

Oak Harbor City Council
Regular Meeting Minutes
April 5, 2022

This was both a physical meeting location and a virtual meeting per WA Proclamation 20-28. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor and on Cable Channel 10/HD 1090

CALL TO ORDER

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

Invocation – None

Pledge of Allegiance – Led by Mayor Severns

ROLL CALL

City Council Present:

Mayor Robert Severns
Mayor Pro Tem Beth Munns
Councilmember Tara Hizon
Councilmember Dan Evans
Councilmember Shane Hoffmire
Councilmember Jim Woessner
Councilmember Bryan Stucky
Councilmember Eric Marshall

Staff Present/Videoconference

City Administrator Blaine Oborn
Finance Director David Goldman
Public Works Director Steve Schuller
Principal Planner Cac Kamak
Project Engineer Brett Arvidson
Fire Chief Ray Merrill
Police Chief Kevin Dresker
Human Resources Director Emma House
Harbormaster Chris Sublet
Communications & IT Manager Sabrina Combs
Executive Assistant Macalle Finkle
City Clerk Julie Lindsey

Also in attendance: City Interim Attorney
Alexandra Kenyon of Kenyon Disend, PLLC

EXCUSE ABSENT COUNCIL MEMBERS – All were present. Mayor Pro Tem Munns and Councilmember Woessner were present virtually.

1. APPROVAL OF AGENDA

Mayor Severns noted Chief Dresker had notified Council of some updates to consent agenda item e. Approving expenditure of ARPA Funds for three Police Department purchases and was prepared to speak to that item should the Council decide to pull it from the consent agenda. He called for any request to do so and for any other changes to the agenda. Hearing none, the agenda was approved as presented.

2. PRESENTATIONS

- a. Proclamations - None
- b. Honors & Recognitions - None
- c. Community Presentations – None

3. CITIZEN COMMENT PERIOD

Mayor Severns explained citizens could comment on subjects of interest. Public comment could be submitted via the online webform, electronically to the City Clerk at jlindsey@oakharbor.org or by calling 360-279-4571 after 5 p.m. on the Friday preceding the meeting and prior to the meeting. To ensure all comments are recorded properly, please state your name clearly when leaving a message. Please limit comments to three minutes.

The City Council received no new employee comments since the March 15, 2022 meeting. The Council received five public comments since the March 15, 2022 meeting. Comments were received from Tom Hansen, Verna Large, Mandy Koelbl, Sara Hogarth and Mike Eaves. These comments were provided to Council and displayed during the meeting.

Mayor Severns opened the floor for public comment from any audience member present.

1. Marc Hebert, of Oak Harbor, addressed the Council with concern for public safety at Koetje Park, noting that lighting was needed to deter questionable activity in the park at night.
2. Vicki Graham, Executive Director of the Greater Oak Harbor Chamber of Commerce, addressed the Council to report on the upcoming Holland Happening event and to note that all annual events were once again scheduled to take place. She thanked the City for its partnership with the Chamber.

Hearing no other comments, the public comment period was closed.

4. CONSENT AGENDA

Consent Items

- a. Approval of Payroll and Accounts Payable Vouchers
- b. Approval of Minutes of the March 15, 2022 Council Meeting and March 23, 2022 Council Workshop
- c. Appointments of John Chaszar and Stephenie “Fe” Mischo to the Planning Commission
- d. Appointment of Joanna Hanson to the Arts Commission
- e. Approval for expenditure of ARPA funds for three Oak Harbor Police Department purchases
- f. Approval of Interlocal Agreement with Oak Harbor School District for 2022 Whidbey Island Marathon Bus Support
- g. Harbor Heights Access Roads Grant Request
- h. Resolution 22-08: Marina Boat Yard Acquisition RVEDF Grant, Amendment No. 1

Mayor Severns called for any changes to the consent agenda. Councilmember Hoffmire requested that item g. Harbor Heights Access Roads Grant Request be pulled for discussion. Mayor Severns announced items a. – f. and item h. were approved as presented.

