in terms of administrative processing and staff time? We are aware of two cities which have passed ordinances implementing this practice.

We will do our best to respond to your inquiry as quickly and accurately as possible. If you have not received any communication within five business days, please contact Scott Woelfle at woelfles@sao.wa.gov or by phone at (509) 527-4175.

Thank you,

Scott Woelfle, CPA
Washington State Auditor's Office

Disclaimer: We reserve the right to not answer this question.

Answers provided are informational only and are based on the specific circumstances presented. As laws and circumstances change, or additional facts are presented, the answer is subject to change. The information provided by the Washington State Auditor's Office client helpdesk is not a legal or a binding opinion.

Neither the State of Washington nor any agency, officer, or employee of the State of Washington warrants the accuracy, reliability or timeliness of any information in the Public Access System and shall not be liable for any losses caused by such reliance on the accuracy, reliability, or timeliness of such information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from the System does so at his or her own risk.

1. The first part of the document is a letter from the author to the editor. It discusses the author's interest in the topic and the reasons for writing the paper. The author mentions that they have conducted a thorough review of the existing literature and believe that their findings are significant and novel. They also mention that they have received feedback from colleagues and are confident in the quality of their work.

2. The second part of the document is the abstract. It provides a concise summary of the paper's objectives, methods, results, and conclusions. The abstract is designed to be easily readable and informative, allowing readers to quickly assess the relevance of the paper to their own research.

3. The third part of the document is the introduction. It sets the context for the research and outlines the main research question. The introduction also provides a brief overview of the theoretical background and the significance of the study. The author emphasizes the need for further research in this area and how their study contributes to the field.

4. The fourth part of the document is the literature review. It provides a comprehensive overview of the existing research on the topic. The author discusses the strengths and weaknesses of various studies and identifies gaps in the literature. This section is crucial for establishing the theoretical framework and justifying the need for the current study. The author also highlights the specific contributions of their research to the existing body of knowledge.

5. The fifth part of the document is the methodology. It describes the research design, data collection methods, and statistical analyses used in the study. The author provides a detailed account of the procedures followed, ensuring transparency and reproducibility. This section is essential for understanding the validity and reliability of the study's findings.

6. The sixth part of the document is the results. It presents the findings of the study in a clear and organized manner. The author uses tables and figures to illustrate the data and highlight key trends. This section is the core of the paper, where the author's research questions are addressed and the main findings are presented.

7. The seventh part of the document is the discussion. It interprets the results and discusses their implications for the field. The author compares their findings with those of previous studies and discusses the potential reasons for any differences. This section is where the author provides their own insights and conclusions based on the research.

8. The eighth part of the document is the conclusion. It summarizes the main findings and the overall contribution of the study. The author reiterates the significance of the research and provides recommendations for future studies. This section serves as a final synthesis of the paper's key points.

9. The ninth part of the document is the references. It lists all the sources cited in the paper, providing a comprehensive list of the literature reviewed. This section is essential for academic integrity and allows readers to locate the original sources of the information used in the study.

10. The tenth part of the document is the appendix. It contains supplementary information that supports the main text but is not essential for understanding the core findings. This may include additional data, detailed calculations, or extended discussions. The appendix provides a more complete picture of the research process and results.

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

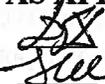
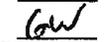
Bill No. 6

Date: September 4, 2012

Subject: Noise permit ordinance

FROM: Doug Merriman, Finance Director 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, Interim City Administrator
 Grant Weed, Interim City Attorney, as to form

PURPOSE

An ordinance changing OHMC 6.56.030(2)(a) to give administrative approval authority for noise permits to the Mayor or the Mayor's designee.

AUTHORITY

Under RCW 35A.11.020, The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees

SUMMARY STATEMENT

For the last several months, the City has received numerous applications for a noise permits. Currently, OHMC 6.56.030(2)(a) assigns the authority to City Council to grant noise permits to applicants. At times, the City Council agenda packet will include several applications for noise permits which are typically assigned to the consent portion of the Council agenda. The preparation of the agenda bill for each permit application, and the associated listing of the agenda bill on the Council, takes considerable staff time and effort, and fills the City Council agenda with an item that could be handled at the staff level. It has been a rare occasion where a permit application has been pulled from the consent agenda for discussion. Accordingly, staff recommends to City Council an amendment to the Oak Harbor Municipal Code to make the approval process administrative in nature by giving the granting authority for noise permits to the Mayor or the Mayor's designee. This change in granting authority would both increase the efficiency of the noise permit approval process, and eliminate the need to put extraneous items on the City Council agenda.

FISCAL IMPACT DESCRIPTION

Funds Required: \$ Not Applicable
Appropriation Source: Not Applicable

STANDING COMMITTEE REPORT

This topic has not been presented to Standing Committees.

RECOMMENDED ACTION

- 1) Hold public hearing.
- 2) Pass ordinance giving administrative approval authority for noise permits to the Mayor or the Mayor's designee.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING OAK HARBOR MUNICIPAL CODE SECTION 6.56.030(2)(a) TO GIVE ADMINISTRATIVE AUTHORITY TO THE MAYOR, OR THE MAYOR'S DESIGNEE, TO GRANT A NOISE PERMIT.

WHEREAS, OHMC 6.56.030(2)(a) requires noise permits to be granted by the City Council.; and

WHEREAS, the number of applications for noise permits has increased to such a degree that staff recommends changing the City Council approval requirement to an administrative approval methodology where the Mayor or Mayor's designee is given the authority to grant a noise permit; and

WHEREAS, the proposed administrative methodology is suggested as a measure of streamlining the both the permitting process, and the City Council agenda, by making the approval process administrative.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR DO ORDAIN as follows:

Section 1. Section 6.56.030(2)(a) of the Oak Harbor Municipal Code is amended to read as follows:

(2) Noise Permit and Parade Permit as Exceptions.

(a) Noise Permit. ~~The city council~~ Mayor or the Mayor's designee may grant a permit to make noise or perform acts otherwise controlled or prohibited by this chapter upon application by a person specifying the nature and extent of noise to be made or continued, or the act to be performed, upon a determination by the city council that to deny the permit under the circumstances surrounding the making of the application would create undue hardship upon the applicant, and upon a further determination by the ~~city council~~ Mayor or the Mayor's designee that to grant the permit would not create an undue and prolonged hardship on others, for whose benefit and protection the noise or act is prohibited by this chapter. Any permit so granted may contain conditions or requirements upon which it is granted as the ~~city council~~ Mayor or the Mayor's designee deems necessary to minimize the adverse effect upon the people of the community or surrounding neighborhood which may be affected by granting the permit, and the permit shall specify a reasonable time for which it is to be effective. In addition to the basis of undue hardship as a standard for granting such a permit, the ~~city council~~ Mayor or the Mayor's designee may grant such a permit upon determination that:

(i) The granting of the permit is necessary to allow applicant to modify his customary activities so as to comply with this chapter, if the ~~city council~~ Mayor or the Mayor's designee determines that such customary activity of the applicant was not originally undertaken or performed under circumstances and in a manner evidencing a disregard for the rights of others; or

(ii) The activity, operation or noise source will be of temporary duration and cannot reasonably be performed or controlled in such a manner so as to comply with the provisions of this chapter; or

(iii) The activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED and approved by the City Council this _____ day of _____ 2012.

THE CITY OF OAK HARBOR

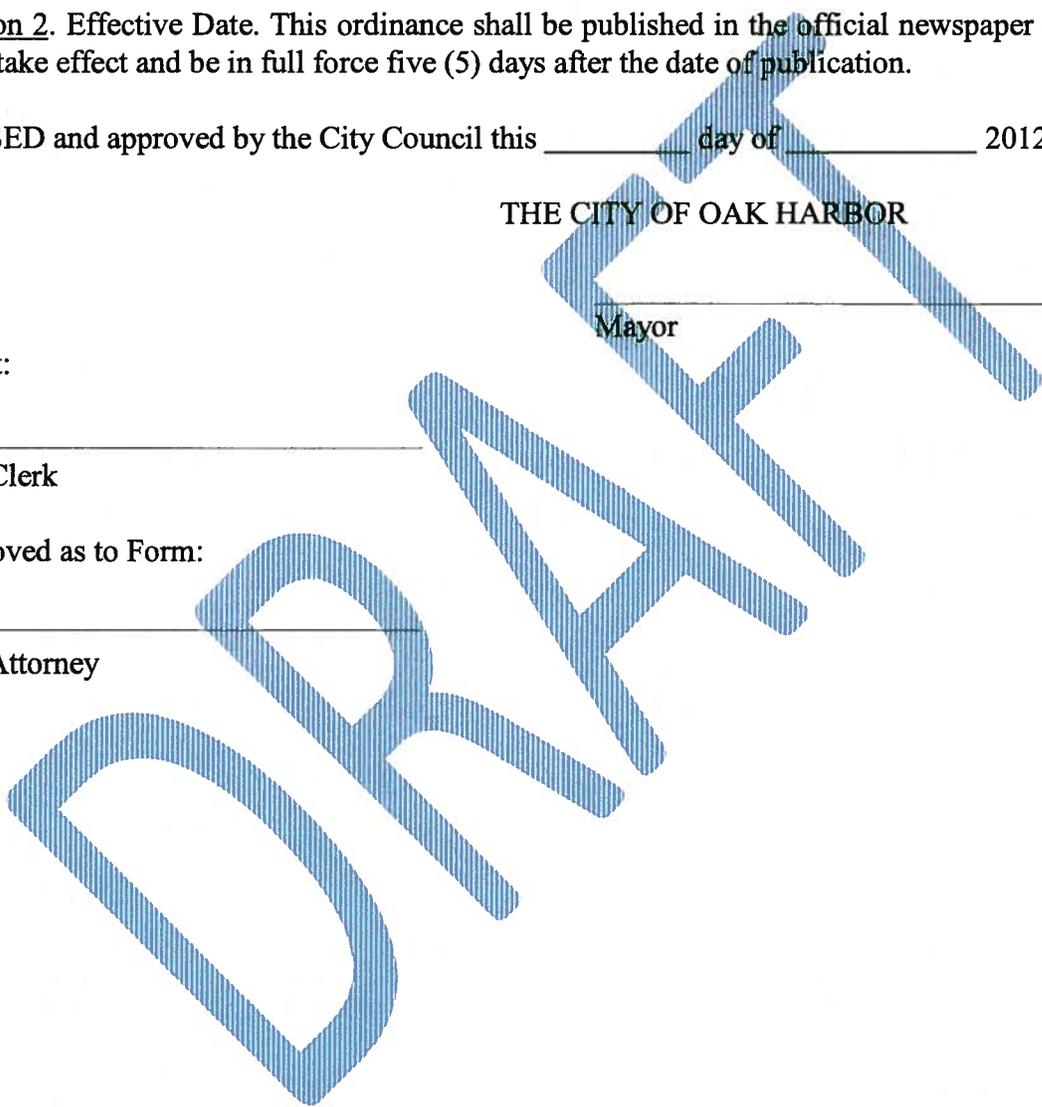
Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney



The first question is how to define a "good" solution. In this context, a "good" solution is one that is both feasible and optimal. Feasibility means that the solution satisfies all the constraints of the problem. Optimality means that the solution is the best possible solution among all feasible solutions.

The second question is how to find a "good" solution. There are several methods for finding a "good" solution, including brute force, greedy algorithms, and dynamic programming. Each method has its own strengths and weaknesses, and the choice of method depends on the specific problem.

Finally, it is important to note that finding a "good" solution is often a computationally intensive task. For many problems, the number of possible solutions is so large that it is not feasible to check every possible solution. In these cases, heuristic methods are often used to find a "good" solution in a reasonable amount of time.



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

Bill No. 7
Date: September 4, 2012
Subject: Arts Commission Ordinance

Luc
FROM: Larry Cort, Interim City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SD Scott Dudley, Mayor
DM Doug Merriman, Finance Director
GW Grant Weed, Interim City Attorney, as to form

PURPOSE

This agenda bill proposes several amendments to Oak Harbor Municipal Code Title 2 – Chapter 2.29 – Oak Harbor Arts Commission to reduce the membership of the Arts Commission from eleven to seven members and to amend language establishing the term of office.

AUTHORITY

The City has authority under RCW 35A.11.020 to organize and regulate its internal affairs.

FISCAL IMPACT DESCRIPTION

Funds Required: \$ none

Appropriation Source: n/a

SUMMARY STATEMENT

Established in 2005, the purpose and function of the Arts Commission are to foster the creative arts in Oak Harbor. The Arts Commission makes recommendations to the Mayor and City Council on activities, projects and programs which the City should sponsor or undertake to promote the following aims:

- Foster arts and cultural programs for the enrichment of the City and its citizens.
- Foster the development of a local arts community, encouraging an environment for the success of working individual artists.
- Coordinate and strengthen new and existing art organizations and develop cooperation with regional entities.
- Develop a program for public art, including identifying sources of funding.
- Further the vision of Oak Harbor as a vibrant and progressive community.

At the time of creation, membership on the Commission was established at eleven. Through the years, it has become apparent that maintaining an eleven-member Commission is impractical. There has only been one occasion when the entire membership was present at the meeting and through the years the Commission has

been challenged by a lack of attendance which occasionally resulted in the lack of a quorum to conduct Commission business. In reviewing the memberships on other City Boards and Commissions, five to seven members are the standard. Seven members are proposed. As part of the proposed ordinance amendment, Section 2.29.050 is also changed to maintain consistency with the current make up and term limits of the existing Commission.

A change to Section 2.29.040 Membership of Commission is also proposed since the current language that includes “voting membership” seems to imply a different weight on votes based on residency. The original intent was simply to assure that the majority of the commissioners worked or lived in Oak Harbor.

The proposed amendment has been discussed with the Arts Commission on two separate occasions. Each time, the Commissioners were unanimously in favor of the reduction. The term length of four years remains the same.

STANDING COMMITTEE REPORT

This item has not been presented to a standing committee.

RECOMMENDED ACTIONS

1. Conduct a public hearing on this matter.
2. Approve the Ordinance amending Chapter 2.29 OHMC.

ATTACHMENTS

Arts Commission Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING OAK HARBOR MUNICIPAL CODE 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"

WHEREAS, at the time of creation, membership on the Arts Commission was established at eleven; and

WHEREAS, through the years, the Arts Commission has on occasion been challenged by a lack of attendance which resulted in the lack of a quorum to conduct Commission business; and

WHEREAS, the proposed changes have been discussed with the Arts Commission and the Commissioners are unanimously in favor of reducing the number of member;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Oak Harbor Municipal Code Chapter 2.29 entitled "Oak Harbor Arts Commission" is hereby amended to read as follows:

**Chapter 2.29
OAK HARBOR ARTS COMMISSION**

Sections:

- 2.29.005 Findings.
- 2.29.010 Creation of arts commission.
- 2.29.020 Purpose and functions of the Oak Harbor arts commission.
- 2.29.030 Monetary donations and gifts of works of art to the city.
- 2.29.040 Membership of commission.
- 2.29.050 Term of office of members.
- 2.29.060 Appointment, vacancy or removal.
- 2.29.070 Temporary vacancies.
- 2.29.080 Officers.
- 2.29.090 Meetings of the commission.
- 2.29.100 Organization and procedure.
- 2.29.110 Administration.
- 2.29.120 City funding of the arts.

2.29.005 Findings.

The city council finds that public artistic expressions of all kinds enhance the cultural, economic, educational and social life of the community and benefit the health and welfare of the city's residents. In its role as guardian of the health and welfare of the city, the city council finds it appropriate, necessary, and desirable to promote and support public experiences of the visual arts and other artistic disciplines for the good of the citizens of Oak Harbor. (Ord. 1548 § 1, 2009; Ord. 1438 § 2, 2005).

2.29.010 Creation of arts commission.

An arts commission of the city of Oak Harbor, to be known as the Oak Harbor arts commission, is hereby established to serve as an advisory body to the mayor and Oak Harbor city council. The commission shall consist of ~~11~~ seven (7) members, appointed by the Mayor with the consent of a majority of city council, who shall serve without compensation. (Ord. 1548 § 1, 2009; Ord. 1438 § 3, 2005).

2.29.020 Purpose and functions of the Oak Harbor arts commission.

The purpose of the Oak Harbor arts commission shall be to foster the creative arts in Oak Harbor. "Creative arts" shall include all forms of the visual and performing arts. The arts commission shall make recommendations to the mayor and city council on activities, projects and programs which the city should sponsor or undertake to promote the following aims:

- (1) Foster arts and cultural programs for the enrichment of the city and its citizens.
- (2) Foster the development of a local arts community, encouraging an environment for the success of working individual artists.
- (3) Coordinate and strengthen new and existing art organizations and develop cooperation with regional entities.
- (4) Develop a program for public art, including identifying sources of funding.
- (5) Further the vision of Oak Harbor as a vibrant and progressive community.
- (6) Review this chapter and make recommendations for changes. (Ord. 1548 § 1, 2009; Ord. 1438 § 4, 2005).

2.29.030 Monetary donations and gifts of works of art to the city.

The city shall establish a separate fund to receive monetary donations for public art. Gifts of art to the city shall be reviewed by the Oak Harbor arts commission and shall be forwarded to the city council prior to acceptance or rejection by the city. (Ord. 1548 § 1, 2009; Ord. 1438 § 5, 2005).

2.29.040 Membership of commission.

The majority ~~voting membership~~ of said commission must reside within the city of Oak Harbor or work within the city. (Ord. 1548 § 1, 2009; Ord. 1454 § 1, 2006; Ord. 1438 § 6, 2005).

2.29.050 Term of office of members.

The term of office of the members appointed shall be for periods of four years from initial appointment. ~~; provided those currently appointed as members shall continue to serve in their terms as previously appointed; provided, initial appointments shall be as follows:~~

- (1) ~~Three shall be appointed for initial terms of two years.~~
- (2) ~~Three shall be appointed for initial terms of three years.~~

(3) ~~Five shall be appointed for initial terms of four years. (Ord. 1548 § 1, 2009; Ord. 1438 § 7, 2005).~~

2.29.060 Appointment, vacancy or removal.

(1) In appointing members and filling vacancies, the mayor and council should endeavor to obtain a diverse cross-section of Oak Harbor's residents as members and also appoint members from groups having an interest in the arts and cultural activities, practicing artists and other persons employed in artistic endeavors.

(2) Vacancies on said commission from whatever cause, except temporary vacancies as hereinafter provided, shall be filled by the mayor, subject to city council approval, for the unexpired term.

(3) Any member of the commission may be removed from said commission prior to the expiration of his/her term by a two-thirds vote of the city council, subject to the provisions of subsection (2) of this section.

(4) The appointment of any member of the commission who has been absent from three consecutive regular or special meetings of the commission without the approval of said commission shall automatically terminate. The administrator shall notify any member whose appointment has automatically ended and report to the appointing authority that a vacancy exists on said commission and that an appointment should be made for the unexpired term. The commission shall have the power and authority to excuse any member from attendance at any regular business meeting or study session for good cause. (Ord. 1548 § 1, 2009; Ord. 1438 § 8, 2005).

2.29.070 Temporary vacancies.

A member of the commission may be granted a leave of absence by the city council and a temporary vacancy shall thereupon exist for the period of such leave of absence.

During the period of such temporary vacancy, the city council may fill such vacancy by a temporary appointment to said commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy.

At the expiration of a leave of absence so granted, the member shall automatically resume full and permanent membership on said commission. (Ord. 1548 § 1, 2009; Ord. 1438 § 9, 2005).

2.29.080 Officers.

The arts commission shall elect its officers, including a chairperson, vice chairperson and other officers, as it may deem necessary. The commission may set up committees. (Ord. 1548 § 1, 2009; Ord. 1438 § 10, 2005).

2.29.090 Meetings of the commission.

The Oak Harbor arts commission shall establish a regular time and place of meeting, and shall hold at least six regular meetings a year. Special meetings of the commission may be called at any time by the chairperson or by a quorum of the members of the commission upon personal notice being given to all members of the commission. If personal notice cannot be given, written notice must be received by such members at least 24 hours prior to said meeting. (Ord. 1548 § 1, 2009; Ord. 1438 § 11, 2005).