Item g.: Councilmember Marshall noted it was his understanding the Access Roads Grant had already been applied for. City Administrator Oborn explained that as presented at the March 23, 2022 workshop, the application was submitted to Island County in order to meet the March 31, 2022 deadline. If the

Council chose to vote it down, staff would pull the submission. Councilmember Marshall moved to authorize staff to submit an application for the 2022 Island County Rural Economic Development Funds for the Harbor Heights Access Road, seconded by Councilmember Hoffmire. The vote on the motion carried 5-2 with Councilmembers Stucky and Hoffmire opposed.

5. MAYOR, COUNCIL & STAFF COMMENTS

a. Mayor - Mayor Severns provided the following comments and updates:

Pentagon Trip: Mayor Severns expressed his sincere thanks to Mayor Pro Tem Munns for making the trip to the Pentagon last month to help show the decision makers that the City of OH supports NASWI as a great partner. He noted, NASWI was placed on a list in 1991 to be considered for possible closure. NASWI was one of the first to be removed from that list but not before a group of very concerned local businesses came together as a task force with the sole intention of supporting NASWI. Mayor Severns explained he is the current President of the Whidbey Task Force after relieving former Mayor Al Koetje prior to his passing. The annual trip to the Pentagon continues to be a priority for the Task Force. This year was especially important as one of the Task Force members, Matt Miller, was elected Mayor of the City of Anacortes. Mayor Miller joined Mayor Pro Tem Munns and Mac McDowell, a long time Task Force member for the Pentagon trip this year. Mayor Severns reported the group was successful in helping build the continuing partnership with NASWI now and into the future despite the COER “no noise” attempts in District Court, and that NASWI especially appreciates the Task Force efforts.

Council Retreat: Council and City leadership staff held an all-day Council Retreat this past Thursday, March 31st in Council Chambers. Retreat facilitator, Julie Underwood, Public Works Director for the City of Kirkland, was well-received. Staff appreciated the candid conversation and constructive input received from members of Council and will provide a follow-up to the items discussed over the next few months.

Marina Boat Ramp Closed due to storm damage: The Marina boat ramp is temporarily closed due to storm damage incurred on Sunday and Monday. Please see the City’s website for updates.

Congratulations to Operations Manager Steve Bebee: Steve Bebee in Public Works and City staff have been awarded a Risk Mitigation Grant in the amount of \$12,000.00 for Hazardous Sidewalk Replacement efforts.

Kudos to Public Works personnel: Parks Manager Don Crawford reported on his attendance at a recent 811 training with excavation contractors in the region. The discussion turned to location technicians with praise for Kindle Sullivan, Will Jennings, and Jon Pollock from the City of Oak Harbor as being awesome to work with.

Student Achievements: North Whidbey Middle School and Oak Harbor High School jazz bands performed in an all-day competition. The jazz groups each received the highest possible ratings of “Superior,” and eighth grader Ethan Tang and tenth grader Josiah Villano were named “Outstanding Soloists” by the judges. Congratulations to them for their hard work in representing Oak Harbor.

Live Fire Training: Ely Street will be closed from SE Barrington Drive to SE 8th Avenue on Saturday, April 16th from 8:00 a.m. to 3:00 p.m. The City of Oak Harbor Fire Department will conduct Live Fire Training in the controlled burn of a structure. Live training provides invaluable, practical experience for our firefighters, as well as teams from Navy Region Northwest Fire Department and North Whidbey Fire and Rescue. The City appreciates the public maintaining a safe distance from the area and respecting barriers in place for public safety.

Appreciation of those appointed to Commissions: Thank you to John Chaszar and Fe Mischo, appointed to the Planning Commission and Joanna Hanson, appointed to the Arts Commission for submitting their applications.

Windjammer Park Input Process: Mayor Severns gave an update on the current input process. On Friday, City staff released the community input process for the potential Windjammer Park Improvements. He noted he and City Council want to hear from citizens and were hearing and listening to citizen feedback. Mayor Severns explained staff recommended conducting an updated community input process instead of moving forward with recommendations based on the remaining action items for the Park. He thanked the 332 people who submitted comments on the input forms as of noon April 4, 2022, and noted the City expected to receive many others.