2.29.100 Organization and procedure.

The commission may make and alter any rules and regulations governing its organization and procedures not consistent with this chapter or any other ordinance of the city, subject to the approval of the city council. Requests for recommendations and study of matters within the area of interest of the commission must be submitted to it five days prior to any scheduled meeting. (Ord. 1548 § 1, 2009; Ord. 1438 § 12, 2005).

2.29.110 Administration.

The mayor shall appoint an officer or employee of the city to act as administrator for the Oak Harbor arts commission. (Ord. 1548 § 1, 2009; Ord. 1438 § 13, 2005).

2.29.120 City funding of the arts.

(1) The city council in the biannual budget may set aside special funds to be placed in the arts fund.

(2) Monies allocated to the arts fund from the utility tax shall be placed in the general fund with a direct allocation to the art acquisition and maintenance fund pursuant to OHMC 3.71.060. (Ord. 1548 § 1, 2009; Ord. 1438 § 14, 2005).

Section Two. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED and approved by the City Council this ____ day of _____, 2012.

THE CITY OF OAK HARBOR

Scott Dudley, Mayor

Attest:

Interim City Clerk

Approved as to form:

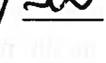
Grant Weed, Interim City Attorney

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

Bill No. _____
Date: September 4, 2012
Subject: Franklin Manor Site Plan
Extension

FROM: Steve Powers
Director of Development Services

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, Interim City Administrator
 Doug Merriman, Finance Director
 Grant Weed, City Attorney, as to form

PURPOSE

This agenda bill requests City Council approval of a single two-year extension to the Franklin Manor Planned Residential Development (PRD) Site Plan approved on October 19, 2010 (Attachment 1). The extension is requested by the owner Windmill Court L.L.C. represented by Mr. Nat Franklin (Attachment 2). **Please note this is a quasi-judicial action.**

AUTHORITY

RCW 36.70B provides local jurisdictions the authority to review and make decisions on project permit applications including site plans. Oak Harbor Municipal Code Section 19.48.120 states that a single two-year extension may be granted for good cause by the approval body which approved the original site plan. In this instance the Hearing Examiner held an open public hearing on the project and the City Council approved the original site plan. As such, the City Council is the approval body to consider the extension request at a public meeting and has the authority to approve or deny the extension.

SUMMARY STATEMENT

Franklin Manor is a Planned Residential Development (PRD) project approved to construct 158 multi-family apartment units in four buildings on 5.57 acres.

PROJECT INFORMATION

Property Owner: Windmill Court, LLC, 15015 Main Street Ste 203; Bellevue, WA 98007

Address of proposal: 1215 SW Swantown Avenue, Oak Harbor, WA 98277

Parcel Number: R13203-110-1730

Comprehensive Plan Designation: High Density Residential

Zoning Designation: R-4, Multi-Family Residential

Background

The Hearing Examiner conducted the public hearing on the proposal on September 24, 2010, and recommended approval of the project with conditions. In doing so, the Hearing Examiner found the proposal to be consistent (as conditioned) with the applicable criteria as described in his Findings of Fact, Conclusions of Law and Decision. On October 19, 2010 the City Council conducted a closed record review of the Hearing Examiner's record and recommendation and approved the project by adopting the Hearing Examiner Findings of Fact, Conclusions of Law and Decision (Attachment 3).

Discussion

As mentioned above, the Oak Harbor Municipal Code Section 19.48.120 states that a single two-year extension may be granted for good cause by the approval body which approved the original site plan. In his extension request letter the developer 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.

As requested, no changes are proposed to the site plan at this time therefore if the extension were approved, it would be for the existing site plan only. It is of inherent interest to the developer to keep the site plan alive rather than let it expire in October of 2012. Should the developer decide to proceed with changes to the units and site plan after the consideration of the site plan extension request, depending upon the extent of changes, a minor or major modification to the site plan may be required. A major modification to a site plan requires a new application.

Public Notice

A combined Notice of Application and Notice of Public Meeting, advertising the City Council meeting for September 4, 2012 was sent to all of the property owners within 300 feet of the property on August 1, 2012. The same notice was published in the Whidbey News Times on August 4, 2012 and posted on the property on August 3, 2012.

Public Comment

One public comment on the extension request was received by the City on August 10, 2012. The comment recommended approving the extension 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 (Attachment 4). The developer informed City staff that some demolishing has already occurred and that it is anticipated to be complete by mid-September. While this matter is currently being addressed by the developer, City staff believe this to be an appropriate condition of approval in case the work is delayed.

Conclusion

City staff believe the downturn in the economy is a legitimate reason for an extension and meets the criteria of good cause. A resolution approving the extension request, is attached for the City Council's consideration as Attachment 5.

STANDING COMMITTEE REVIEW

The item did not go before a standing committee as it is a quasi-judicial decision.

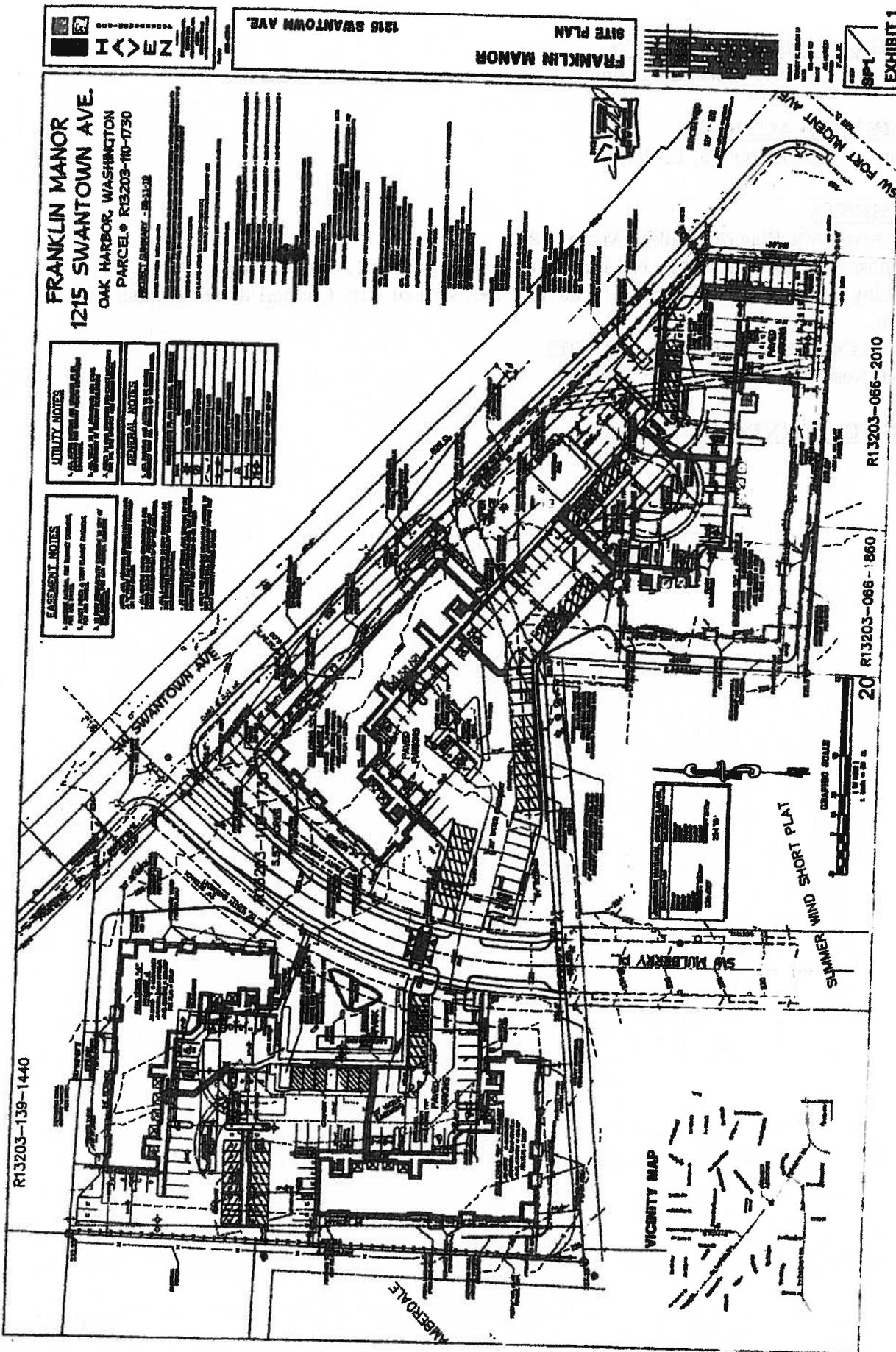
RECOMMENDED ACTION

1. Approve Resolution No. 12-20.

ATTACHMENTS

1. Approved Site Plan of Franklin Manor PRD.
2. Extension Request from Mr. Nat Franklin dated July 19, 2012 and August 2, 2012.
3. Findings of Fact, Conclusions of Law and Decision of City Council dated October 19, 2010.
4. Public Comment dated August 10, 2012
5. Draft Resolution.

MAYOR'S COMMENTS



117



FRANKLIN MANOR
OPEN SPACE, TREE, LIGHTING & LANDSCAPE PLAN

BP2
EXHIBIT 4

FRANKLIN MANOR
1215 SWANTOWN AVE.
OAK HARBOR, WASHINGTON
PARCEL # R13203-10-1730

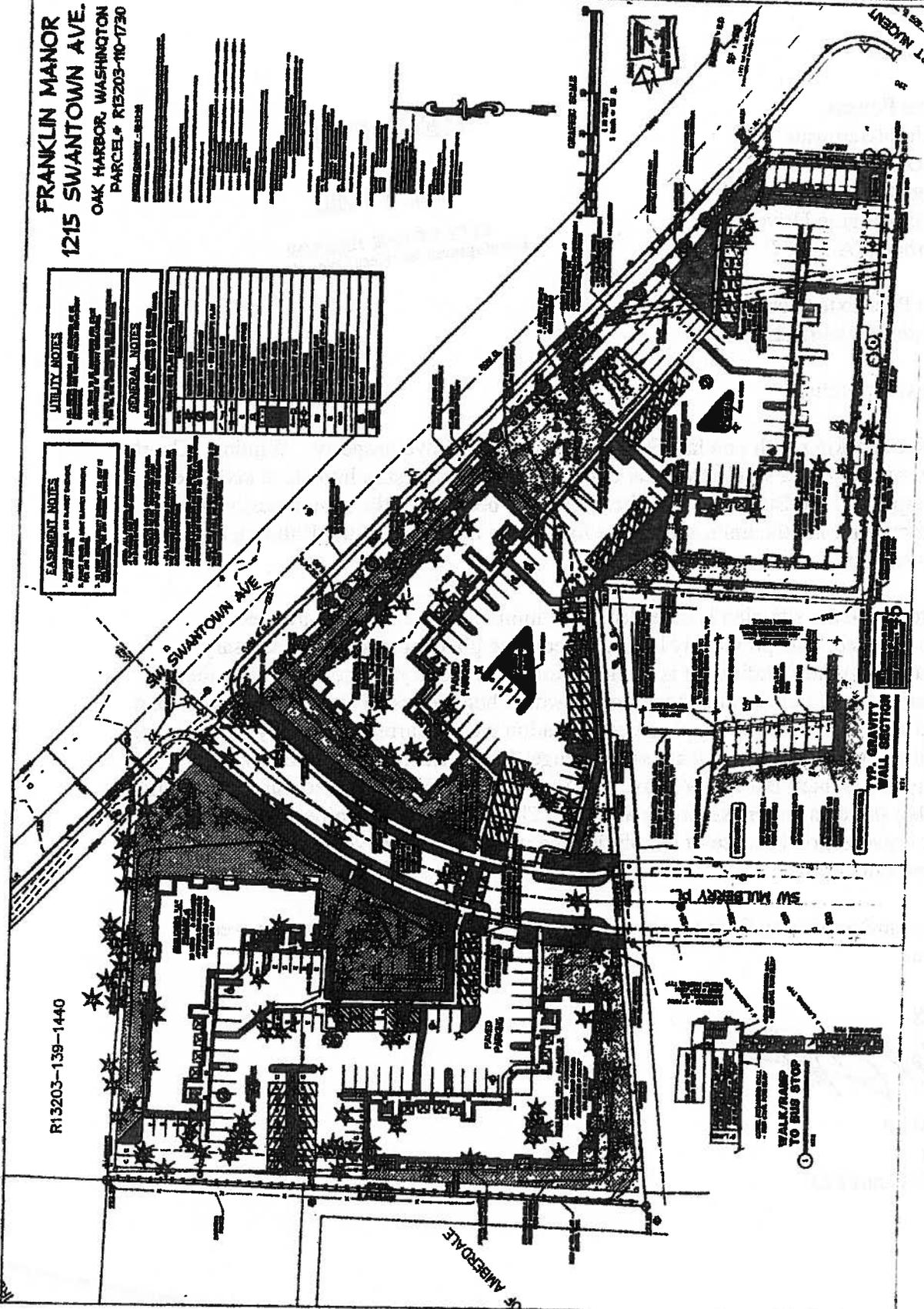
UTILITY NOTES
1. ALL UTILITIES SHOWN ARE BASED ON RECORD PLANS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE UNLESS OTHERWISE NOTED.

GENERAL NOTES
1. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE WASHINGTON STATE PLANTING STANDARDS.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE ARCHITECT'S SPECIFICATIONS.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE ARCHITECT'S SCHEDULE.

EASEMENT NOTES
1. ALL EASEMENTS SHOWN ARE BASED ON RECORD PLANS AND FIELD SURVEY.
2. ALL EASEMENTS SHALL BE MAINTAINED AND KEPT OPEN.
3. ALL EASEMENTS SHALL BE MAINTAINED AND KEPT OPEN UNLESS OTHERWISE NOTED.

1. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE WASHINGTON STATE PLANTING STANDARDS.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE ARCHITECT'S SPECIFICATIONS.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE ARCHITECT'S SCHEDULE.

R13203-139-1440





SENT VIA EXPRESS MAIL

July 16, 2012

Mr. Steve Powers
Ms. Melissa Sartorius
City of Oak Harbor
Planning Department
865 SE Barrington Drive
Oak Harbor WA 98277

RECEIVED

JUL 19 2012

**CITY OF OAK HARBOR
Development Services Department**

RE: Site Plan Extension
Windmill Court LLC

Dear Steve & Melissa:

It was nice speaking with you last Friday regarding the above property. Windmill Court LLC hereby requests a single two year extension. The ownership intends to keep the same footprint of the Buildings and Site. However because of the economics ownership will be reconfiguring the units and square footage on the inside of the Building to make the units smaller.

As I stated once the site plan is extended I will immediately direct our architect (a different architect than previously had completed the plans) to make the necessary modifications to the Building. It is our intention upon modifying the plans and other modifications with this development that we would begin construction immediately upon modified approval. Per our telephone conversation we are currently actively building and developing several projects. Please see the Puget Sound Business Journal last Friday where my son is interviewed. We have the financing and liquidity to complete these and many other projects that make financial sense. The various communities are working with our organization because of our ability and willingness to develop projects in the immediate time frame.

I look forward to hearing from you in the very near future regarding our approved extension.

Sincerely,

Nat Franklin
Manager
Windmill Court LLC

Melissa Sartorius

From: Brian Franklin [Brian@pmfinv.com]
Sent: Thursday, August 02, 2012 2:37 PM
To: Melissa Sartorius
Cc: Nat Franklin
Subject: FW: Franklin Manor Site Plan extension request

Dear Melissa,

I wanted to send you an email to clarify our reasoning for the extension and how it meets your "good cause" criteria.

In the letter to you dated July 12, 2012, Nat Franklin stated that the reason for this extension was economics. Right now the Oak Harbor apartment market is seeing more of a demand for efficient and smaller units. We will accomplish this by having the interior of the buildings redesigned to allow for a better unit mix that can more adequately serve the local community and the individual renter. This is required in order for this project to be a success both from a economic standpoint as well as for the renter. While something like a change in unit size might not seem like a big deal we have seen in numerous other projects how this can be a deciding factor in whether a project is successful or not.

Upon the extension our architect will initiate new internal drawings, while keeping the shell of the building the same, to modify the layout and size of the units. Please let me know if you have any further questions.

Thank you,



Brian Franklin
Executive Vice President
15015 Main Street, Suite 203 • Bellevue, WA 98007
P: (425) 746-6066 • F: (425) 746-6595
brian@pmfinv.com

RECEIVED

AUG 02 2012

CITY OF OAK HARBOR
Development Services Department

From: Nat Franklin
Sent: Thursday, August 02, 2012 11:20 AM
To: Brian Franklin
Subject: FW: Franklin Manor Site Plan extension request

From: Melissa Sartorius [<mailto:msartorius@oakharbor.org>]
Sent: Thursday, August 02, 2012 11:19 AM
To: Nat Franklin
Cc: Lisa Bebee
Subject: Franklin Manor Site Plan extension request

Dear Nat,

The City of Oak Harbor is in receipt of your request for a two (2) year extension for the Franklin Manor Site Plan. We are happy to assist you with this request; however we do need further specifics as to the reasoning for

the request. As you may be aware, the Oak Harbor Municipal Code (OHMC) Section 19.48.120 allows for the extension of approved site plans. Specifically, that section states:

The final approval of a site plan shall expire within two years of the date of approval. A single two-year extension may be granted for good cause by the approval body which approved the original site plan. Extensions are a Type II review process.

As you can see from the above Code language the extension may be granted for good cause. While your letter cited economics and we assume that the reason for your request is the current economic/development conditions in Oak Harbor (which meets the criteria ' for good cause '), we do need to have you state the reason in your request. We ask that you either amend the letter you sent or send us an email with further clarification.

Thank you, Melissa

Melissa Sartorius
Associate Planner
City of Oak Harbor
Development Services Division
Office (360)-279-4521

**BEFORE THE CITY OF OAK HARBOR CITY COUNCIL
STATE OF WASHINGTON**

In Re	Application No. PLN 10-04)	FINDINGS OF FACT
	PLN 10-06)	CONCLUSIONS OF LAW
	SIT 10-06)	AND DECISION OF
	VAR 10-02)	CITY COUNCIL
	VAR 10-03)	

Franklin Manor Planned Residential Development, Site Plan, and Administrative Variances.

THIS MATTER came before the City Council upon the application of Haven Design Workshop on behalf of the property owner for a Planned Residential Development (PRD), Site Plan, and Administrative Variances. Having considered the evidence in the record, heard the arguments of the parties and any public comment, and being fully advised in the premises, the City Council hereby enters the following findings of fact, conclusions of law, and decision:

Findings of Fact

1. An application for a Planned Residential Development, Site Plan, and Administrative Variances was filed with the Department of Development Services and deemed complete by the Director on April 29, 2010.
2. The permit sought by applicant is for 158 multi-family residential apartment units on 5.57 acres at 1215 SW Swantown Avenue which is located within the City boundaries.
3. A Notice of Application was published in the Whidbey News Times, the newspaper of local circulation on May 8, 2010. Posting of the project site occurred on May 7, 2010. Property owners within 300 feet of the project were notified by mail on May 5, 2010.
4. The applicant submitted an environmental checklist pursuant to the State Environmental Policy Act on April 15, 2010.
5. Based upon the information submitted by the applicant, the SEPA official for the City issued a mitigated determination of non-significance on August 18, 2010.
6. The mitigated determination of non-significance was published in the Whidbey News Times on August 18, 2010. The comment period ended on September 1, 2010 and the appeal period ended on September 17, 2010. No comments were received nor were any appeals filed.
7. The project received a Certificate of Transportation Concurrency on September 13, 2010
8. Notice of the hearing before the Hearing Examiner was advertised in the Whidbey News Times on September 8, 2010. Posting of the project site for the public hearing occurred on September 10, 2010. Property owners within 300 feet of the project were notified by mail on September 3, 2010.
9. The Hearing Examiner conducted a public hearing on September 24, 2010. Public testimony was received in an open record public hearing and the Hearing Examiner recommended approval subject to conditions to the City Council.
10. Notice of the hearing before the City Council was published in the Whidbey News Times on October 2, 2010. Posting of the project site for the City Council public hearing occurred on September 30, 2010. Property owners within 300 feet of the project were notified by mail on October 1, 2010.

Conclusions of Law

1. The City Council has jurisdiction to determine whether to approve this project pursuant to OHMC 18.20.220(3) and 19.31.
2. Proper notice of all hearings, comment periods and appeal periods was given.
3. A single open record hearing on the permit application was held before the Hearing Examiner.
4. No appeal of the mitigated determination of non-significance was timely filed.
5. The permit application meets the goals, policies, and regulations of the City's Comprehensive Plan and municipal code.
6. The City Council decision regarding the permit application was reached after a single closed record review of the Hearing Examiner's recommendation. Said review was conducted in a public hearing held by the City Council on October 19, 2010.

Decision

Based upon the foregoing findings of fact and conclusions of law, the City Council hereby grants approval of the Franklin Manor Planned Residential Development, Site Plan, and Administrative Variances subject to the following conditions:

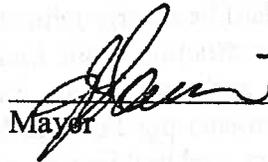
1. Approval of the Site Plan requires general conformance to the submitted exhibits. These exhibits include: Site Plan Sheets SP1 & SP-2 dated 8/24/10, Landscape Plans L-1, L-2, L-3, L-4, L-5, L-6, and L-7 dated 8/24/10; and Building Elevations A1 and A2 dated 8/24/10. Minor modifications may be permitted subject to approval by the City of Oak Harbor (OHMC 19.48.090).
2. All of the mitigation measures identified in the Applicant's SEPA checklist as dated June 18, 2010 and all mitigation measures listed in the MDNS issued August 18, 2010 shall be implemented.
3. Transportation Concurrency fees must be paid at the time of issuance of building permits (OHMC 3.63.065). Forty-two mobile home units shall be subtracted from the 158 new units for a total payment of \$105,212. The transportation impact fee credit for existing units shall only be applied for the actual number of existing mobile home units removed at the time of the issuance of each building permit.
4. Neighborhood and Community Park Impact Fees shall be paid at the time of issuance of the building permit (per unit) (OHMC 3.63.030).
5. The administrative variance from the Design Guidelines and Regulations 1.i.4, 1.i.2, 1.i.12, and 1.iv.5 shall only apply to Building D.

6. All septic systems must be removed or terminated according to Island County Department of Health Standards. If the well is to be abandoned, it must be done per State Department of Ecology requirements. If it is not to be abandoned, well setback radii need to be observed.
7. The right-of-way easement for SW Mulberry Place must be signed by the applicant prior to civil plan approval [19.48.037(4)(f)].
8. All easements described in the application materials must be written, approved by the City and recorded prior to occupancy of the first permitted building [19.48.037(4)(f)]. Bill of sale paperwork for public improvements must be completed as part of the ownership transference process prior to occupancy.
9. All public and private improvements will need to be completed during Phase I as shown on the plan before a certificate of occupancy may be issued (OHMC 19.90.020). This includes, frontage improvements to SW Mulberry Place and SW Swantown Avenue, landscaping for Phase I, parking for Buildings C & D, Fire Department access and turnaround, fire hydrant, pedestrian connection to the street, and compactor installation. Exposed soils in Phase II or in any other exposed areas on-site must be stabilized according to Best Management Practices of the DOE Stormwater Manual.
10. Project phasing shall be clearly indicated on the civil engineering plans and shall include a sequence of construction work including but not limited to: clearing and grading, utility installation and connections, road construction, implementation of any wellhead protection requirements per Federal, State, and County regulations, well abandonment, septic abandonment, and building construction. [OHMC 19.48.037(6)].
11. All landscaping shall be irrigated [OHMC 19.46.040(7)]. An irrigation plan shall be submitted prior to civil plan approval.
12. All project (i.e. Franklin Manor) signs will require a sign permit [19.48.035(2)(h)].
13. The stormwater system and utility coordination for the Project shall be subject to the DOE Technical Manual, to Best Management Practices, and shall be subject to review and approval by the City (OHMC 12.30.310).
14. Submittal of mylar "as-built" drawings stamped and signed by the project engineer is required prior to acceptance of public improvements. A maintenance surety of no less than 10% of the final construction costs for all public improvements is required prior to occupancy (OHMC 19.90.030).
15. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through-out all buildings with a Group R fire area. IFC 903.2.7
16. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. IFC 508.1

17. Fire hydrants shall be installed as per fire flow and spacing requirements specified for the type of development and in accordance with the Fire Department specifications. Chapter 6 of the Fire Protection Features.
18. Dead-end fire department access roads in excess of one hundred and fifty 150 feet long shall be provided with approved turn around provocations. Chapter 6 City Fire Protection Features. Marked turn-around areas must be sufficiently delineated to show the turn-around. The proposed locations at the A and D buildings is acceptable. Signage and/or stripping are required.
19. The fire department requires ATB or the final lift of asphalt be installed prior to combustibles on site. (IFC 501.4)
20. Submit two (2) sets of fire alarm and fire sprinkler system plans to the fire department for review and approval. (IFC 901.2)

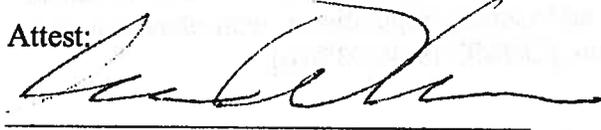
APPROVED ON THE 19TH DAY OF OCTOBER, 2010

CITY COUNCIL
CITY OF OAK HARBOR, WASHINGTON



Mayor

Attest:



Connie Wheeler
City Clerk

Thomas H. and L. Coreen Lerch
1195 Silver Lake Road
Oak Harbor, WA 98277
360.240.8938

RECEIVED

AUG 10 2012

**CITY OF OAK HARBOR
Development Services Department**

August 9, 2012

Development Services Department
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

RE: Franklin Manor Site Plan Extension; Site Plan Review SIT-10-02

Dear Sir or Madam:

My wife and I own the property listed at 1250 SW Swantown Avenue, directly across from Mr. Franklin's property. In our current economy, it is understandable Mr. Franklin needs more time to develop his idea. However, our main concern with an extension of the plan is the current state of the trailer houses located on the property. The unsightly, dilapidated units are increasingly showing their age and inviting a vagrant population to the area. The safety and welfare of our residents is of the utmost importance. We strongly recommend the extension be contingent on Mr. Franklin demolishing and removing all the existing trailers before the end of the original expiration date of October 19, 2012. Thank you for your consideration in this matter. Should you have any questions, please feel free to contact either myself or Coreen.

Sincerely,



Thomas H. Lerch
L. Coreen Lerch

RESOLUTION NO. 12-20

A RESOLUTION OF THE CITY OF OAK HARBOR APPROVING A SINGLE TWO-YEAR EXTENSION TO THE APPROVED SITE PLAN PURSUANT TO OHMC 19.48.120 FOR FRANKLIN MANOR PRD.

WHEREAS, the Oak Harbor City Council approved the Findings of Fact, Conclusions of Law and Decision for the Franklin Manor site plan on October 19, 2010; and

WHEREAS, Mr. Nat Franklin, on behalf of Windmill Court L.L.C, submitted a request for an extension to the approved site plan on July 19, 2012; and

WHEREAS, OHMC 19.48.120 allows the original approval body to grant a single two-year extension for good cause; and

WHEREAS, OHMC 19.48.080 authorizes reasonable conditions to be imposed in order to satisfy the purposes of site plan review and to achieve consistency with review criteria; and

WHEREAS, the City Council finds that conditioning this extension on the demolition and removal of all existing mobile homes on the property by October 19, 2012 is a reasonable condition consistent with OHMC 19.48.080; and

WHEREAS, the developer has cited and the City Council concurs that the economic downturn meets the criteria for good cause for an extension; and

WHEREAS, a written notice of the application and public meeting was provided to all property owners within 300 feet of the property, on August 1, 2012; and

WHEREAS, the written notice identified September 4, 2012 as the date of the public meeting and City Council's consideration of the request; and

WHEREAS, the same notice was published in the Whidbey News Times on August 4, 2012 and posted on the property on August 3, 2012; and

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

1. The City Council determines the public use and interest in the proposed request is met because the developer has demonstrated good cause for the site plan extension.
2. 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 by October 19, 2012.

PASSED and approved by the City Council this 4th day of September, 2012.

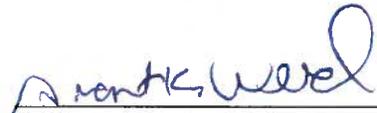
THE CITY OF OAK HARBOR

Scott Dudley
Mayor

Attest:

City Clerk

Approved as to form:



Grant Weed
City Attorney

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

Bill No. 9
Date: September 4, 2012
Subject: Council Rules Amendments

FROM:  Larry Cook, Interim City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Doug Merriman, Finance Director
 Grant Weed, Interim City Attorney, as to form

PURPOSE

The purpose of the agenda bill is to present 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. This agenda bill was originally scheduled for consideration on August 8, 2012 but was postponed to September 4, 2012.

AUTHORITY

City Council authority is established at Chapter 35A.11 and 35A.12 RCW and Chapter 1.16 OHMC.

FISCAL IMPACT DESCRIPTION

Funds Required: None

Appropriation Source: NA

SUMMARY STATEMENT

The draft amendments encompass suggestions by Parliamentarian Ann McFarlane following her review of the *Administration and Personnel Council Rules*, recent actions by the City Council to modify several rules, and housekeeping changes prompted by the Interim City Attorney's review. The following summarizes the draft changes by page number:

1. Page 2 – Change the Title for Rule 2.
2. Page 5 – Add a paragraph on regular meeting times.
3. Page 5 – Ann McFarlane recommended changing the authority to call a special meeting from a majority of the Council to three members of the Council. The Interim City Attorney recommends keeping this as a majority of Council. There is a conflict between RCW 35A.12.110 and RCW 42.30.080 – the Open Public Meetings Act (OPMA). The former allows three members to call for a special meeting and latter requires a majority

- (4). Under RCW 42.30.140, the OPMA controls over other statutes in the event of a conflict. So, the existing language is consistent with State law.
4. Page 5 – Add the requirement that meetings must be posted on our web site, a new requirement of State Law.
 5. Page 7 – Based on the Council’s recent decision to allow Councilmember Hizon to participate by phone, sample language is offered to make this possibility part of the rules. Staff suggests not allowing participation on quasi-judicial matters to protect due process.
 6. Page 9 – Add clarification on special meeting restrictions.
 7. Page 9 – Suggestion based on recent Council discussion on comment periods.
 8. Page 10 – Clarifying the difference between testimony (during a quasi-judicial public hearing) and public comment on all other matters.
 9. Page 14 – Modification suggested by Ann McFarlane allowing the Council the authority to initiate removal of a disorderly person.
 10. Page 16 – Deleting sentence in Section 2 per Ann McFarlane.
 11. Page 16 – In Section 3, Ann McFarlane suggests reducing the amount of time a Councilmember can speak per agenda item (she offers from 2 to 5 minutes as options).
 12. Page 16 – In Section 6, Ann McFarlane suggests removing “encourage” and replacing it with “shall.”
 13. Page 16 – Also from Ann McFarlane in Section 8, discussion should always be addressed to the Mayor.
 14. Page 17 – Stipulating that reducing amendments to writing is discretionary.
 15. Page 19 – From Ann McFarlane, add the City Clerk to the City Attorney as having the ability to interrupt proceedings to provide procedural advice.
 16. Page 23 – Adding language reflecting recent Council action.

The Council may also wish to consider amending Chapter 1.04, Council Meetings, to formally establish the ending time of 9:00 pm (1.04.101(3) OHMC). This change is not a requirement because the start time of 6:00 pm is still consistent with the recent Council rule change and the Council rules state that the ending time is 9:00 pm, subject to extension. This change would require a public hearing.

Finally, Councilmember Hizon has requested that this item include consideration of the “round robin” method of Council discussion. At her request, Appendix C of *Jurassic Parliament* is attached as background for this request.

As amendments to the Council Rules, the City Council may elect to approve any or all of these changes at the September 4, 2012 meeting.

STANDING COMMITTEE REPORT

The draft amendments have not been presented at a Standing Committee.

RECOMMENDED ACTION

1. Review draft amendments.
2. Act on draft amendments or provide further direction to staff.

ATTACHMENTS

1. *Administrative and Personnel Council Rules* (with draft amendments)
2. Notes from Workshop with Ann McFarlane
3. *Jurassic Parliament*, Appendix C, “Using the Round Robin Method for Efficient Council Meetings”

MAYOR'S COMMENTS

Administration and Personnel Council Rules

Resolution No. 04-02
Passed March 2, 2004
Last Amended March 20, 2012

Rules:

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[NB. Appendix not included in this draft]	

Rule No. 1: Purpose - Scope. The order of procedure and business herein contained shall govern deliberations and meetings of the City Council except as the same may be in conflict with RCW Chapter 35A.12 or other state law and constitutional provisions.

Rule No. 2: Special Meetings.

- (1) Regular Meetings – Regular meetings will begin at 6:00 p.m. and end not later than 9:00 p.m. unless extended by the majority vote of the Council.

- (2) Special meetings may be called by the Mayor or by a majority of the Council by written notice delivered personally or by mail to each Councilmember and the Mayor at least twenty-four hours prior to the time set for the meeting as specified in the notice. Notice of the meeting shall also be posted on the City's web page. The requirements of the "Open Meeting Law", RCW Chapter 42.30 shall apply in all respects to special meetings of the Council. Councilmembers may consent to personal written notice being placed in Councilmember's mailbox at City Hall; provided, further, in such cases a telephonic or personal notice shall be given to each Councilmember.

Rule No. 3: Meetings public - Executive sessions. All regular and special meetings of the Council shall be open to the public. The Council may hold executive sessions from which the public may be excluded for those purposes set forth in RCW 42.30.110 (Open Meeting Law), may order the removal of individuals who are interrupting the meeting as provided in RCW 42.30.050, and may exclude witnesses during investigation of a matter by the Council as provided in RCW 42.30.110.

Rule No. 4: Quorum - Absent Councilmembers.

(1) A majority of Councilmembers of the Council shall constitute a quorum at all meetings of the Council, but a less number may adjourn from time to time and may compel the attendance of absent Councilmembers by direction to the Chief of Police under penalty. Once a meeting has been constituted and called to order, no Councilmember present shall absent himself/herself from the same without leave of the presiding officer or a majority of the Council. See Privileged Motion in Chapters 3, 4, 5, 6, 7, 8, 9, 10 and 15 of THE STANDARD CODE OF PARLIAMENTARY PROCEDURE (Fourth Edition) by Alice Sturgis.

(2) ~~No Councilmember may participate by electronic means. Thus, a person may not be absent from the meeting room and participate by phone, radio or video.~~

With prior approval by a majority of the Council and on non-quasi-judicial matters only, a Councilmember may participate by an agreed upon electronic means. A Councilmember may participate by this means no more than two times per year.

Rule No. 5: Presiding officer - Mayor, Clerk pro tempore. All meetings of the Council shall be presided over by the Mayor, or, in his/her absence, by the Mayor pro tempore. If the Clerk is absent from a Council meeting, the Mayor or Mayor pro tempore shall appoint a Clerk pro tempore. The appointment of a Councilmember as Mayor pro tempore shall not in any way abridge his/her right to vote upon all questions coming before the Council.

Rule No. 6: Agenda.

- (1) Preparation of Agenda. An agenda for regular meetings shall be prepared by the Mayor and transmitted to the Councilmembers. The agenda shall consist of the business to come before the City Council, but shall not preclude the Council from considering matters in addition to those set forth on said agenda. The heads of the various departments of the City shall report agenda matters and deliver copies of supporting materials to the Mayor in sufficient time for their inclusion on the agenda.

For purposes of discussion, secondary motions and amendments, the placement of an action item on the agenda shall be deemed a motion to adopt the presented agenda item. However, any action on the main agenda item, including adoption as presented, shall require a motion, a second and an affirmative vote of the Council.

For special meetings, final action may be taken by Council only on items for which notice was provided and which were placed on the agenda.

- (2) Addition of items. Items added to the agenda within 48 hours of the meeting shall be considered only upon approval of a majority of the Council present at the meeting.
- (3) Order of Business. The order of business should follow as nearly as possible the order of the agenda as follows:
- (a) Pledge of Allegiance.
 - (b) Invocation.
 - (c) Proclamations.
 - (d) Presentations or other non-action items.
 - (e) Citizen Comment Period (a maximum of three minutes per speaker for 15 minutes). By a majority vote, the Council may extend the Citizen Comment Period.
 - (f) Consent agenda.
 - (g) Hearings:
 - (i) Hearing (a maximum of three minutes per speaker, provided, that the Council may, in its discretion, allow for additional time where the complexity of issues involved requires more time in order to give the speaker a reasonable opportunity to be heard on the matter),
 - (ii) Passage of any applicable ordinance or resolution.

- (h) Public meetings (consideration of ordinance).
- (i) Resolutions.
- (j) Other items -- Contracts, Reports from staff, etc.
- (k) Mayor and City Administrator comments, etc.
- (l) Council comments and raised issues. See OHMC 1.04.020(3) and Rule 11(7).
- (m) Mayor's comments.
- (n) Adjournment.

The order of business set forth in this section is a guideline and shall not be construed in any way as to limit the order in which the Mayor puts the agenda together. Council may elect to proceed with its business as it deems appropriate upon majority vote.

"Public hearing" items listed on the agenda will reference (1) items that have been scheduled by City Council and (2) that a separate public advertisement has been published announcing the nature of the matter. Public comment, Testimony (in the case of quasi-judicial hearings) or other input will be allowed at the time of the hearing.

"Public meeting" items on Council agendas will reference items which Council will take public input on the issue and usually have been scheduled by the Council in open meeting and are not listed as a public hearing.

Rule No. 6A: Consent agenda.

- (1) The Mayor shall place matters on a Consent Agenda which:
 - (a) have been previously discussed by the Council; or
 - (b) are based on the information delivered to members of the Council by administration which can be reviewed by a Councilmember without further explanation; or
 - (c) are routine or technical in nature so that passage without discussion is likely. These include contract approvals provided the agenda bill lists the dollar amount of the contract, assurances that the amount for the contract is within budget limits, proper bidding processes were followed and how the contractor was chosen.
- (2) The Clerk shall read the Consent Agenda actions, including the titles of any ordinances or resolutions contained therein.
- (3) The proper Council motion on the Consent Agenda is as follows: "I move to adopt the Consent Agenda". A second is required. This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Agenda. Since adoption of any item on the Consent Agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Agenda. Therefore, prior to the vote on the motion to adopt the Consent Agenda, the Mayor shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Agenda. If any matter is withdrawn, the Mayor shall place the item at an appropriate place on the agenda for the current or a future meeting.

Rule No. 7: Public hearing notices and notice of preliminary Council agenda.
See OHMC 1.04.020.

Rule No. 8: Minutes (City Clerk). The Clerk shall keep minutes of all regular and special meetings as part of a correct journal of all proceedings. The Clerk shall assign a number to each ordinance prior to the meeting at which it is to be considered for final passage.

Rule No. 9: Public discussion.

- (1) No person, not a member of the Council, shall be allowed to address the same while in session without the permission of the presiding officer. A Councilmember who wishes to ask a question of a member of the public shall seek permission from the presiding officer. The presiding officer shall have the authority to limit the time allowed to address the Council. Disorderly persons, including those who do not abide by the rules established, may be removed from the meeting place at the direction of the presiding officer, or (a majority of) Council. See RCW 9A.84.030 - Disorderly Conduct.
- (2) Council shall provide opportunity to be heard on all agenda items, ordinances, resolutions and matters concerning budget related items. When allowed, audience participation shall usually be limited to a maximum of three minutes per speaker. No speaker shall be allowed to cede his or her time to another speaker.
- (3) On each agenda item after a description of the matter has been made, the Mayor shall ask if there are any questions or comments by citizens in the audience. After discussion by the Council commences, citizen comment should not be permitted except by permission of the Council. See Rule 11.
- (4) Unless approved by the Mayor prior to the speaker beginning to address the Council, no member of the public may utilize an electronic or video device for purposes of his or her presentation to the Council. This restriction shall not apply to any device which is an accommodation for the speaker's disability.