Of those 332 responses received so far:

67.47% live in Oak Harbor

The average time spent responding was 6 minutes and 9 seconds

The top three items thus far were:

1. Windmill
2. Picnic Areas
3. Shoreline Enhancements

Staff will continue to monitor and update the numbers from comments received.

For reference, a list of additional comments/topics received were displayed

- Return of the RV park
- Put the windmill back
- Keeping the baseball fields
- More parking and ADA parking spaces
- Charging stations
- Indoor options for wet/rainy/cold weather days
- More playground equipment and activities for older children
- One recommendation to research other parks and some examples provided Boulevard Park in Bellingham, McEuen Park in Coeur d' Alene, Idaho
- More event and recreation programs: book clubs, summer concerts and movie nights in the park,
- Improve amphitheater with stage, backdrop, lighting and sound
- Change the name back to City Beach
- Safety/Security
- Improve/enhance and clean the Lagoon
- More trees/shaded areas (drought tolerant)
- Add teen activities amenities (pump track, zip line, water slide, snack shack, climbing rock, kayak/paddle board rentals)
- Remove smell from Clean Water Facility
- Pickleball courts
- BBQ grills and covered picnic area
- Fix walkways
- More restrooms and kept clean and safe
- Sustainability and taking care of the natural environment (considering nature and taking care of it), solar or wind power lighting/power
- Add benches and seating near play areas
- Indigenous people's exhibit
- Interactive art (coyote statues, or pod of orcas)
- Spread items out to reduce crowding in certain areas

- Address homelessness
- Accessibility for seniors/disabled and wheelchair access to the beach
- Stay on budget and be fiscally responsible
- Water bottle refill stations/dog fountains
- Frisbee/disc golf
- Food vendors (ice cream, coffee, meals, etc.) and pop-up shops
- Add history, Dutch elements
- Volleyball courts

Mayor Severns encouraged those with questions about the process to review the website, Frequently Asked Questions, the City's Facebook site, and the images of the park with improvements. Staff is updating items regularly. Citizens can also join attend upcoming open house in-person events to discuss options with staff.

b. Councilmembers

Councilmembers Woessner, Hoffmire, Stucky and Hizon provided their respective questions and comments.

6. PUBLIC HEARINGS & MEETINGS

a. Resolution 22-10: Adopting the 2022 Comprehensive Plan Amendments Docket

Principal Planner Kamak reviewed the proposed Comprehensive Plan amendments. He explained the Growth Management Act limits amendments to the comprehensive plan to no more frequently than once a year [1], so the City has codified the process to amend the Comprehensive Plan in Oak Harbor Municipal Code Chapter 18.15. The process is initiated in October every year with a notice to the public for potential amendments. Amendments are then compiled into a preliminary docket. The docket items are then discussed with the Planning Commission and the City Council prior to being finalized.

The City has a few items that are currently on the docket that will continue into 2022:

- Housing Element – Housing Action Plan (HAP) – Some of the strategies for implementation may require supporting language in the Element. The City is engaging in consultants to further actions in the plan.
- Joint Planning and Urban Growth Area discussions with Island County. The City has formed a working group with the County to work on this issue.
- Active Transportation Plan will be initiated in 2022 with the help of consultants since the grant dollars have recently been obligated. The intent of the ATP is to find creative ways to use the existing right-of-way to facilitate active transportation. This can include striping, signage, safety, route designations, on street parking, and include policy recommendations to manage the plan over time.

Annual amendments take place each year as opportunities or unforeseen changes impact project schedules and costs. Staff reviews the Capital Improvements Plan (CIP) with the City Council every year and makes updates to the plan. 2022 additions included a Land Use Element: The Future Land Use Map needs to be updated to reflect changes done in the major update of 2016. Land Use classifications were reduced significantly to simplify designations and reduce processes. This change led to some anomalies and conversion errors, all of which can be corrected without impacting the current uses on the property.

During this process, further consideration can be given to further simplify the designations by consolidating the Industrial, Planned Industrial Park, and Planned Business Park into one Industrial zoning category.

Sponsored Amendments Notices are published every year in October/November for accepting applications for Sponsored Amendments (Land Use Changes). The deadline to file an application is December 1 in accordance with OHMC 18.15.040. No applications were received this year.

The update to the Capital Improvements Plan will need to be aligned with the City's Budget for the current year. Future allocations are considered as planning estimates and will need to be considered as part of the next biennium budget. There are a few budget amendments for 2022 that will need to be considered to accommodate the updates to the CIP. The Planning Commission held a public hearing on the preliminary docket at their January meeting and recommended approval.

Principal Planner Kamak reviewed the timeline for the updates.

Mayor Severns opened the public hearing. He confirmed the City had received no comments from the public. Hearing no one present with a desire to speak, the public hearing was closed.

Councilmembers Hoffmire, Evans and Hizon provided their respective questions and comments.

Motion: Councilmember Hizon moved to approve Resolution 22-10: Adopting the 2022 Comprehensive Plan Amendments Docket. The motion was seconded by Councilmember Hoffmire and passed unanimously.

7. ORDINANCES & RESOLUTIONS

None.

8. CONTRACTS & AGREEMENTS

- a. City of Oak Harbor, Island County and Whidbey Golf and Country Club Extension Agreement

Project Engineer Arvidson presented the Agreement, which was reviewed at the March 23, 2022 Council Workshop.

Background: In 2002, the City entered into an agreement with Island County and Whidbey Golf and Country Club (WGC) to operate drainage facilities in the golf course drainage basin in the western portion of the city. This agreement contained provisions for operating and maintaining stormwater facilities mutually beneficial to all three parties.

The 20-year original agreement expires during March of 2022. WGC owns and operates Loers Pond, the creek crossing the property, a stormwater pump station, several small ponds, and conveyance facilities across the property. These facilities serve not only the golf course but city and county storm water. The original agreement allowed for public use of the facilities and established a cost share formula for the continued use. Based upon a flow share, the City pays 56% of the approved fees.

This contract renews the expired agreement. The basic provisions of the original agreement remain unchanged except for the following:

Changed contract from 20 years to 10 years

Updated labor rates and equipment rates

Regular Meeting Minutes April 5, 2022

Page 6 of 9

Initiated quarterly billing
Added language about operational reliability
Developed an expense breakdown sheet (Exhibit D of the contract)

The costs will include annual operating, periodic expenses and capital improvements. The periodic and capital expenses require preapproval before the expenditure. Capital expenses are identified but may or may not be needed. If a capital expenditure is approved, the City requires 2 years to put the project into the stormwater budget. Project Engineer Arvidson explained the agreement does not present a major cost increase over existing expenditures. Since this is a three-way agreement, final signature of the contract will be contingent upon all parties approving the agreement.

Mayor Severns confirmed no public comment was received on this agreement.

Councilmember Stucky provided his respective questions and comments.

Motion: Councilmember Stucky moved to authorize the Mayor to sign the Joint Drainage Agreement between Whidbey Gold and Country Club and Island County contingent on approval of all parties involved. Councilmember Hizon seconded the motion, which carried unanimously.

b. International Association of Firefighters (IAFF) Collective Bargaining Agreement (CBA) for the Oak Harbor Fire Department

Human Resources Manager House reviewed the Collective Bargaining Agreement.

On February 25, 2022, the City of Oak Harbor Mayor's Administration, the International Association of Firefighters (IAFF), Local 4504, tentatively agreed to a two (2) year collective bargaining agreement with a two percent (2%) cost of living adjustment for each year of the contract and a one percent (1%) market adjustment for each year of the contract. This agreement covers the years of 2022 through 2023 to December 31, 2023. This agreement is considered tentative until approved by City Council. The cost-of-living adjustments for the years of the agreement are as follows:

For 2022, a 2% cost of living adjustment

For 2023, a 2% cost of living adjustment

The market adjustment increases for the years of the agreement are as follows:

For 2022, a 1% market adjustment. For 2023, a 1% market adjustment.

Manager House reviewed costing for the Fire Department as well as the significant contract items negotiated and contract items changed or amended for clarification with no significant impact.

Mayor Severns confirmed no public comment was received on this agreement.

There were no questions or comments from the Council.