Rule No. 10: Presiding officer's duties. It shall be the duty of the presiding officer of the Council meeting to:

- (1) Call the meeting to order;
- (2) Keep the meeting to its order of business;
- (3) State each motion and require a second, when applicable, to that motion before permitting discussion;
- (4) Handle discussion in an orderly way:
 - (a) Give every Councilmember who wishes an opportunity to speak,
 - (b) Keep all speakers to the rules and to the questions,
 - (c) Give pro and con speakers an equal opportunity to speak;
- (5) Put motions to a vote and announce the outcome;
- (6) Suggest but not make motions for adjournment;
- (7) Call for short recesses up to 15 minutes;
- (8) Appoint committees when authorized by law or Council action.

Rule No. 11: Debate/Discussion.

- (1) Councilmembers may speak more than once on the same subject; provided, further, that after each Councilmember has had an opportunity to speak on a subject at least once, that only a majority of Councilmembers present may close debate;
- (2) No Councilmember may speak a second time to a question until every Councilmember choosing to speak has spoken. Each round of debate shall proceed in the same fashion -- i.e., no person shall speak again until all others have been given an opportunity to speak. However, an amendment or any other motion being offered, makes the real question before the assembly a different one, and, in regard to the right to debate, is treated as a new question. ~~Merely asking a question, or making a suggestion, is not considered as speaking.~~ The maker of a motion, though he/she can vote against it, should not speak against his/her own motion.
- (3) Unless permitted by a majority, no member may be allowed to speak for more than ~~ten minutes~~ (two to five minutes suggested) on one agenda item, question or motion.
- (4) When an amendment is pending, the debate must be confined to the merits of the amendment unless it is of such a nature that its decision practically decides the main question.
- (5) Closure of debate.
 - (a) The Mayor may close debate after a call for the question has been made by a Councilmember and no one objects to closure or when all Councilmembers have indicated they have completed their discussion. The Mayor cannot close the debate as long as any Councilmember desires to speak.
 - (b) Council may close debate by motion and call for the question by motion after each Councilmember has had an opportunity to speak at least once. (See Rule 11(1).)
- (6) Discussion may occur on scheduled agenda items without there being a motion made on the matter. ~~It is encouraged that e~~Each Councilmember shall be allowed to speak once before a motion is made so that fewer subsidiary motions and votes will be needed to dispose of a matter.
- (7) Councilmembers may bring up new business or old business and make inquiries of staff without putting the issue in the form of a motion. When asked by the Mayor or another Councilmember, the Councilmember introducing the matter for discussion ~~shall~~ may put the issue into the form of a motion.
- (8) Discussion should be addressed to the Mayor. ~~or to other Councilmembers.~~

Rule No. 12: Motions in writing - When. The presiding officer and any member of the Council may require a motion to be reduced to writing prior to a vote upon the same. All resolutions and ordinances shall be in writing before being adopted. Amendments to an ordinance ~~shall~~ may be reduced to writing before being voted up.

Rule No. 13: Motions - Priority.

- (1) The following order shall be the order of priority for main and subsidiary motions:
 - (a) Adjourn - Recess.
 - (b) Question of privilege.
 - (c) Take from the table.
 - (d) Previous question.
 - (e) Postpone to a set time.
 - (f) Refer to a Committee, Commission or Board.
 - (g) Amend.
 - (h) Main question.
- (2) The main motion is lowest in rank.
- (3) To fix time to adjourn is the highest. When any motion on this list is before the Council, a motion above it on the list is in order, those below it are out of order.
- (4) Priority of incidental motions is as set out in Chapter 5 of THE STANDARD CODE OF PARLIAMENTARY PROCEDURE (Fourth Edition) by Alice Sturgis. (NOTE: Usually, subsidiary motions are permissible to make while considering any other regular business.)

Rule No. 14: Motions.

- (1) Motions shall be clear and concise and not include arguments for the motion within the motion.
- (2) There shall be no discussion of a motion prior to it being seconded other than to clarify the motion language.
- (3) If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order, privilege.
- (4) After a motion and a second, the Mayor will state the names of the Councilmembers making the motion and second. The Mayor, the Clerk or the motion maker shall restate the motion prior to debate.
- (5) After a motion has been made and seconded, the Council may discuss their options on the issue prior to the vote. No further citizen comments may be heard when there is a motion and a second on the floor.
- (6) A motion to table is not debatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting. A motion to table may not be used to dispose of a quasi-judicial matter.
- (7) A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at any regular meeting.
- (8) A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting. A motion to amend a motion to amend is permitted but there is no amendment of amendment of an amendment. Only one motion to amend may be on the floor at any one time.
- (9) The City Attorney, or his/her designee, shall provide information to the Mayor or Council concerning questions of interpretations of these policies and procedures and other questions of a parliamentary nature which may arise at a Council meeting. The City Attorney, or his/her designee, or the City Clerk may interrupt proceedings to provide advice concerning conformance with law and procedure.
- (10) All ordinances shall be prepared or reviewed by the City Attorney, or his/her designee, prior to being placed on the agenda. No ordinance shall be prepared for presentation to

the Council unless requested by a majority of the City Council, or the Mayor or the City Attorney.

Rule No. 15: Motions - Debatable and Non-debatable. The following list shows which motions are debatable and which are not:

- To fix time to adjourn Non-debatable
- Adjourn - Recess Non-debatable
- Privilege Non-debatable
- Take from tableDebatable
- Postpone to a set time.....Debatable
- Previous question Non-debatable
- Refer to a Committee, Commission,
Board or Staff.....Debatable
- Amend.....Debatable
- Main question or motionDebatable

Rule No. 16: Motions - 2/3's vote required. Except as provided by __ state law, only the following motions shall require a two-thirds (2/3) vote:

- (1) Suspend rules.
- (2) Previous question unless all members have been allowed to speak at least once in which case only a majority is needed to sustain the previous question.
- (3) Prevent introduction of business.
- (4) Amend these rules during the same meeting the motion to amend these rules is first made.

Rule No. 17: Voting.

- (1) Each Councilmember present must vote on all questions put to the Council, except as to matters with respect to which the Councilman may have a conflict of interest. Votes may be by "aye", "nay" or abstention. The vote shall include a show of hands. No secret ballots are allowed.
- (2) The Mayor may vote in case of a tie except for the passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money. These matters shall require the affirmative vote of at least a majority of the whole membership of the Council (four Councilmembers).
- (3) When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- (4) Similarly, on matters concerned with the setting of dates for hearings, public meetings, workshops, special meetings for which the Council usually sets the date by formal motion, no formal motion is required, if after the Mayor or a Councilmember suggests a date, there is a consensus by all Councilmembers that the date is acceptable. The Mayor shall summarize the consensus and the matter shall be entered in the record as a Council action by consensus.

Rule No. 18: Adopted Rules of Order. Chapters 2, 3, 4, 5, 6, 7, 8, 9, 10 and 15 of THE STANDARD CODE OF PARLIAMENTARY PROCEDURE (Fourth Edition) by Alice Sturgis shall govern the deliberations of the Council, except when in conflict with any of the foregoing rules and state law. Other sections of this text may be resorted to when deciding questions not addressed by constitutional or state law, ordinance or these rules but shall not be deemed rules of this Council or binding.

Rule No. 19: Quasi-judicial matters - Site Visits.

Whenever a quasi-judicial matter pending before the City Council involves a specific site, each member of the Council may visit the site prior to the making of a final decision in order to better understand the evidence to be presented. At the public hearing, Councilmembers shall disclose what information was observed.

Rule 19A: Quasi-Judicial Procedure - Appearance of Fairness

- (1) Prior to staff presentation of a quasi-judicial matter, Councilmembers shall each determine whether the appearance of fairness doctrine requires that the Councilmember recuse himself or herself from sitting on the quasi-judicial matter.
- (2) If the matter is a land-use decision, the Councilmembers shall identify:
 - If they have any interest in the property or application;
 - If they own property within 300 feet of the subject property;
 - If they stand to gain or lose any financial benefit as a result of the outcome of the hearing;
 - If they have any personal, family or other connection to any party such that their ability to be impartial might be called into question;
 - Whether they can hear and consider the application in a fair and objective manner.
- (3) In non-land use quasi-judicial matters, the Councilmember shall identify:
 - If they stand to gain or lose any financial benefit as a result of the outcome of the hearing;
 - If they have any personal, family or other connection to any party such that their ability to be impartial might be called into question;
 - If there is any reason why they could not be fair and impartial in deciding this matter.
- (4) Upon disclosure of any of the above potential appearance of fairness concerns, the parties and the public shall be given an opportunity to object to any Councilmember sitting on the quasi-judicial matter based on the appearance of fairness doctrine. Failure to object to a Councilmember sitting on the quasi-judicial matter when offered the opportunity shall constitute a waiver of that objection.
- (5) Councilmembers are encouraged to recuse themselves if they feel there may be an appearance of fairness issue. If an individual Councilmember has determined not to recuse him or herself, the City Council as a whole may, by majority vote, decide that the Councilmember has an appearance of fairness concern which may taint the Council's decision in the pending case and may recuse the Councilmember on those grounds.
- (6) Any Councilmember who recuses him or herself or who is recused shall leave the Council hearing room prior to any testimony or consideration of the quasi-judicial matter.

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

- (1) *Ex parte* contacts are contacts about the quasi-judicial matter occurring outside of the open public hearing at which it is decided.
- (2) Every Councilmember shall disclose any *ex parte* contacts he or she had and describe them on the record prior to the quasi-judicial hearing.
- (3) Unless the Councilmember feels that the *ex parte* contact(s) have affected his or her ability to be fair, the fact that the Councilmember has had *ex parte* contacts shall not disqualify a Councilmember PROVIDED that the Councilmember discloses those contacts on the record prior to the quasi-judicial hearing.
- (4) In any case in which a Councilmember has disclosed *ex parte* contacts, any party to the quasi-judicial hearing shall be allowed to rebut the substance of the *ex parte* contact(s) either prior to or during the quasi-judicial hearing.

Rule No. 19C: Quasi-judicial Procedure - Testimony

- (1) Testimony may not be taken in closed record land use appeals. The Council's decision must be based on the evidence in the record created by the Planning Commission or Hearing Examiner (as applicable). If the Council determines that additional evidence is needed in such cases, the Council may send the matter back to the Planning Commission or Hearing Examiner (as applicable) to add evidence to the record.
- (2) In other quasi-judicial matters, the Council may take limited additional evidence but is encouraged to rely upon the record already created.
- (3) Prior to giving testimony, all witnesses shall be sworn on oath to testify fully and truthfully:

"I hereby swear or affirm that the testimony I am about to give shall be the truth and the whole truth."

Rule No. 19D: Quasi-judicial Procedure - Advocacy

- (1) Quasi-judicial hearings are intended to be adversarial, that is, to allow competing points of view to be argued by the proponent(s) and any opponent(s). The City Council shall sit as an impartial decision-maker rather than as an advocate for either position.
- (2) The proponent(s) shall speak first and make any arguments in favor of his or her position as "opening argument". Normally, the proponent(s) shall be limited to ten minutes of opening argument.
- (3) The opponent(s) shall speak after the proponent(s). Normally, the opponent(s) shall be limited to ten minutes of responsive argument.
- (4) Because the proponent(s) has the burden of persuasion, the proponent(s) shall be allowed three minutes of rebuttal to the opponent(s)' argument. Rebuttal shall not introduce any new arguments but shall only reply to the arguments of opponent(s).
- (5) The Mayor or the City Council may allow additional time for argument if either determines that the case would be better understood with additional argument.
- (6) After arguments have concluded, the City Council shall ask any questions Councilmembers have of the parties.
- (7) After testimony, argument and Council questioning has concluded, the Council shall deliberate and make its decision in an open public meeting. If an Executive Session is authorized by state law, the council may adjourn to an Executive Session to the extent authorized by state law but shall make its decision in an open public meeting.

Rule No. 20: Requests for additional public hearings. Where a public hearing was conducted prior to making a recommendation to the City Council, the City Council may consider holding an additional public hearing.

Rule No. 21: Written materials submitted subsequent to public hearings. Written materials may be submitted to the City Council following the close of a public hearing when authorized by Council on record.

Rule No. 22: Reconsideration of quasi-judicial actions. Any request of motion for reconsideration by a proponent or opponent of a quasi-judicial action of the City Council must be made in writing to the City Clerk. A motion to reconsider such action shall be out of order and shall not be acted upon unless made prior to taking up the start of the City Council agenda at the next regular City Council meeting following the meeting at which the action was taken. During the reconsideration period, no ex parte communication shall be made to any City Councilmember concerning the quasi-judicial action. "Action" shall mean the vote of the City Council expressing a decision even though followed at a later date by passage of an ordinance or resolution.

Rule No. 23: Reconsideration of actions which are not quasi-judicial. A member of the Council may request that the Council reconsider a decision on a matter which is not quasi-judicial in nature. A motion to reconsider must be made during the same meeting as the original action was taken.

Rule No. 24: Ratification. Only one reconsideration motion shall be allowed. Ratification shall be treated as a main motion and shall be for purposes of correcting procedural or substantive concerns and shall relate back to the date of original action unless the Council otherwise provides.

Rule No. 25: Failure to follow rules.

- (1) Failure to follow these rules shall not void any action taken by Council.
- (2) A Councilmember feeling a rule is violated may raise a privileged or incidental motion to seek redress before the Council.

Rule No. 26: Interpretation. This Resolution shall supercede Resolution Nos. 2000-05 and 2002-13 concerning Council procedure.

Rule No. 27: Standing Committees. Pursuant to Ordinance No. 1578, as amended by Ordinance No. 1621, Standing Committees were established to facilitate the legislative functions of the City Council.

- (1) The four committees and their regular meeting dates and locations are:
 - (a) Finance – the second Wednesday of the month at City Hall at 3:30 p.m.;
 - (b) Governmental Services – the second Tuesday of the month at City Hall at 3:30 p.m.;
 - (c) Public Safety – the third Thursday of the month at City Hall at 3:30 p.m.;
 - (d) Public Works – the first Thursday of the month at City Hall at 3:30 p.m.
- (2) The standing committee meetings are regular open public meetings of the city council. Any city councilmember may attend any standing committee meeting.
- (3) The purpose of the standing committees is to receive information for educational purposes or for preparation of matters to come before the city council. No final action shall be taken at a standing committee meeting.
- (4) Upon recommendation of the mayor, the city council shall assign a chair and two members of the city council to have primary responsibility for each committee annually. There is no quorum requirement for standing committee meetings and while councilmembers assigned to standing committees are encouraged to attend their assigned standing committee meetings, all councilmember absences are excused.
- (5) Meetings of standing committees should be conducted with a prepared agenda which should be posted on the City's website at least two (2) business days prior to the meeting.
- (6) The committee chair may cancel a standing committee meeting at any time. In the event that regular meeting of a standing committee is cancelled, cancellation shall be posted on the door of the location set by this section prior to the regular time of the meeting.

Rule No. 28: Standing Committee Procedures.

- (1) The chair of the standing committee shall preside at standing committee meetings. If the chair is not present, the attending primary committee members shall choose a presiding officer *pro tempore*.
- (2) If a city councilmember wishes to attend a standing committee meeting of a standing committee of which he or she is not a primary member, that city councilmember shall notify the Mayor's office at least 72 hours prior to the standing committee meeting so that special notice of a city council meeting may be issued.
- (3) If a city councilmember appears for a standing committee meeting without having given the notice required in Paragraph (2) above, the meeting shall be adjourned until special notice can be given.
- (4) The councilmembers assigned to the standing committee as primary members shall be seated at the table or dais. Councilmembers who attend standing committee meetings to which they are not assigned as primary member shall not sit at the council table or dais but in the seating designated for observers.
- (5) Public comment shall be allowed, unless the chair finds exceptional circumstances exist.

Ms. McFarland made several recommendations for changes to the administration and personnel council rules including the following (per Bill Hawkins notes from the May 30th council workshop):

Rule 2, Page 5 – The rule currently states that special meetings may be called by the mayor or by a majority of the council. Under state law, any three members can call for a special meeting, and the local rules cannot be more restrictive. This rule needs to be changed.

Rule 4 (2) – The rule currently states that no council member may participate by electronic means. Ms. McFarland indicated that most jurisdictions actually allow a council member to appear telephonically or by email or some other acceptable form of technology no more than say three times a year. She does not necessarily advocate for this change but some of the council members present expressed an interest in the change.

Rule 8, Page 13 – Ms. McFarland noted that our clerk takes detailed minutes. She highly recommended that we abolish that procedure in favor of what she calls “action minutes” meaning extremely brief minutes reporting only actions taken without further detail. I happen to share her point of view regarding a proper form of minutes.

Rule 9 (1) – The current rule says that no person not a member of the council may be allowed to address the council without the permission of the presiding officer and that disorderly persons may be removed from the meeting place at the direction of the presiding officer. Ms. McFarland emphasized that it would be equally appropriate for these duties to be responsibility of the presiding officer or council.

Rule 10 (4)(c) – The rule states that the presiding officer (the mayor) should give pro and con speakers “an equal opportunity to speak”. We have always interpreted this to mean that he should allow everyone to speak; the mayor often applies this rule by going down one wing of the dais and then the other wing of the dais. However Ms. McFarland says most parliamentarians interpret this to allow pro and con speakers to speak on an alternating basis.

Rule 11 (2) – The rule states, inter alia, that “merely asking a question or making a suggestion is not considered as speaking.” She believes that is simply wrong and that language should be deleted. I have often wondered what that language was intended to mean and I am inclined to agree.

Rule 11 (3) – Allows each council member to speak for up to ten minutes on one agenda item, question or motion. She says that is far too long and should be shortened to two to five minutes.

Rule 11 (6) – Says that it is encouraged that each council member be allowed to speak once before a motion is made. She believes that a stronger word than in “encouraged” is needed.

Rule 11 (7) – Says that if a mayor or another council member introducing a matter for discussion “shall” put the issue into a form of a motion; she believes this should be “may” instead of shall.

Rule 11 (8) – Provides that discussion should be addressed to the mayor or to other council members. Ms. McFarland believes that the comments should be directed to the mayor only.

Rule 12 – Currently the rule states that the presiding officer and any member of the council may require a motion to be reduced to writing prior to a vote. She believes the rule should read that the presiding officer or any member of council may require a vote, etc.

Rule 14 (9) – Ann McFarland went out of her way to say that the rule authorizing the City Attorney or his/her designee to interrupt proceedings to provide necessary information is a wonderful rule to have adopted. She also added that the clerk should be authorized to interrupt as needed. Local practice has the clerk doing so; this probably be a good addition to the rule as well.

Appendix C.

Using the Round Robin Method for Efficient Council Meetings

The simplest way to make city council meetings more efficient is to use the round robin method of discussion. In a round robin, each member of the body is given an opportunity to speak once before anyone may speak a second time, commonly by calling on the members around the table in turn. Sometimes, however, it's harder to employ this method than it seems. These are our tips for successful use of the round robin.

1. Somebody has to keep track and somebody has to be the enforcer. A person in authority, usually the presider, must track who is speaking, and who has yet to speak. That person must also intervene when someone speaks out of order. We have seen instances where the presider gets carried away in the press of business and makes errors, or finds it a challenge to keep the order straight. We recommend splitting the job. The number two person, vice-president or mayor pro tem, can track speakers. The presider must be alert and ready to get things back on track when necessary.

2. The maker of the motion starts the debate. Under Robert's Rules, the person who makes the motion has the right to speak first. The round robin would then move to left or right or alphabetically, depending on custom.

3. Everybody has to be patient. Sometimes members aren't sure what they think, or are slow to express themselves. Since council business often involves matters on which members have strong feelings, it can be a challenge to wait one's turn. Everybody involved needs to be patient for this method to succeed.

4. Members may pass. It is appropriate to allow members to pass when their turn arrives, and then to offer those who passed a chance to speak at the end of the round.

5. It helps to vary the order. Psychology has demonstrated the "order effect," under which those who come first in a listing often have undue influence over those who come later. If your council literally goes "around the table," we recommend alternating between moving to the left and moving to the right. If your council uses alphabetical order, start with A one time and Z the next.

6. You can use the popcorn style. Under this style, there is no set order. Each person raises his hand and speaks as the spirit moves him. However, the presider or the vice-presider still tracks who has spoken, to ensure that each person gets a fair turn. If your council members are very self-disciplined, and will hold back once they've spoken the first time, you can even allow people to speak up without being recognized by raising a hand.



7. Members must show restraint. One of the most common violations of the round robin occurs when a member is strongly moved by a colleague's comments, and bursts out with a strong reaction. While the temptation to shout "that's a lie!" is understandable, each member must hold back any comment until the second round.

8. The presider must show restraint. Another common violation of the round robin occurs when the presider, feeling that she possesses special information of relevance to the debate, responds to each speaker. This is patently unfair, since the presider then has five or seven chances to speak to each member's single chance. Like the members, the presider must gather her thoughts in silence, and then respond to the members when her turn arrives.

9. The presider speaks last. Because of the special position and weight of the presider's position, he speaks last, after all the members have spoken. This supports the neutrality of the presider's position, and also allows him to summarize the opinions expressed, a very important function—so long as it is a fair summary.

10. The members must be prepared to speak up. In the round robin, as in any gathering committed to fair use of procedure, members must be prepared to speak up when violations occur. A simple call of "point of order" should cause the presider to stop and ask, "State your point?" The member then voices her observation, and the presider either accepts the point or rules it invalid, or "not well taken." The point of order must be timely and may interrupt a speaker.

11. The members have the final say. If someone disagrees with the presider's decision on a point of order, any two members may appeal it. One says, "I appeal from the decision of the chair" and another says "second." The matter is then referred to the council as a whole for decision. The council itself has the final authority. Any debate on an appeal follows the same round robin pattern.

12. Amendments restart the round robin. If an amendment is offered, the round robin is restarted for any debate on the amendment. Once the amendment is disposed of, the debate on the main motion picks up where it left off in the original round robin sequence.

13. Guidelines have to be explicit. Each council has its own culture. It's important for everyone to agree on which guidelines will be observed. These suggestions can serve as a starting point for discussion.

While this method of conducting discussion at council meetings will lessen the amount of high drama and excitement so thrilling to observers and the press, it offers the fairest and most equitable way to discuss city business. It also has the virtue of being required by Robert's Rules of Order for meetings in general. We strongly recommend it to everyone who is committed to fair and judicious discussion of issues in which each member has an equal opportunity to participate.



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

Bill No.

10

Date:

September 4, 2012

Subject:

Revised Navy Jet Fuel
Pipeline Easement

FROM: Steve Powers *SP*
Development Services Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SD Scott Dudley, Mayor
LC Larry Cort, Interim City Administrator
DM Doug Merriman, Finance Director
GW Grant Weed, Interim City Attorney

PURPOSE

This agenda bill presents a revised easement with the United States of America/Department of the Navy for the City Council's consideration. It also presents a proposed purchase and sale agreement, as a companion document to the easement.

AUTHORITY

RCW Title 35A provides the authority for the City Council to grant an easement for the use of public right-of-way.

FISCAL IMPACT DESCRIPTION

Funds Required: Not applicable
Appropriation Source: Not applicable

SUMMARY STATEMENT

On June 18, 2012 the City Council approved the granting of an easement to the United States of America and the Department of the Navy for the purposes of constructing a new jet fuel pipeline within the Regatta Avenue right-of-way. As the Council will recall, the easement includes a portion of Washington State Department of Transportation (WSDOT) right-of-way for SR-20. Under RCW 47.24.020, the City has authority and jurisdiction over the construction, use, and maintenance of any portion of State Route 20 in the City limits, with the concurrence of WSDOT. Exhibit C of the previously approved easement was intended to demonstrate the necessary WSDOT concurrence.

RCW 47.24.020 also directs that 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. It was originally thought that this payment would be handled

City of Oak Harbor City Council Agenda Bill

separate from the easement agreement.

Since the June 18th meeting, Navy and WSDOT staff, with input from the City, have been coordinating on how best to satisfy these provisions of State law. It was determined that both of these items could be addressed by revising certain portions of the easement with the City. The proposed revisions are summarized below:

- 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) has not changed. However, the new easement deletes reference to the fact that this payment is to be made to the City (which could have been interpreted as meaning solely to the City). This simple change will allow the Navy to directly pay both the City and WSDOT our 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. "As-built" drawings are prepared after construction of a public facility and are intended to document the facilities actual size, location, etc. They are used as a reference when working in the vicinity of the documented facility. 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 such a restriction. The amendments proposed to Sections 7.3, 7.4 and 7.7 satisfy both the Navy and City needs in this area.

The revised easement agreement is shown in Attachment 1. Also provided for the Council's review is the proposed purchase and sale agreement, which is a companion document to the easement agreement (please see Attachment 2). The purchase and sale agreement clearly documents the required \$1,000.00 payment to WSDOT. Both documents are presented using a track changes format.

Given the nature of the proposed changes to the easement agreement, it is appropriate for this item to be brought back before the City Council. Mr. Robert Tull (outside legal counsel) and the Interim City Attorney have reviewed both documents and express no concern regarding the proposed changes. To avoid confusion, it is appropriate for Council to rescind your previous approval for the easement and approve the revised easement in its place.

STANDING COMMITTEE REPORT

This item was discussed with the Governmental Services Standing Committee at their August 7, 2012 meeting.

RECOMMENDED ACTION

A motion to rescind prior action approving the easement and adopting the revised easement as proposed, and approving the purchase and sale agreement

ATTACHMENTS

Attachment 1: Revised easement agreement

Attachment 2: Proposed purchase and sale agreement

When Recorded Return to:
Commanding Officer (Real Estate)
Naval Facilities Engineering Command Northwest
1101 Tautog Circle
Silverdale, WA 98315-1101

Document Title: Grant of Easement N44255-12-RP-00015
Grantor: City of Oak Harbor
Grantee: The United States of America
Legal Description: Ptn Sec 25-T33N-R1E, W.M.
Assessor's Tax parcel Numbers:

**NON-EXCLUSIVE EASEMENT AGREEMENT
BETWEEN
CITY OF OAK HARBOR
AND
UNITED STATES OF AMERICA**

This Non-Exclusive Easement Agreement ("Agreement") is made this ____ day of _____, 2012, by and between the City of Oak Harbor, a Washington municipal corporation ("City") and the United States of America, acting by and through the Department of the Navy ("Navy"), "Naval Facilities Engineering Command – Northwest (NAVFAC NW)".

RECITALS

WHEREAS, the City is a municipal corporation in Island County in the state of Washington, being a non-charter code city pursuant to Chapter 35A Revised Codes of Washington (RCW); and,

WHEREAS, the Navy is a branch of the United States federal government, being a part of the Department of Defense and having and maintaining facilities, including but not limited to Ault Field and Seaplane Base at Naval Air Station Whidbey Island, in and around the City and within Island County, Washington; and,

WHEREAS, Washington State Department of Transportation ("WSDOT") is a department of the state of Washington having authority over state transportation pursuant to ~~Chapter RCW~~ 47.01.260-RCW; and,

WHEREAS, the City has ownership, authority and jurisdiction over the use and maintenance of the public thoroughfares within the City and including but not limited to that certain City right-of-way over a portion of Regatta Drive; and,

WHEREAS, the City has authority and jurisdiction, pursuant to RCW 47.24.020(15), over the right of way of State Route 20, a state highway located within the City limits, and may grant the non-exclusive easement as identified herein with the written approval of WSDOT and the payment of its share of compensation derived from the non-exclusive easement grant; and

WHEREAS, such portion of State Route 20 described in Exhibit "A", Easement Description, and depicted in Exhibit "B" is within the City limits of Oak Harbor; WSDOT has authority and jurisdiction over the construction, use and maintenance of State Route 20, a state highway, which at one point intersects with Regatta Drive and

and which intersection is within the City limits over which the City has authority pursuant to Chapter 47.24 RCW; and,

WHEREAS, the Navy is planning the replacement, relocation and upgrade of its fuel pipeline within Island County from its Seaplane Base at Crescent Harbor to Ault Field at Naval Air Station Whidbey Island, a portion of which pipeline is designed to run through a portion of County right-of-way along Torpedo Road and Crescent Harbor Road and through a portion of the City right-of-way along Regatta Drive, and including the intersection of Regatta Drive and State Route 20; and,

WHEREAS, the Navy under the authority of 10 U. S. C. 2663 is desirous of obtaining an easement from the City for defense purposes for a portion of the Navy's fuel pipeline within the City right-of-way along Regatta Drive and including the intersection of Regatta Drive and State Route 20 and the City, with the written approval of WSDOT, has the authority to grant such an easement; and,

WHEREAS, the City and Navy agree that the Navy does not have statutory authority to indemnify and hold the City harmless. The Federal Tort Claims Act (28 U. S. C. 1346b) is the statutory authorization for tort claims to be brought against the United States of America; and,

WHEREAS, the City and Navy agree that the City has the authority to regulate work within the City rights-of-way, including requirements for liability insurance and construction standards;

NOW, THEREFORE, in consideration of the sum of **NINE THOUSAND ONE HUNDRED TWENTY-FIVE (\$9,125.00) Dollars** paid by the Navy ~~to the City~~, the parties hereto agree as follows:

1. **Grant of Easement.** City does hereby grant to the Navy, subject to the terms and conditions herein, a non-exclusive easement on, over, under, along, through and upon the easement area described in Paragraph 2 below, with the right, privilege and authority to enter, access, and use said easement area for the purpose of constructing, installing, operating, inspecting, testing, maintaining, repairing and replacing of a fuel pipeline and associated fiber optic communication line for military use.

1.1. **Type of Easement.** This easement granted herein is an easement in gross personal to the United States of America and said easement is not appurtenant to any parcel or property whether managed by the Department of the Navy or any other federal agency. The intent of the parties is that this agreement is not assignable outside the federal government.

2. **Location of Easement.** The easement area subject to the grant of easement in Paragraph 1, above, is a twenty (20) foot-wide easement, legally described in Exhibit A attached hereto and incorporated by reference and generally depicted in Exhibit B attached hereto and incorporated by reference.

3. **Definition of Pipeline.** As used in this Agreement, "pipeline" shall mean and include but is not limited to all of the following to the extent that such are within or near the easement area granted herein: the pipe, casing surrounding the pipe, fuel flowing through the pipe, the fuel distribution system and facilities including but not limited to pipes, valves, compressor units, metering equipment, fiber optic communication line, other fabricated assemblies and such other equipment, appliances, attachments, appurtenances and other items necessary, convenient or in any way appertaining to any of the foregoing, whether the same be located over or underground.

4. **Location of Pipeline Within Easement.** The pipeline shall be installed within the easement area described in Paragraph 2, above, so that it does not interfere with the use, operation, maintenance and enjoyment of any other existing utility easements within or near the City right-of-way, including but not limited to the following parameters for placement of the pipeline:

4.1. The pipeline shall be installed at least ten (10) feet horizontally from any existing water and sewer lines; and,

4.2. The pipeline shall be installed a minimum of five (5) feet deep from the ground surface to the crown of the pipe except that the minimum depth shall be eight (8) feet from the ground surface to the crown of the pipe where the pipeline crosses State Route 20; and,

4.3. The pipeline shall be installed at any crossing with a minimum of eighteen (18) inches vertical separation from and between all existing utilities.

4.4. The pipeline shall be “located to minimize [the] need for later adjustment to accommodate future highway improvements and to permit access for servicing such [pipe]lines with minimum interference to highway traffic” pursuant to and consistent with WAC 468-34-130.

5. Non-Exclusive Easement. The easement granted herein is within the City right-of-way, the primary purpose of which right-of-way is travel and maintenance of the roadway, and within said right-of-way and the area of the easement granted herein, are additional existing utility easements, including but not limited to a City water line and the City has and retains the right and authority to grant additional easements within said right-of-way as the City may choose, as long as it does not interfere with the use and enjoyment of the United States of America’s easement.

6. Term. This Agreement and the rights and obligations hereunder shall be in effect for a period of ninety (90) years from the date of its recording with the Island County Auditor’s Office unless sooner terminated by the Grantee as identified below.

6.1. This Agreement may be terminated by a written instrument (e.g., quitclaim deed) signed by the Navy hereto and recorded with the Island County Auditor’s Office.

6.2 This Agreement may be sooner terminated if the Navy notifies the City of its intent to abandon the easement granted herein by issuing a signed quitclaim deed from the Navy hereto and recorded with the Island County Auditor’s Office and provided to the City.

6.3. Upon the end of the term, or abandonment as described above, the Navy shall remain responsible for the on-going testing and clean-up of any hazardous material within or near the easement area caused by the pipeline to the extent required by applicable federal or state laws.

7. Non-Interference. All work and activities relating to using, setting, erecting, constructing, extending, improving, installing, supporting, attaching, connecting, inspecting, maintaining, repairing, replacing, enlarging, and operating said pipeline within the easement area shall be conducted as set forth below:

7.1. With the least possible interference with public’s use and enjoyment of the City right-of-way for travel, and the least interference with the maintenance of the right-of-way within the easement area. At a minimum, this shall mean that the work shall be conducted consistent with and according to the *Manual on Uniform Traffic Control ~~Devices~~-Devices for Streets and Highways* – (Federal Highway Administration) and Washington modifications thereto, and consistent with local standards and pursuant to a traffic control and signing plan

approved by the City Engineer, and with no open cuts at any crossing or lane closures except as may be approved in said traffic control and signing plan.

7.2. With the approval of the City Engineer, and the approval of the engineers for WSDOT to the extent required by WSDOT, no such work shall be undertaken or carried on without such written notice and approval first having been given by the City and WSDOT, as they shall require.

7.3.— With notice from the Navy to the City and to owners of all other utilities using the easement area in advance of construction, maintenance and repair, giving the date and location of such construction, maintenance and repair of the pipeline and Navy ~~shall record and provide~~ will retain on file at its Public Works Office the "as-built" drawings, which will be available for viewing by any authorized staff of the city, county or state in the official capacity of their job to the City and WSDOT and said utility owners within four (4) months of completion of the pipeline, which drawings will show the exact location of the pipeline based on a survey thereof.

~~7.4.— With notice from the Navy to the City and to owners of all other utilities using the easement area in advance of maintenance or repair of the pipeline, giving the date and location of such maintenance or repair of the pipeline.~~

7.54. Any and all damage or injury done or caused to the easement area or to the City right-of-way, or any portion thereof, by the Navy during the use, setting, erecting, constructing, extending, improving, installing, supporting, attaching, connecting, inspecting, maintaining, repairing, replacing, enlarging, and operating of the Navy pipeline shall be promptly repaired and reconstructed by the Navy based on the policies or requirements of the City's public works office; and in the event the Navy shall fail, neglect or refuse to repair and reconstruct said damage or injury the same may be done by the City and reimbursement for actual expenses may be sought through any appropriate Navy or other U.S. government process or venue, including but not limited to the Federal Tort Claims process. In performing any such repair, neither the City nor any of its employees, agents, or subcontractors shall be deemed to be an employee, agent or subcontractor of the Navy.

7.65. The Navy will provide an emergency call-out response to City/County notices of emergency available twenty-four (24) hours a day, seven (7) days a week and such response to City/County notices of emergency involving the Navy pipeline facilities shall be within one (1) hour of such notice, or as soon thereafter as practically possible.

~~7.7.— The Navy will have on file at their its Public Works Office the detailed information of the pipeline location, which will be available for viewing by any authorized staff of the city, county or state in the official capacity of their job.~~

8. **Construction Standards.** All work of the Navy within the easement area, including but not limited to using, setting, erecting, constructing, extending, improving, installing, supporting, attaching, connecting, inspecting, maintaining, repairing, replacing, enlarging, and operating the pipeline shall conform to applicable ordinances, statutes, administrative provisions, including but not limited to *Standard Specifications for Road, Bridge and Municipal Construction*, and amendments thereto (WSDOT), to policies or requirements of the City Engineer, WSDOT, and other departments or persons having supervisory or approval control over the work including compliance with such ordinances, statutes, administrative provisions and policies related to public safety including but not limited to requirements for indemnification and liability insurance.

8.1. Any such work shall be treated as a public works project and shall comply with all applicable federal, state and local statutes and regulations pertaining to public works projects.

8.2. At a minimum but not in contravention of applicable standards and regulations identified herein, the work shall include but is not limited to the following:

8.2.1. Casing of the pipeline at crossings; and,

8.2.2. In addition to any street repair or trench repair resulting from the installation, a minimum of two (2) inch hot mix asphalt (HMA) overlay, compliant with WSDOT specifications, shall be provided the full width of the roadway. Overlay shall be required the full length and width of the City roadway within the project limits; and,

8.2.3. All trench repairs backfill shall be controlled density fill; and,

8.2.4. The pipeline shall include active corrosion/cathodic protection and such corrosion/cathodic protection shall not cause damage or negatively affect existing utilities.

9. **Pipeline Realignment, Changes and/or Modifications.**

9.1. The Navy shall exercise its best efforts to design, locate and install the pipeline in such a manner which meets the City's and WSDOT's current specifications and requirements for the pipeline.

9.2. If the City and/or WSDOT determines that a future improvement, repair, alteration or modification to portions of the State highway or the City right-of-way subject to this easement is necessary and it may result in

any disturbance, realignment or modification to the pipeline which impacts the use and enjoyment of the Navy's easement, the City and/or WSDOT shall:

9.2.1. Provide the Navy no less than twenty-four (24) months advance written notice of commencement of such State highway or City right-of-way project, but preferably at the beginning of an improvement, repair, alteration or modification which may result in a disturbance, realignment or modification to the Navy's use and enjoyment of its easement; and,

9.2.2 Provide the Navy said preliminary plans and specifications for such State highway and/or City right-of-way improvement, repair, alteration or modification; and,

9.2.3. The Navy, the City and/or WSDOT shall meet to discuss the project and determine if any disturbance, realignment or modification of the pipeline will take place; and,

9.2.4. The Navy, the City and/or WSDOT will determine how to resolve the project impacts to the Navy's use and enjoyment of its easement pursuant to ~~the~~ applicable laws and regulations.

10. Environmental Requirements.

10.1. The Navy agrees that it will conduct all its activities within the easement area in compliance with all applicable federal or state environmental laws.

10.2. To the extent ~~any such~~ contamination occurs from activities of the Navy within the easement area or from the pipeline, the Navy shall comply with all applicable state and federal environmental laws.

11. Pipeline Regulations and Applicable Laws.

11.1. The Navy shall to the extent required of the Navy comply with all applicable federal and state pipeline regulations and applicable pipeline safety and reporting regulations.

11.2. The Navy shall at a minimum and not in contravention of any other reporting requirements provide copies of reports to the City based on the same timing requirements ~~which are being filed with~~ of the appropriate regulatory authority.

12. Easement Supersedes Prior Rights. Except as provided herein, all other permits and/or franchises held by the Navy for the fuel pipeline from its Seaplane Base at Crescent Harbor to Ault Field at Naval Air Station Whidbey Island are hereby superseded, including but not limited to that certain Permit for

Installation Upon Right of Way between Island County and the United States dated March 10, 1951 ("Permit").

12.1 Upon completion of the installation and connection of the pipeline as described herein, those certain Navy fuel lines of 4- and 8-inches, installed pursuant to the Permit referenced above, shall be abandoned-in-place, including within the easement area and the Navy will comply with all applicable federal, state and local regulations and requirements regarding clean-up and on-going testing of said abandoned-in-place fuel lines and the area surrounding the same, to clean-up contamination as required by applicable federal and state law, if any, caused by such abandoned-in-place pipelines.

12.2 To the extent that the pipeline is not located alongside and within the area permitted by the Permit, and the 4- and 8-inch pipelines are abandoned-in-place, all of the Navy's permits and rights to the use of and access to those permitted areas, however created, shall be extinguished except that the Navy shall retain the right to access the area of the abandoned-in-place 4- and 8-inch pipelines to screen, test and clean-up contamination as required by applicable federal and state law, if any.

13. LEGAL AUTHORITY.

13.1. The City is authorized to grant the easement herein on, over, under, along, through and upon the City right-of-way on Regatta Drive pursuant to the general grant of authority given to non-charter code cities pursuant to Chapter 35A.11.010 and pursuant to Chapter 39.33.010 (1) RCW which allows the City to transfer, exchange and dispose of any interest in City real property to the federal government.

13.2. WSDOT is authorized to operate and maintain state highways, including State Route 20 pursuant to ~~Chapter RCW~~ 47.01.260 and RCW 47.24.020.