Motion: Councilmember Hoffmire moved to authorize the Mayor to sign the labor agreement by and between the City of Oak Harbor and the International Association of Fire Fighters Union, Local 4504 (Fire Department). Councilmember Stucky seconded the motion, which carried unanimously.

c. Navy Waterline Connections on Goldie Road and Easy Street – Temporary Easement

Project Engineer Arvidson reviewed the item. He explained the Department of the Navy (Navy) is remediating groundwater pollution on the north end of the City. Chemicals called per- and polyfluoroalkyl

substances (PFAS) have migrated off the naval property and contaminated water wells in the north part of the City along Goldie Road and Easy Street. The Navy proposes to disconnect a trailer park and several houses from their groundwater wells and connect them to the City water system.

Normally, a developer would engage in a water system expansion by obtaining approvals, paying the necessary fees, then utilize an entry permit to enter and work in the right of way. Due to the statutory nature of the federal government, the Navy cannot utilize the normal process for water system expansion. In lieu of the normal process, the Navy and City will use a temporary easement for entry into the City right of way, approval of construction documents, and payment of fees. The temporary easement approves the Navy's proposed facilities shown in the work plan, provides construction quality controls, and allows entry into the right-of-way. The easement makes the Navy contractor responsible for payment of necessary fees, approximately \$45,000, prior to construction. The Navy will provide a performance and payment bond for 2-years to cover the cost of construction and any warranty items rather than the normal maintenance bond. The City will assume ownership of the completed facilities. The Navy intends to start construction in May 2022.

Mayor Severns confirmed no public comment was received on this agreement.

Councilmembers Hoffmire and Evans provided their respective questions and comments.

Motion: Councilmember Hizon moved to authorize the Mayor to sign the Temporary Easement with the Department of the Navy for construction of waterline improvements on Goldie Road and Easy Street necessary to connect properties to the City water system. Councilmember Hoffmire seconded the motion, which carried unanimously.

- d. Professional Services Agreement – Prosecuting Attorney Contract for Legal Services – Zachor, Stock & Krepps, Inc., P.S.

City Administrator Oborn provided background information and reviewed the item for the Council. He explained the City has evaluated prosecuting attorney services with the current Assistant City Attorney vacancy. The City did a solicitation for interim prosecuting attorney services and contracted with Zachor, Stock & Krepps, Inc. P.S. from January 1, 2022 to March 31, 2022 to allow the City to recruit for an in-house attorney.

The City Attorney subcommittee, including Chief Dresker, Interim City Attorney Evans, three members of Council and Judge Hawkins, met on March 16, 2022. After unsuccessful recruiting for an in-house Assistant City Attorney, the subcommittee recommends contracting long-term with the current interim outside firm providing prosecuting attorney services. The City Administrator in consultation with Chief Dresker has negotiated an agreement with Zachor, Stock & Krepps, Inc. P.S. for prosecuting attorney services at a starting monthly retainer of \$10,500 per month and term through December 31, 2023. The City has been well pleased with the firm's interim services and the attached informational packet highlights Zachor, Stock & Krepps, Inc. P.S. extensive qualifications and favorable approaches to providing services. The cost is less than the cost of full-time in-house prosecuting attorney.

Mayor Severns confirmed no public comment was received on this agreement.

Councilmembers Hoffmire, Hizon and Marshall provided their respective questions and comments.

Jim Zachor of Zachor, Stock & Krepps, Inc. P.S. was in attendance, responded to Council questions and praised City legal staff. The firm represents nine different cities and will maintain regular on-site office hours.

Motion: Councilmember Hoffmire moved to authorize the Mayor to sign the Prosecuting Attorney Services Agreement with Zachor, Stock & Krepps, Inc., P.S. Councilmember Marshall seconded the motion, which carried unanimously.

9. OTHER ITEMS FOR CONSIDERATION

None.

10. REPORTS & DISCUSSION ITEMS

None.

11. EXECUTIVE SESSION

None.

ADJOURN

Motion: Motion by Councilmember Hizon to adjourn, seconded simultaneously by both Councilmember Marshall and Councilmember Stucky. Motion was approved by a unanimous vote, therefore the meeting adjourned at 7:23 p.m.

Certified by Julie Lindsey, City Clerk