13.3. All portions of State Route 20 described in Exhibit "A" Easement Description, and depicted in Exhibit "B" The intersection of State Route 20 and the City right of way in Regatta Drive isare located within the city limits of the CityOak Harbor (City). and as such the City is the permitting authority pursuant Pursuant to Washington Administrative Code (WAC) Section Chapter 468-52-020 and RCW, Chapter 47.24 RCW, specifically, RCW 47.24.020(15), with title to the SR 20, a non limited access state highway, right of way vests in the City, and the City has the authority to grant the non-exclusive easement identified herein for utility purposes if WSDOT approves such easement and if the state of Washington receives its proportionate share of the compensation paid for the easement. being is the permitting authority for the any right of way over State Route 20 within the city limits of Oak Harbor and, with the concurrence of the State (WSDOT),. The the City is authorized, pursuant to

~~Chapter 47.24.020 (15) RCW, has the authority to transfer an interest in said any right of way at the intersection of on State Route 20 and Regatta Drive within the city limits of Oak Harbor for the non-transportation use of an unused portion of said right of way. WSDOT's written concurrence approval only with the prior written approval of WSDOT, which is included in this document Agreement as Exhibit "DC".~~

14. **Costs.** All costs of work, including but not limited to planning, design, application, submittal, approval, construction, insurance, administration, use, maintenance, repair and operation of the pipeline easement herein shall be borne solely by the Navy and such shall not place any financial burden or cost on the City that would not otherwise exist without the easement or this Agreement.

15. **Miscellaneous Provisions.**

15.1. **Severability.** If any term, provision, condition or portion of this Agreement shall be held to be invalid such invalidity shall not affect the validity of the remaining portions of this Agreement which shall continue in full force and effect. The headings of sections and paragraphs of this Agreement are for convenience of reference only and are not intended to restrict, affect or be of any weight in the interpretation or construction of the provisions of such sections or paragraphs.

15.2. **Modification and Amendment.** This Agreement may be modified or amended only by written instrument signed by all parties hereto, which instrument specifically states that it is a modification or amendment to this Agreement and is approved and executed in accordance with the laws of the State of Washington and recorded.

15.3. **Applicable Law, Jurisdiction and Venue.** This Agreement shall be construed and interpreted under Washington law and the jurisdiction and venue for any action brought to enforce this Agreement or any term hereunder shall be the Federal District Court, located nearest to the property.

15.4. **Counterpart.** This Agreement may be executed in counterpart, each of which shall be an original, but all such counterparts shall constitute one and the same instrument.

The foregoing is agreed to by:

CITY OF OAK HARBOR,
a Washington municipal corporation

DEPARTMENT OF THE NAVY

By: _____
Name: SCOTT DUDLEY
Title: Mayor

By: _____
Name: MICHAEL D. BRADY
Title: Real Estate Contracting Officer

Date: _____

Date: _____

Approved as to form:

Approved as to form:

By: _____
City Attorney

By: _____

Date: _____

Date: _____

GRANTOR ACKNOWLEDGEMENT

STATE OF WASHINGTON)
)ss
County of Island)

This is to certify that on the _____ day of _____, before me, the undersigned Notary Public in and for the State of Washington, personally appeared SCOTT DUDLEY, to me known to be the Mayor of the CITY OF OAK HARBOR, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____



Pacific Surveying & Engineering

10000 1st Avenue, Redding, WA 98225
 Phone: 360 871 7303 Fax: 360 871 6895
 Email: info@pasesurvey.com

www.pasesurvey.com

EXHIBIT 'A'
EASEMENT DESCRIPTION

PARCEL 1 (ISLAND COUNTY):

A 20.00 FOOT WIDE EASEMENT LYING 10.00 FEET ON EITHER SIDE OF THE CENTERLINE OF THE EXISTING PIPELINE ALIGNMENT, WITHIN PORTIONS OF GOVERNMENT LOT 6 OF SECTION 36, AND GOVERNMENT LOT 1 OF SECTION 26, TOWNSHIP 33 NORTH, RANGE 1 EAST, W.M., ISLAND COUNTY, WASHINGTON, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF TORPEDO ROAD AND THE CENTERLINE OF CRESCENT HARBOR ROAD BEING A POINT 30.00 FEET SOUTH AND 45.00 FEET WEST OF THE SOUTHWEST CORNER OF LOT K OF SHORT PLAT 79-307 OF ISLAND COUNTY PER AUDITOR'S FILE NO. 378807, BEING MARKED BY A NO. 5 REBAR (NO CAP); THENCE DEPARTING SAID INTERSECTION SOUTH 86°51'23" EAST ALONG THE CENTERLINE OF SAID CRESCENT HARBOR ROAD A DISTANCE OF 15.79 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID CRESCENT HARBOR ROAD CENTERLINE NORTH 11°12'27" WEST A DISTANCE OF 139.71 FEET TO AN ANGLE POINT; THENCE NORTH 01°46'31" WEST A DISTANCE OF 114.60 FEET TO A POINT 15.00 FEET DISTANT EAST WHEN MEASURED AT RIGHT ANGLES TO SAID TORPEDO ROAD CENTERLINE, SAID CENTERLINE BEING MARKED BY A CASED LEAD DOME MONUMENT;

THENCE CONTINUING 15.00 FEET DISTANT EAST AND PARALLEL WITH SAID TORPEDO ROAD CENTERLINE NORTH 01°46'31" WEST A DISTANCE OF 786.52 FEET TO A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 6, SAID POINT BEING SOUTH 88°35'48" EAST A DISTANCE OF 15.02 FEET FROM SAID TORPEDO ROAD CENTERLINE, WHEN MEASURED ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 6, SAID CENTERLINE BEING MARKED BY A CASED CONCRETE MONUMENT, SAID MONUMENT BEING SOUTH 88°35'48" EAST A DISTANCE OF 1599.05 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 25;

THENCE CONTINUING 15.00 FEET DISTANT EAST AND PARALLEL WITH SAID TORPEDO ROAD CENTERLINE NORTH 01°46'45" WEST A DISTANCE OF 707.29 FEET TO THE NORTH LINE OF SAID ISLAND COUNTY, BEING THE SOUTH LINE OF SAID CITY OF OAK HARBOR; AND THE TERMINUS OF HEREIN DESCRIBED CENTERLINE.

EASEMENT MARGINS AT THE BEGINNING AND TERMINUS SHALL BE LENGTHENED OR SHORTENED, AS NECESSARY, TO INTERSECT THE CENTERLINE OF SAID CRESCENT HARBOR ROAD (UNITED STATES BOUNDARY) AND THE BOUNDARY LINE BETWEEN SAID ISLAND COUNTY AND SAID CITY OF OAK HARBOR.

CONTAINING 34,982 SQUARE FEET, MORE OR LESS.

SITUATE IN COUNTY OF ISLAND, STATE OF WASHINGTON.

PARCEL 2 (CITY OF OAK HARBOR):

A 20.00 FOOT WIDE EASEMENT LYING 10.00 FEET ON EITHER SIDE OF THE CENTERLINE OF THE EXISTING PIPELINE ALIGNMENT, WITHIN PORTIONS OF GOVERNMENT LOTS 1 & 2 OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 1 EAST, W.M., CITY OF OAK HARBOR, ISLAND COUNTY, WASHINGTON, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF TORPEDO ROAD AND THE NORTH LINE OF SAID GOVERNMENT LOT 6, BEING MARKED BY A CASED CONCRETE MONUMENT; THENCE SOUTH 88°35'48" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 6 A DISTANCE OF 15.02 FEET; THENCE NORTH 01°46'45" WEST PARALLEL WITH SAID TORPEDO ROAD CENTERLINE A DISTANCE OF 707.29 FEET TO THE NORTH LINE OF SAID ISLAND COUNTY, BEING THE SOUTH LINE OF SAID CITY OF OAK HARBOR AND THE POINT OF BEGINNING;

THENCE CONTINUING 15.00 FEET DISTANT EAST AND PARALLEL WITH SAID TORPEDO ROAD CENTERLINE NORTH 01°46'45" WEST A DISTANCE OF 321.01 FEET TO A POINT 15.00 FEET DISTANT EAST WHEN MEASURED AT RIGHT ANGLES TO SAID TORPEDO ROAD CENTERLINE;

THENCE CONTINUING NORTH 01°48'45" WEST A DISTANCE OF 31.97 FEET TO THE BEGINNING OF A CURVE, THE RADIUS POINT OF WHICH BEARS NORTH 88°13'18" EAST A DISTANCE OF 1000.00 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°45'19" A DISTANCE OF 152.81 FEET TO THE POINT OF TANGENCY; THENCE NORTH 08°58'35" EAST A DISTANCE OF 32.76 FEET TO A POINT 15.00 FEET DISTANT EAST WHEN MEASURED AT RIGHT ANGLES TO NE REGATTA DRIVE CENTERLINE; SAID CENTERLINE BEING MARKED BY A CASED BOAT SPIKE;

THENCE CONTINUING 15.00 FEET DISTANT EAST AND PARALLEL WITH SAID NE REGATTA DRIVE CENTERLINE NORTH 08°58'35" EAST A DISTANCE OF 75.49 FEET TO A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 1; SAID POINT BEING NORTH 88°31'18" WEST A DISTANCE OF 185.48 FEET FROM THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1;

THENCE CONTINUING 15.00 FEET DISTANT EAST AND PARALLEL WITH SAID NE REGATTA DRIVE CENTERLINE NORTH 08°58'35" EAST A DISTANCE OF 689.50 FEET TO AN ANGLE POINT 15.00 FEET DISTANT EAST OF SAID NE REGATTA DRIVE CENTERLINE, SAID CENTERLINE BEING MARKED BY A CASED ALUMINUM MONUMENT;

THENCE CONTINUING 15.00 FEET DISTANT EAST AND PARALLEL WITH SAID NE REGATTA DRIVE CENTERLINE NORTH 08°58'54" EAST A DISTANCE OF 481.79 FEET TO AN ANGLE POINT; THENCE DEPARTING SAID ANGLE POINT NORTH 46°46'33" WEST A DISTANCE OF 74.39 FEET TO A POINT ON THE WESTERLY MARGIN OF SAID NE REGATTA DRIVE;

THENCE DEPARTING SAID WESTERLY MARGIN OF NE REGATTA DRIVE AND CONTINUING NORTH 46°46'33" WEST A DISTANCE OF 4.50 FEET TO A POINT ON THE SOUTHEAST MARGIN OF STATE ROUTE 20, PER RIGHT OF WAY PLAN SR 20, AULT FIELD SOUTH, ISLAND COUNTY DATED OCT. 14, 1962, AT HIGHWAY ENGINEERS STATION 688+32.62, 75.00 FEET RIGHT; THENCE CONTINUING FROM SAID SOUTHEAST MARGIN OF SAID STATE ROUTE 20, NORTH 46°46'33" WEST A DISTANCE OF 159.26 FEET TO A POINT ON THE NORTHWESTERLY MARGIN OF SAID STATE ROUTE 20, AT HIGHWAY ENGINEERS STATION 688+86.15, 75.00 FEET LEFT AND THE TERMINUS OF HEREIN DESCRIBED CENTERLINE.

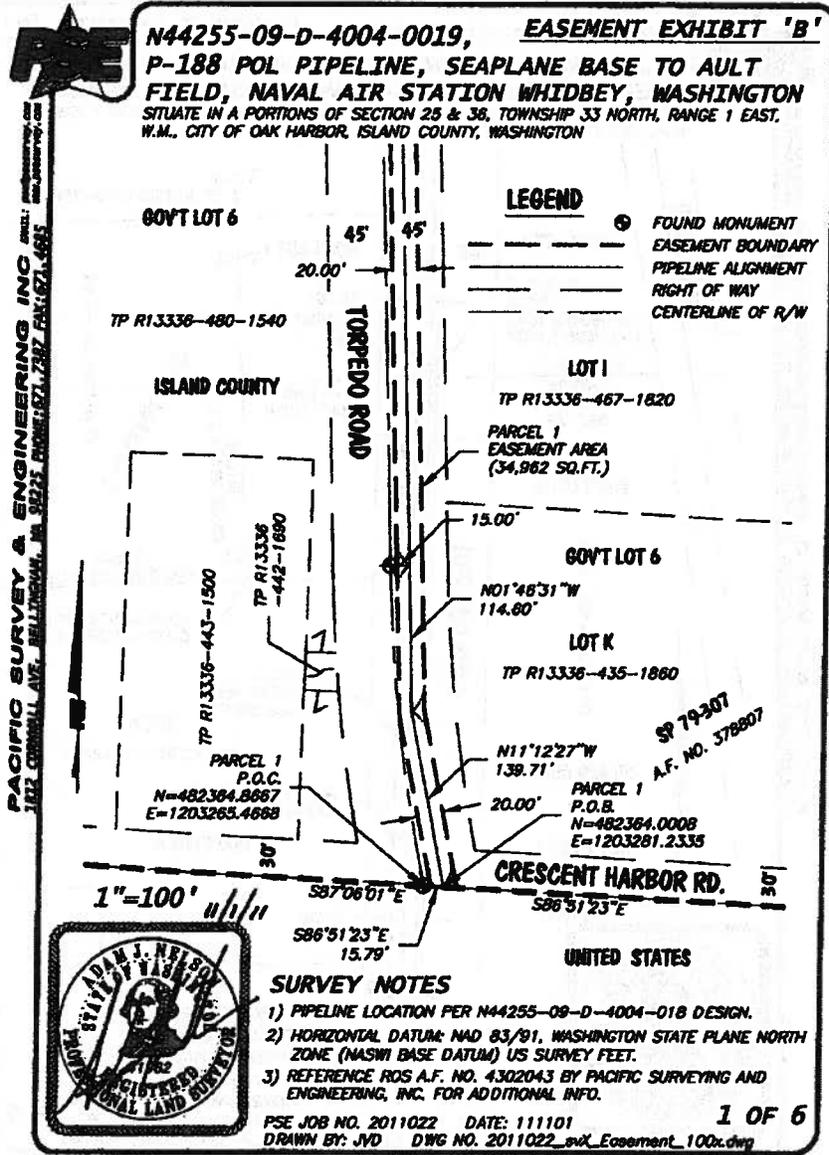
EASEMENT MARGINS AT THE BEGINNING AND TERMINUS SHALL BE LENGTHENED OR SHORTENED, AS NECESSARY, TO INTERSECT THE BOUNDARY LINE BETWEEN SAID CITY OF OAK HARBOR AND SAID ISLAND COUNTY AND THE NORTHWESTERLY MARGIN OF SAID SR 20 (UNITED STATES BOUNDARY).

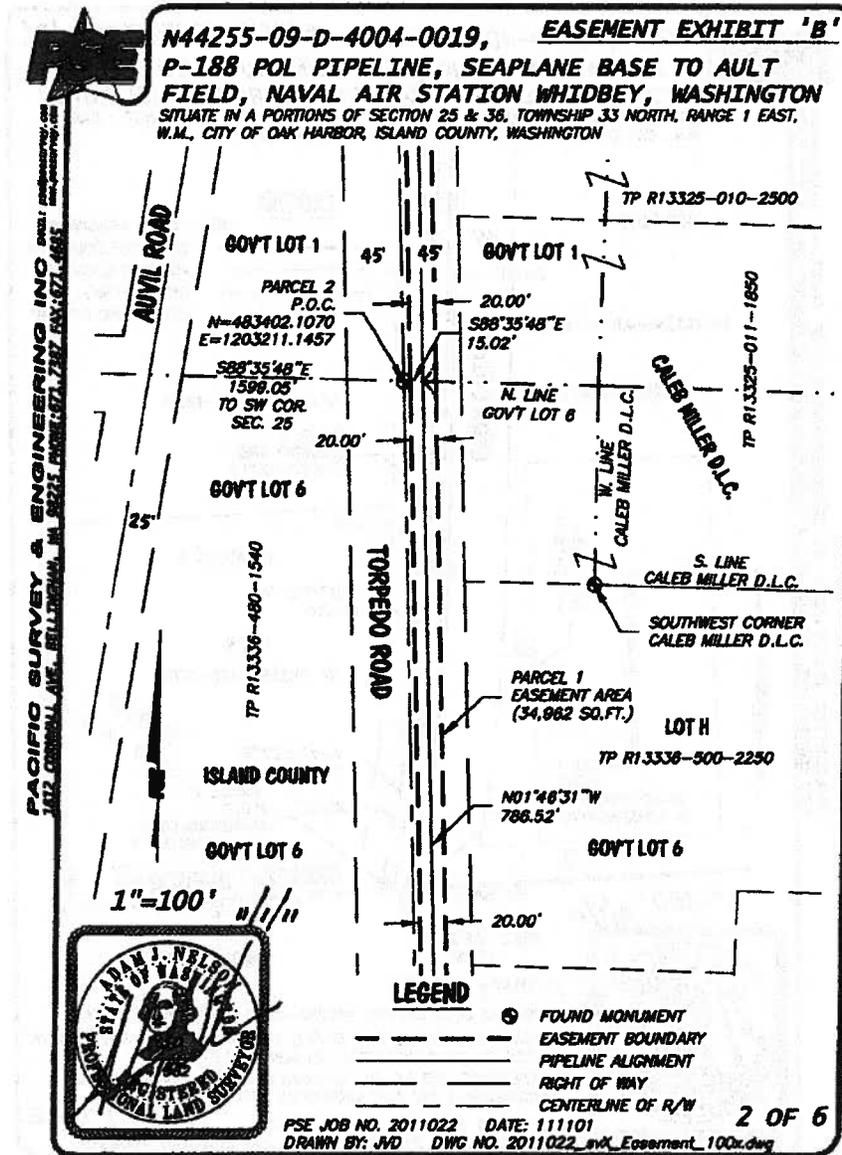
EXCEPT ANY PORTION OF THE ABOVE DESCRIBED TRACT LYING WITHIN TP R13325-215-1530 AS DESCRIBED IN ISLAND COUNTY QUIT CLAIM DEED AUDITOR'S FILE NO. 4087402.

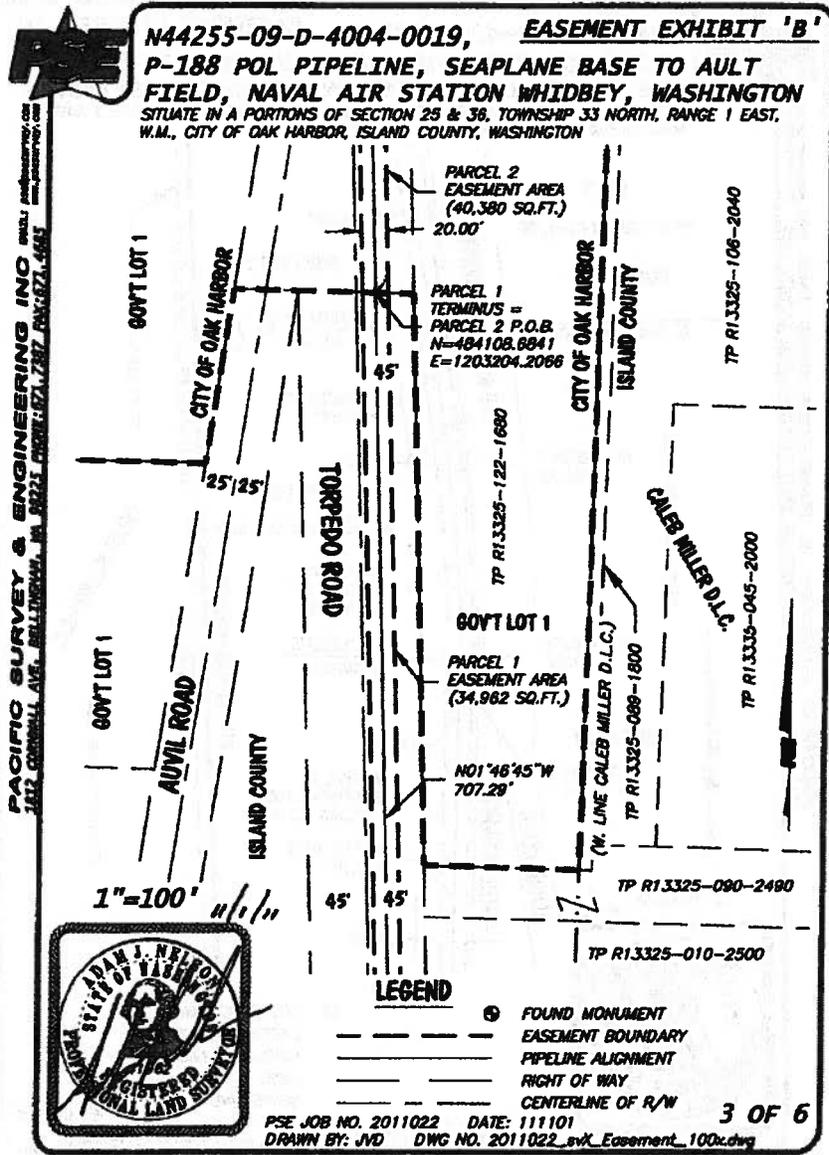
CONTAINING 40,380 SQUARE FEET, MORE OR LESS.

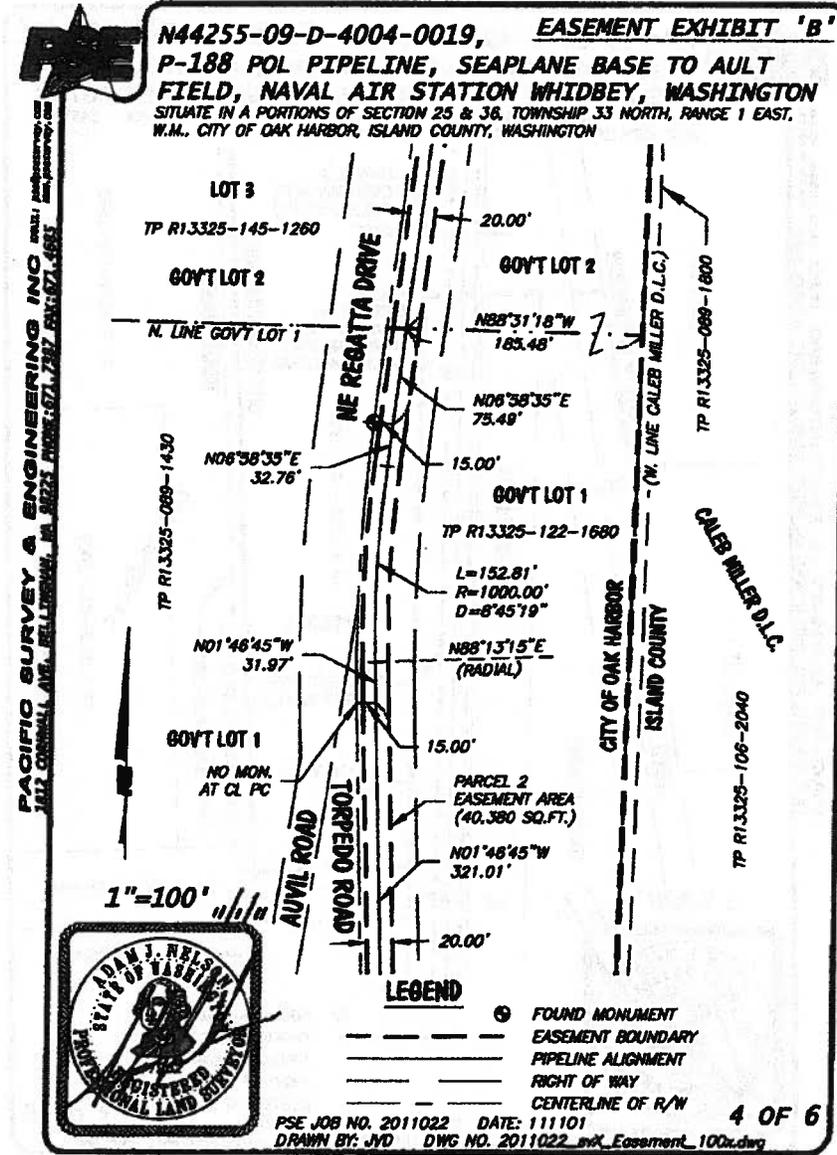
SITUATE IN COUNTY OF ISLAND, STATE OF WASHINGTON.

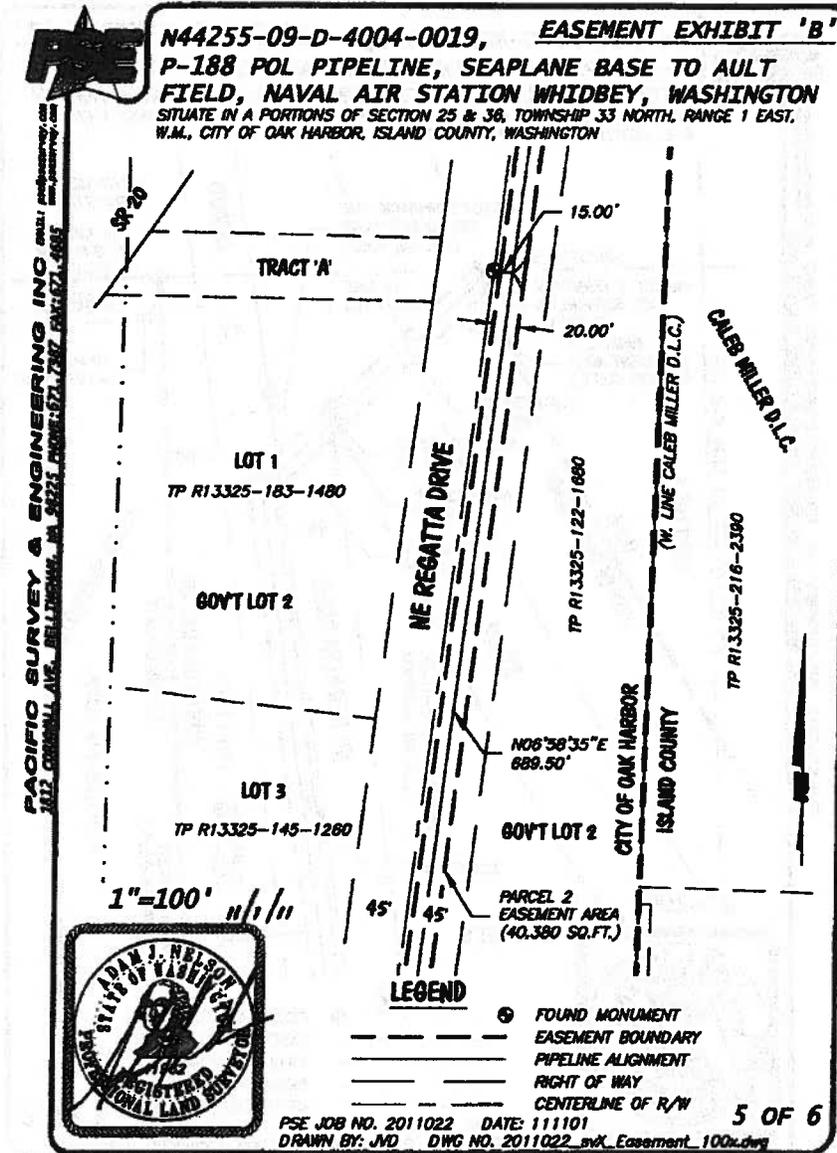


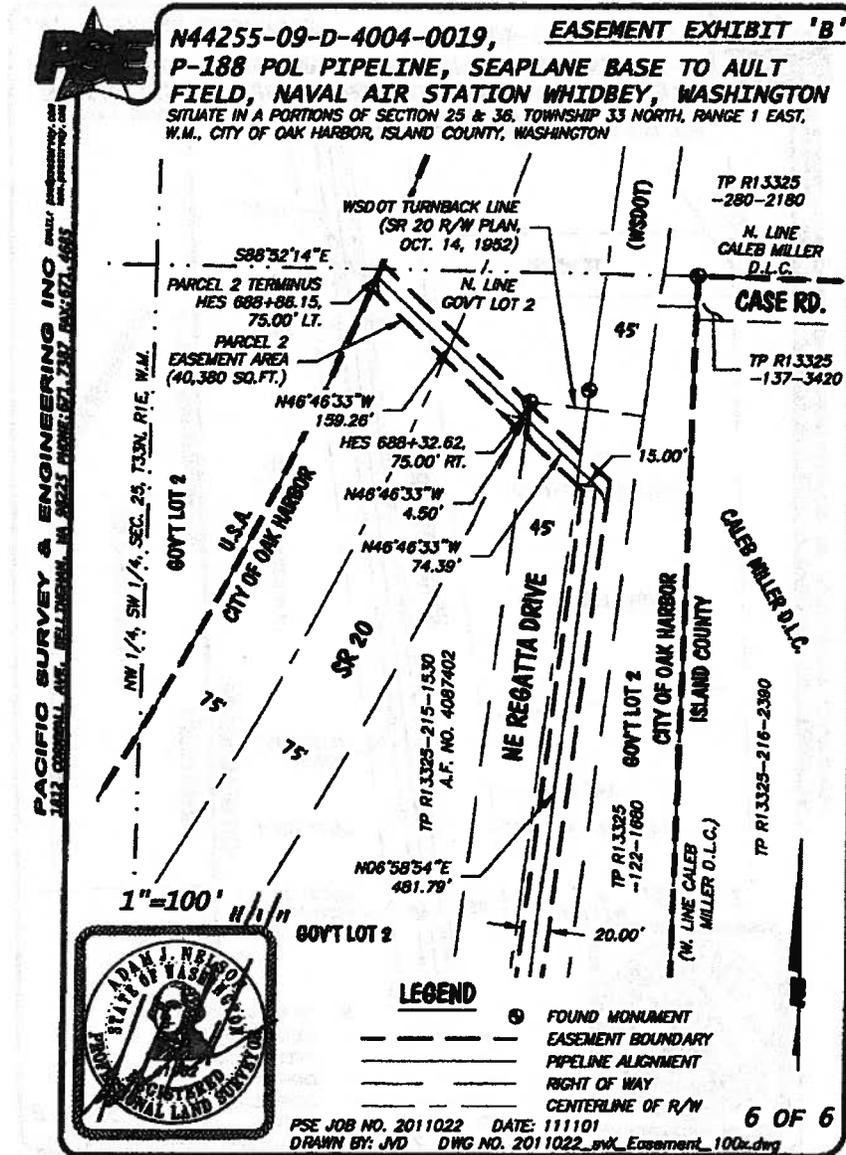












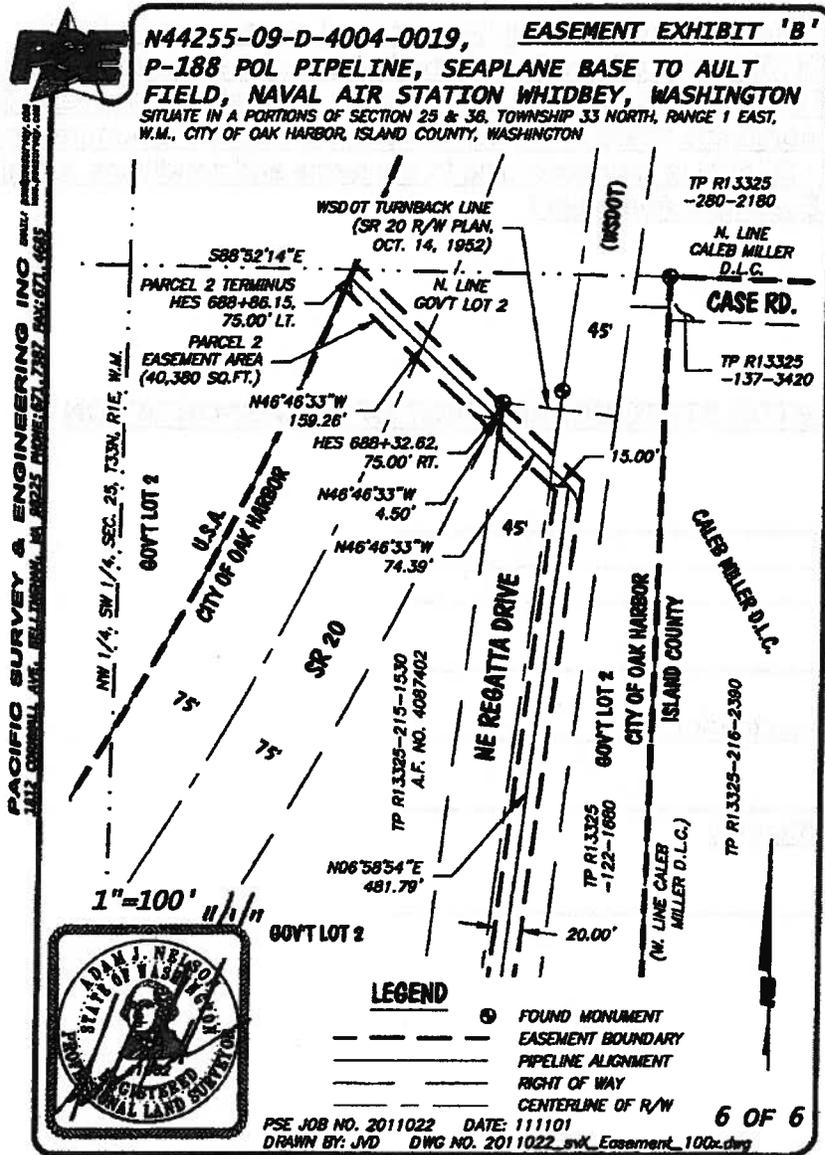


EXHIBIT C

~~Concurrence Approval~~ from Washington State Department of Transportation
pursuant to RCW Chapter 47.24.020(15) RCW

WSDOT herewith provides its written approval as required by RCW 47.24.020(15) for the City of Oak Harbor's grant of the non-exclusive easement as identified herein, conditioned that the state of Washington receive \$1,000.00 as its proportionate share of the compensation paid for the non-transportation use of SR 20 right of way according to the terms and conditions contained in this Grant of Easement Agreement.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By: _____
Name: _____
Title: _____

Date: _____

Approved as to form: _____

By: _____
WSDOT Attorney

Date: _____

710. EXECUTION FOR AND ON BEHALF OF THE GOVERNMENT

THE UNITED STATES OF AMERICA

BY _____
 MICHAEL D. BRADY
 Real Estate Contracting Officer
 Naval Facilities Engineering Command Northwest

_____ Date

_____ Witness

118. NAVY IDENTIFICATION AND ACCOUNTING DATA										
118A. NAME AND ADDRESS OF NAVAL ACTIVITY Commanding Officer Naval Air Station Whidbey Island 3730 Charles Porter Avenue Oak Harbor, WA 98278					118B. LOCAL GOVERNMENT REPRESENTATIVE (Activity and address) Commanding Officer Naval Facilities Engineering Command NW 1101 Tautog Cir Silverdale, WA 98315-1101					
118C. PAYMENT TO BE MADE BY: Defense Finance & Accounting Service Cleveland Anthony J. Celebrezze Federal Building 1240 East 9th Street Cleveland OH 44199-2055					118D. PARCEL(S) Ptn. SW¼ in Sec. 25, Township 33 North, Range, 1 East, W.M.				8E. CONTRACT NO. N4425512RP00009	
ACRNRN	APPROPRIATI ON	SUB- HEAD	OBJ. CLASS	BU- CONTROL	SA	AAA	TT	PAA	COST CODE	AMOUNT
AA	1721804	52FA	252	00052	0	068732	2D	C0042M	687422FP406Q	\$9,125.00

NAVFAC 11011/14 (Rev. 11-97)

912. GENERAL PROVISIONS

a. **PAYMENT AND CONVEYANCE.** The purchase price for said property shall be paid when the Government has received from City, with concurrence of WSDOT, an executed good and sufficient easement conveying the appropriate real estate interest in said property to the Government free from all liens and encumbrances.

b. **PREPARATION OF DEED.** The Government and City have negotiated and drafted the easement for the grant of the appropriate real estate right.

c. **LIENS.** Currently the property is owned by the City and City agrees that if there are any taxes, assessments, and encumbrances which are a lien against the property at the time of conveyance to the Government shall be satisfied by the City prior to or at the time of grant of easement and, if the City fails to do so, the Government may pay any taxes, assessments, and encumbrances which are a lien against the property and deduct such payments from the purchase price. However, the Government agrees to pay all recording fees, transfer taxes and similar expenses incidental to conveying the easement to the Government, if payable in a conveyance to the Government.

d. **LOSS OR DAMAGE.** The City agrees that loss or damage to the property shall be at the risk of the City until the deed conveying the easement to the Government has been accepted by the Government through its duly authorized representative, and in the event that such loss or damage occurs, the Government may, without liability, refuse to accept conveyance of the easement, or it may elect to accept conveyance of the easement, in which case there shall be an equitable adjustment of the purchase price.

e. **CONDEMNATION.** The City agrees that the Government may, at its election, acquire title to said property or any portion thereof or any interest therein, by condemnation or other judicial proceedings, in which event the City agrees to cooperate with the Government in the prosecution of such proceedings, and also agree that the consideration hereinbefore stated shall be the full amount of the award of just compensation inclusive of interest for the taking of said property and that any and all awards of just compensation that may be made in the proceeding to any defendant for any other interests in the property, shall be payable and deductible from the said amount, and that said consideration shall also be in full satisfaction of any and all claims of the City for the possession provided for hereinbefore.

f. **DESCRIPTION.** The description of the property is subject to such modifications as may be necessary to conform to the survey (if any) made by the agents of the Government.

g. **GRATUITIES.**

(1) The Government may, by written notice to the City, terminate the right of the City to proceed under this agreement if it is found, after notice and hearing, by the Secretary of the Navy or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the City, or any agent or representative of the City, to any officer or employee of the Government with a view toward securing this agreement or securing favorable treatment with respect to the awarding or amending or the making of any

determinations with respect to the performing of such agreement: *Provided*, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(2) In the event this agreement is terminated as provided in Paragraph (1) hereof, the Government shall be entitled to pursue the same remedies against the City as it could pursue in the event of a breach of the contract by the City.

(3) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

h. **NUMBER.** Wherever the context thereof requires, the singular number as used herein shall be read as plural.

i. **REPRESENTATIONS.** All terms and conditions with respect to this agreement of purchase are expressly contained herein and the City agrees that no representative or agent of the Government has made any representation or promise with respect thereto not expressly contained herein.

j. **ADDITIONAL PROVISIONS.** Additional provisions incorporated by enclosure or reference and forming a part of this agreement: Enclosure is Easement Contract N44255-12-RP-00015 between the U.S. Government and the City of Oak Harbor, with concurrence of WSDOT, which includes the legal description of the subject property.

AGREEMENT FOR PURCHASE OF REAL PROPERTY
N44255-12-RP-00009

AGREEMENT by and between the CITY OF OAK HARBOR, a Washington municipal corporation, hereinafter called the "City," and the UNITED STATES OF AMERICA, hereinafter called the "Government."

THE CITY AGREES TO SELL, AND THE GOVERNMENT AGREES TO PURCHASE, for the consideration of \$9,125.00 the non-exclusive easement in the form provided in Attachment 1, subject to the terms, conditions, and general provisions set forth on this page and on the reverse side hereof and to the additional provisions, if any, incorporated herein by attachment or reference as set forth below. As part of this consideration, the City has authority and jurisdiction pursuant to RCW 47.24.020(15) to issue a non-exclusive easement over SR 20 which is owned by Washington State Department of Transportation (WSDOT); however, this authority requires Washington State Department of Transportation (WSDOT) to be compensated for their share of the consideration received for an exclusive easement over SR 20. An appraisal of SR 20 identified the compensation for the portion of the easement over SR 20 to be \$1,000.00. Pursuant to RCW 47.24.020, WSDOT is entitled to \$1000.00 and the City agrees to WSDOT receiving the \$1000.00. The City is in agreement with this compensation.

- 1. LOCATION AND DESCRIPTION OF PROPERTY: As described in enclosed Attachment 1, ~~on Non-Exclusive Easement~~, Contract N44255-12-RP-00015 (2 originals), specifically addressed in the exhibits, XX.
- 2. RIGHTS OUTSTANDING IN THIRD PARTIES OTHER THAN SPECIFIED IN PARAGRAPH (a) OF THE GENERAL PROVISIONS: None
- 3. RIGHTS RESERVED BY CITY: Described in enclosed Attachment 1, Non-Exclusive Easement, Contract N44255-12-RP-00015
- 4. The City agrees to convey said non-exclusive easement, with concurrence from WSDOT, to the Government upon payment of the purchase price.
- 5. The executed copy of the agreement, or notice of execution thereof, shall be sent to the City at the following address:

The Honorable ~~Jim Slowik~~ Scott Dudley
Mayor of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

6. ESCROW: Escrow shall be established by the Navy with Stewart Title of Island County, 499 NE Midway Blvd. Ste. 2, Oak Harbor, WA 98277 (the "Escrow Agent").

7. CLOSING: Subject to the requirements of Paragraph 1 above, the closing of the transaction hereunder shall be held, and delivery of all items to be made at Closing under the terms of this Agreement shall be made, at the offices of Escrow Agent no later than September 14, 2012, ("Closing Date"). If, for any reason, Closing does not occur on or prior to such date, a revised closing date shall be established by mutual agreements of Government and City.

86. EXECUTION BY CITY:

CITY OF OAK HARBOR, a Washington municipal corporation

By: _____
Mayor ~~Jim Slowik~~ Scott Dudley

_____ Date

9. EXECUTION BY WSDOT:

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____ Date

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

Bill No. //
Date: September 4, 2012
Subject: Bid Award-Rescue Unit

FROM: Cathy Rosen, Public Works Director
Ray Merrill, Fire Chief

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SD Scott Dudley, Mayor
LC Larry Cort, Interim City Administrator
DM Doug Merriman, Finance Director
CAW Legal Council, City Attorney, as to form

PURPOSE

This agenda bill recommends awarding a contract for the purchase of a rescue unit to North Star/Braun in the amount of \$131,288.53.

AUTHORITY

OHMC 2.320.040 Competitive bidding - Materials, supplies and equipment requires that the City staff solicit competitive bids for any purchase of material, supplies and equipment where the cost thereof exceeds \$30,000 except under certain specific circumstances.

FISCAL IMPACT DESCRIPTION

Funds Required: \$131,288.53

Appropriation Source: 502.00.594.000.6400

SUMMARY STATEMENT

On July 3, 2012, the City Council authorized staff to advertise for a light rescue unit. The purpose of this vehicle is to respond to medical incidents and carry the rescue and extrication equipment necessary to rescue citizens. This vehicle is called out on every car accident, medical issue, 2nd alarm structural fire and all rescues. This vehicle is instrumental to the Fire Department to provide efficient and reliable service to the citizens of Oak Harbor.

The City's current rescue unit is 26 years old and is beginning to show signs of internal engine wear due to age, it will need new tires and the electrical system will need to be re-wired because the unit fails to meet the minimum lighting requirements in accordance with National Fire Protection Association. In addition, the vehicle is not designed to accommodate all of the equipment that is needed to respond to an incident which requires alternative methods to secure the equipment which can result in a delay of equipment removal at the incident scene.

The bid was advertised in the Daily Journal of Commerce and Whidbey New Times. Eight bid packets were requested and/or sent out to vendors.

City of Oak Harbor City Council Agenda Bill

The bid totals are tabulated below:

Vendor	Unit Price	Sales Tax	Grand Total
KME	\$104,300.00	\$9,074.10	\$113,374.10
North Star/Braun	\$121,451.00	\$9,837.53	\$131,288.53
KME	\$120,782.00	\$10,508.04	\$131,290.04
H&W/Spartan	\$135,862.00	\$12,227.58	\$148,089.58

Staff reviewed the bid prices and specifications thoroughly. The comparison chart has been included in the attachments for your review.

KME's low bid does not meet the specification as established by the Fire Department. One of the bid requirements is to deliver the vehicle with 45 days of the awarding of the bid due to pending repair and maintenance issues. KME's bid had a delivery date of 120 days after receipt of the 2013 Ford F-550 chassis. The anticipated delivery time of the chassis is 90 to 120 days after order is placed. This vehicle would not be delivered for 210 – 240 days from receipt of order. KME also does not provide listing of authorized repair centers located within 300 miles of Oak Harbor. Lastly, the compartments and shelving do not meet the minimum requirement for our gear size.

The North Star/Braun demo unit meets all of the specifications as established by the Fire Department. In addition, their demo unit includes many more options that would make this vehicle highly desirable over the low bid. The Fire Chief has seen this unit at the NW Fire Expo in Portland and North Star/Braun brought this unit to the Fire Station as well. The Fire Chief is confident that this unit will meet the needs of the department.

It is recommended that the bid award in the amount of \$131,288.53 and be awarded to North Star/Braun who is the lowest responsible bidder.

Funding: The funding for the rescue unit has not been budgeted in Equipment Rental 502 fund; therefore, a budget amendment to increase the expenditure line will be necessary.

STANDING COMMITTEE REPORT

The Public Safety Standing Committee reviewed this item at their meeting on August 16, 2012.

RECOMMENDED ACTION

A motion to reject the apparent low bid of KME as not being responsive and not meeting specification and to award the bid for the purchase of a rescue unit to North Star/Braun in the amount of \$131,288.53.

ATTACHMENTS

- Rescue Unit Bid Comparison 2012

City of Oak Harbor City Council Agenda Bill

RESCUE UNIT BID COMPARISON 2012

	UNIT #1 (low bid)	UNIT #2	UNIT #3	UNIT #4 (high bid)
Manufacture	KME	North Star / Braun	KME	H&W / Spartan
New / Demo	New	Demo	Demo	New
Location	Nesquehoning PA	Chehalis WA	Nesquehoning PA	Ocala FL
Bid Price	\$104,300	\$121,451	\$120,782	\$135,862
WA Sales	\$9,074.10 (8.7%)	\$9,837.53 (8.1%)	\$10,508.04 (8.7%)	\$12,227.58 (12%)
Total	\$113,374.00 (Bid) \$113,374.10 (Actual)	\$131,288.53	\$131,290.04	\$148,089.58
Delivery Time	Approx 240 days	45 days	45 days	102 days
Meets Delivery Specs.	No	Yes	Yes	No
Chassis	2013 Ford F-550	2011 Ford F-550	2012 Ford F-550	2013 Ford F-550
Meets Specs	Yes	Yes	YES	Yes
F.O.B. Oak Harbor	Deduct \$3,000.00 for Factory pick-up	Yes	Deduct \$3,000.00 for Factory pick up	Deduct \$5,000.00 for Factory pick up

All chassis are the Ford F-550 and as such all meet the minimum requirements for the chassis portion of the bid specifications. All units are supplied with OEM standard bumper to bumper warranty and engine / drive train warranty.

All units were specified with the "shift on the fly" 4-wheel drive feature.

Specification	UNIT #1	UNIT #2	UNIT #3	UNIT #4
1.01 Chassis	Yes	Yes	Yes	Yes
1.02 Ratings	Yes	Yes	Yes	Yes
1.03 Power Train	Yes	Yes	Yes	Yes
1.04 Exhaust	Yes	Yes	Yes	Yes
1.05 Power Steer	Yes	Yes	Yes	Yes
1.06 Brakes	Yes	Yes	Yes	Yes
1.07 Tires	Yes Spare tire frame mounted	Yes Shipped loose	Yes – no spare tire listed	Yes – Shipped loose
1.08 Electrical	Yes	Yes	Yes	Yes
1.09 Gauges	Yes	Yes	Yes	Yes
1.09 Vehicle Data	Yes	No Not required when vehicle was built	Yes	Yes
1.10 Cab Ext.	Yes	Yes	Yes	Yes
1.11 Cab Int.	Yes	Yes	Yes	Yes
1.12 Paint	Vermillion Red	Ford Red	No color provided	Ford Red
Modular Unit				
2.01 Dimensions Length 108"	123"	116"	123"	144"

City of Oak Harbor City Council Agenda Bill

Width 95" Height 66"	92" 70"	96" 75.375"	92" 76"	98" 78"
2.02 Compartment L-1 and R-1 29" Wide 52" High Fully Transverse Two (2) Adj. Slv.	31-1/4" 60" 24" deep Trans over frame Yes	29" 70" Fully transverse Yes + 1 additional Shelf	31-1/4" 60" 24" deep trans over frame No L-1 no shelving R-1: 1 adj, 1 rollout	51" 48" Fully transverse Yes
L-2 and R-2 31" Wide 43" High 19.5" Deep One (1) Shelf	51-1/2" 35" 24" One (1) Shelf	40.5" 43" 23.5" One (1) shelf	51-1/2" Wide 35" high Transverse frames rails Roll-out tray	39.5 23.5 Fully transverse Yes
L-3 and R-3 23" Wide 63" high 19.5" Deep Two (2) Slvs	38-1/8" 60" 24" Yes	31" 70" 23.5 Two (2) + One (1) each	38-1/8" 60" 24" 1 floor tray each side	31" 48" 21.5 No
Rear Compt 46" High 73" Deep Slide out tray 1,000# Cap.	47-3/4" Approx 80" No Tray	60" 77.25 Tray Yes Plus one fixed Shelf	47-3/4" Unknown by bid No tray	43.5" 36" Yes
Roll-up Doors ROM or equal	Robinson Doors	ROM	Robinson Doors	ROM
Rubberized Tiles	Yes	Yes	Yes	Yes
3.01 Paint Sherwin Williams acrylic urethane Ford Red	PPG Delta polyurethane Customer Color Choice	Yes	PPG Delta polyurethane Vermilion	PPG Delta polyurethane Customer choice
3.02 Compartment finish	No Zolztone #20 Scuff rest.	Yes Aluminum mill	No Painted White	Yes Aluminum mill
3.03 Undercoating	Yes	Yes	Yes	Yes
4.01 Step Bumper	Yes	Yes	Yes	Yes
4.02 Rub Rails	Yes	Yes	Yes	Yes
4.03 Fuel Fill	Not Specked	Yes	Not Specked	Yes
4.04 Fender Rings	Yes	Yes	Yes	Yes
4.05 Rock Guard	Yes	Yes	Yes	Yes
4.06 License	Yes	Yes	Yes	Yes
5.0 Electrical				
NFPA 1901	Yes	Yes	Yes	Yes
5.01 Circuitry to SAE J1128	Not Specked	Yes	Not Specked	
5.02 Driver's Console	Yes Class 1 ES-Key	Yes Load manager	Yes Class 1 ES-Key	Yes Load manager
5.03 Back-up Alarm	Yes	Yes	Yes	Yes
5.04 Light Bar	Whelen LED 56" Cab	Whelen LED 94" Body	Code 3 LED 58" Cab	Whelen LED 56" Cab
5.05 Scene Side, Rear, lights	Whelen LED NFPA 1901 compliant system	Whelen LED NFPA 1901 compliant system	Code 3 LED NFPA 1901 compliant system	Whelen LED NFPA 1901 compliant system

City of Oak Harbor City Council Agenda Bill

5.06 Siren – Whelen 200 watt 2-100 watt speakers	Yes	Yes	No Whelen 100 watt 1 – 100 watt speaker	Yes
5.07 FMVSS 108 compliant DOT lighting	Yes	Yes	Yes	Yes
5.08 Door Ajar Warning	Yes	Yes	Yes	Yes
5.09 Map light	Yes	Yes	Yes	Yes
6.0 Striping	Yes	Yes	Yes	Yes
7.0 Repair Center	Not Stated	Yes	Not Stated	Yes
Additional Items not listed on the bid specs	<p>Pre-construction meeting (travel costs for meeting)</p> <p>2-CD's of operational manuals</p> <p>Battery Disconnect</p> <p>Kussmaul Auto Eject shore power connection</p> <p>Rear wheel liners</p> <p>Tow eyes on rear</p> <p>One (1) antenna w/wire</p> <p>Painted wheels</p> <p>1 compartment light per compartment</p> <p>Discounts for pre-payment</p>	<p>Repair manuals</p> <p>SCBA Cylinder storage 2 each one on each side of vehicle, in front of rear wheels with cover plate/door</p> <p>Telescoping lights located on rear of vehicle 12VDC</p> <p>Kussmaul auto eject shore power connections,</p> <p>120VAC power panel, vehicle battery charger, pre-wired for</p> <p>120VAC outlets located on modular body, wired for generator power connection.</p> <p>Four (4) antennas w/ wires</p> <p>Engine block heater</p> <p>2 LED strip lights on all exterior compartment doors</p> <p>Stainless steel wheel simulators on all wheels</p> <p>400,000 candle power handheld spot light</p> <p>4 Scene lights – 2 mounted on each side of body – LED</p>	<p>Repair manuals</p> <p>Wheel trim kits for all wheels</p> <p>One (1) antenna w/wire</p> <p>Battery Disconnect</p> <p>Kussmaul Auto Eject shore power connection</p> <p>Rear wheel liners</p> <p>Tow eyes on rear</p> <p>Battery charger</p>	<p>Repair manuals</p> <p>Painted wheels</p> <p>Battery disconnect</p> <p>Battery charger</p> <p>Kussmaul auto-eject 120VAC shore power</p> <p>2 tow eyes</p> <p>Fender liners</p> <p>4-scene lights 2 located on each side of body</p> <p>2 tow eyes</p>

City of Oak Harbor City Council Agenda Bill

		Rear Light bar – Traffic Controller .		

Recommendation:

The recommendation of the Fire Department is to award the bid to Braun NW / North Star. The total cost of the demo unit is \$131,288.54. This amount is \$17,914.43 above the low bid of \$113,374.10. The bid amount of \$131,288.54 is with the projections of cost for the vehicle.

Justification:

KME's low bid does not meet the specification as established by the Fire Department. One of the bid requirements is to deliver the vehicle with 45 days of the awarding of the bid. KME's bid had a delivery date of 120 days after receipt of the 2013 Ford F-550 chassis. The anticipated delivery time of the chassis is 90 to 120 days after order is placed. This vehicle would not be delivered for 210 – 240 days from receipt of order. KME also does not provide listing of authorized repairs centers located with 300 miles of Oak Harbor. The compartments do not meet the minimum requirements and the shelving is not as specified.

A pre-construction meeting would be highly recommended prior to the beginning of the project. This would require additional funds of approximately \$2,000.00 in travel expenses.

Although the KME bid is low the Braun NW / North Star demo has additional features not listed on the KME unit. The Braun NW / North Star demo unit has:

- A pre-wired 120VAC system allowing for the installation of a generator if so desired.
- Pre-wired 120VAC outlets located in and on the body of the vehicle.
- Battery charger to maintain vehicle batteries
- The additional rear telescoping lights provide for improved scene lighting and safety.
- LED left and right body mounted scene lights providing for additional scene safety/
- The traffic control light bar on the rear of the apparatus provides for an increased ability to direct traffic and early warning of the apparatus.
- Additional compartment lighting
- SCBA cylinder storage tubes located on the street and curb side of the vehicles body
- Four (4) antenna mounting systems including antennas and wire runs
- Engine block heater
- Stainless steel wheel covers on the wheels.
- Braun is a Washington based company. Should there be an issue with the vehicle Braun's sales / management team and factory are located in Chehalis WA.

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

Bill No.

12

Date:

9-4-2012

Subject:

Pending Items for Future
City Council Meetings

FROM: Scott Dudley, Mayor ~~SD~~

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

LC Larry Cort, Interim City Administrator
DM Doug Merriman, Finance Director
GW Grant Weed, Interim City Attorney

SUMMARY STATEMENT

The attached list of pending items is meant to be an organizational tool and not a definitive list of what will come before the Council for a given meeting's date. As a tentative list, it is subject to frequent, if not daily changes.

Pending Items As of: August 29, 2012 **This list is subject to change.**

Council Absences: **Jim Campbell from the 9/4/12 Meeting, Beth Munns 9/4/12 Meeting, Rick Almborg 10/16/12 Meeting**

Targeted Meeting Date	Agenda Bills ARE DUE	Public Hearing Notice Date (if needed)	Consent Agenda	Subject	Department
9/18/12 (tentative)	8/29/12			Employee Recognition – Aldon Boon, 10 years	Admin and PW
9/18/12	8/29/12			Excused Absence Request - Councilmember Rick Almborg from the 10/16/12 Council Meeting	Admin
9/18/12	8/29/12			Introduction - Ordinance, Property Tax Adjustment	Finance
9/18/12	8/29/12			Fairway Point PRD ADU Amendment	Dev Srv
9/18/12 (tentative)	8/29/12			Professional Services Agreement - Michelle Hull, Attorney for Tribal-Related Issues	Admin
9/18/12	8/29/12			Agreement - City Engineer Services	P.Works
9/18/12	8/29/12			Special Benefit Analysis - Driftwood Beach Addition (Dillard's)	P.Works
9/18/12	8/29/12			Agreement with PSE - Lighting for Safe Routes to School	P.Works
9/18/12	8/29/12			Agreement - With Whidbey General Hospital for EMS Services	FD
9/18/12	8/29/12			Security Services Northwest, Inc. - Invoice	P.Works
9/18/12 (tentative)	8/29/12			Resolution – Marina, Facility Use Fee	Dev Srv
10/2/12	9/12/12	9/15/12		Public Hearing - Marin Annexation	Dev Srv
10/2/12	9/12/12	9/15/12		Public Hearing - Ordinance, Property Tax Adjustment	Finance
10/2/12	9/12/12			Authorization to Advertise for Proposals - Animal Shelter Services	PD/Admin/P. Works
10/2/12	9/12/12	9/15/12		Change in Employee Handbook - Fire Department "Paid on Call" as a Distinct Class	HR
10/2/12	9/12/12			Municipal Code Clean Up - Fire Department "Housekeeping Items" (This will require ordinances)	FD
10/2/12	9/12/12			Phasing Options for WWTP	P.Works and Admin
10/16/12	9/26/12	10/3/12		Public Hearing - Sign Code	Dev Srv
10/16/12	9/26/12	10/3/12		Public Hearing - Binding Site Plan Code Amendment	Dev Srv
10/16/12	9/26/12			Agreement - Interim City Attorney Services with Weed, Graafstra, and Benson, Inc., P.S.	Admin
October				Shoreline Master Program	Dev Srv
November				Contract – Automated Pay Station for Staysail RV Park	P.Works

No later than December meetings				Public Defense Services Agreements: Chief Public Defender (Matt Montoya), Assistant Public Defender (Georgina Sierra), Public Defense Administrator (Jack Kerr). Present agreements expire December 31, 2012.	Admin
No later than December meetings (tentative pending PWTF results at end of August)				Interlocal Agreement for Solid Waste Management - Oak Harbor, Coupeville, Langley, Island County	P.Works
12/4/12				Authorization to Advertise for Bids - Water Reservoir	P.Works
12/4/12				Council Resolution to authorize submittal of the Wastewater Facility Plan to the Department of Ecology	P.Works
				Authorization to begin negotiations with Carollo Engineers for engineering design of WWTP	P.Works
				Agreement Renewal - Puget Sound Energy Franchise Agreement	P.Works
				Authorization to Advertise for Bids - Newspaper Advertisement Services	Finance
				Authorization to Advertise for Bids - C-Dock Roof Repair	P.Works
				Authorization to Advertise for Bids - Online Payment Services	Finance
				Council Rule Change - Public Forum - Free Speech	Legal
				Channel 10 Rules	Admin/Legal
				Banner Program Guidelines	P.Works/ Dev Srv
				Impact Fees - under review for deferral at closing	Dev Srv / P.Works
				Legal Department Restructure	Legal
				Utilities Office, City Council Chambers, Law Department Remodels	Finance, Dev Srv
				Interlocal Agreement - Island County Housing Authority, Oak Harbor, Coupeville, and Langley - Affordable Housing. Recording surcharge funds to fund housing programs.	Admin/Dev Srv

STANDING COMMITTEES and other meetings and activities

Date	Subject	Dept.
9/6/12	PUBLIC WORKS STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
9/10/12	ARTS COMMISSION, 3:30 p.m., City Hall Council Chambers	Committee Members
9/11/12	GOVERNMENTAL SERVICES STANDING COMMITTEE, City Hall Council Chambers	Committee Members
9/12/12	FINANCE STANDING COMMITTEE, City Hall Council Chambers	Committee Members
9/19/12	CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 8:00 p.m., City Hall Council Chambers. Workshop presentation by Mayor on State of the City and Future Vision.	Council
9/20/12	PUBLIC SAFETY STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
Date TBD	CITY COUNCIL SPECIAL MEETING, Workshop on Recommendations from HDR - System Development Fees	P.Works and Finance
12/8/12	CITY COUNCIL RETREAT - Review Goals set at March Retreat	Council

