

Oak Harbor City Council
Regular Meeting Minutes
April 19, 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 – Pastor Josh Hubbard, Life Church

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
Public Works Director Steve Schuller
Parks Operations Manager Don Crawford
Fire Chief Ray Merrill
Police Chief Kevin Dresker
Human Resources Director Emma House
Harbormaster Chris Sublet
Archeologist and Project Manager Gideon Cauffman
Communications & IT Manager Sabrina Combs
City Clerk Julie Lindsey

Also in attendance: City Interim Attorney
Hillary J. Evans of Kenyon Disend, PLLC

1. APPROVAL OF AGENDA

Mayor Severns called for any 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 Council received four public comments since the April 5, 2022 meeting. Comments were received from Melissa Nelson, John & Therese Kingsbury, Keri Wade, and Scott Fraser. 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. Sarah Schacht of Seattle and Oak Harbor, WA addressed the Council regarding the need for planning for downtown Oak Harbor.
2. Stephenie "Fe" Mischo of Oak Harbor spoke regarding the need for and needs met by Spin Café.
3. Barbara Armes of Oak Harbor thanked City staff members for holding the recent open house regarding potential improvements to Windjammer Park, which she found very informative. She also thanked Councilmember Marshall for his attendance and time.

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 31, 2022 Council Retreat and the April 5, 2022 Council Meeting

Mayor Severns called for any changes to the consent agenda. Hearing none, the consent agenda items were approved as presented.

5. MAYOR, COUNCIL & STAFF COMMENTS

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

Earth Day Litter Pick Up: City Staff will be out in teams this Friday to celebrate Earth Day by picking up litter from our roadways and public areas. The City is supplying staff who participate with personal protective equipment, pickers, maps, water and snacks. Please watch out for City staff and volunteers. Slow down and give them a wave! Thank you to Steve Bebee in Public Works Operations for organizing this team event.

Whidbey Island Marathon: This scenic Washington Coast destination race returns on Sunday, April 24th with a full marathon, a half marathon, 10K, 5K, and Kids 1K. The Deception Pass Bridge and a portion of Hwy. 20 will be closed Sunday morning from 6:45-7:45 a.m. For more details, visit 2022 Whidbey Island Marathon – Fizz Events online.

Arbor Day: The City Parks Department is hosting an Arbor Day Celebration and information afternoon event on Friday, April 29th from 2-3 p.m. Staff is coordinating the event with Olympic View Elementary School at Sumner Park near the school. Students, Faculty and Staff will plant trees and participate in activities related to trees and tree planting safety. Part of the event is a read-aloud station. He noted Council participation in reading to the students was welcome.

DEA National Prescription Take Back: The Oak Harbor Police Department will hold a DEA prescription drug take back event from 10 a.m. – 2 p.m. on Saturday, April 30th.

Congratulations to Navy Region Northwest Sailor of the Year: Navy Region Northwest selected MA1 (EXW) Joshua Bates from NAS Whidbey Island's Security Department as their Sailor of the Year for 2021, announced on April 14, 2022. Bates will now go on to compete for the Commander Navy Installation next month in Washington D.C.

Holland Happening is Back: The Greater Oak Harbor Chamber of Commerce event returns April 30-May 1, starting with a parade on Saturday at 11:00 a.m. and a street fair that runs Saturday and Sunday from 10 a.m. to 7 p.m. at Windjammer Park.

Windjammer Park Input Process: Mayor Severns provided an update on the current input process for the potential Windjammer Park Improvements. The City received 438 responses so far and truly appreciates community feedback.

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.

Mayor Severns encouraged those with questions about the process to review the website, Frequently Asked Questions, and image of the park with improvements. Staff is updating items regularly.

Windjammer Park Open House: The community can also join with staff at the second open house for public input on April 25th from 4:00 p.m. – 6:00 p.m. at The Center in Oak Harbor. events to discuss the options with staff.

b. Councilmembers

Mayor Pro Tem Munns and Councilmembers Woessner, Stucky, Evans, Hoffmire and Marshall provided their respective questions and comments.

Motion: Councilmember Stucky moved that at the next City Council meeting the two agreements with Sculpture Northwest and Drake Estate be put on the agenda as an action item for re-evaluation, seconded by Councilmember Evans. After discussion, Councilmember Evans withdrew his second and Councilmember Stucky withdrew his motion for the time being

6. PUBLIC HEARINGS & MEETINGS

None.

7. ORDINANCES & RESOLUTIONS

- a. Resolution 22-12: Authorizing the Mayor to sign the Youth Athletic Field Grant application for Harbor Heights Sports Complex Phase 1 project

Harbormaster Sublet presented the information regarding the Youth Athletic Field (YAF) Grant application through the Recreation Conservation Office (RCO). He reviewed the purpose of the grant and the

steps to complete it. YAF grants are provided to buy land and develop or renovate outdoor athletic facilities such as ball fields, courts, swimming pools, mountain bike tracks, and skate parks that serve youth through the age of 18.

Grant applications must be submitted by May 3, 2022 and the next application period will not be until 2024.

In May 2018 the City applied for and received a \$350,000 Youth Athletic Field grant for Phase I of the Harbor Heights Sports Complex project. It is not a “dollar for dollar” grant and only funds approximately 28% of the initial \$1.3 million cost estimate and requires a \$921,500 match from the City of Oak Harbor. To get the grant dollars the City must construct the two fields and parking lot regardless of the cost of construction to qualify for the grant dollars. The new cost estimate is \$4.7 - \$5.1 million. based on the 60% design plan set. This increases the match to \$4,350,000 - \$4,750,000

The City may want to decline the 2018 Youth Athletic Field grant and apply for a new \$350,000 YAF grant. Doing so would allow City to link RCO grants to reduce the match required. If approved by Council, staff will apply for three grants from the RCO, all being presented at this meeting:

Youth Athletic Field grant

Washington Wildlife and Recreation Program grant

Land and Water Conservation Fund grant

Harbormaster Sublet noted the risk is that if the City is not approved for a new Youth Athletic Field grant, it will lose the \$350,000 grant that we currently have.

Staff is currently:

Completing a new \$350,000 Youth Athletic Field Grant application.

Exploring options for linking multiple RCO grants together to reduce the match.

Exploring other options for reducing the match:

Donations of cash, labor, equipment, and materials

Other non RCO grants

In kind services such as labor, equipment, and materials

Mayor Severns confirmed no public comment had been received on the item.

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

Motion: Councilmember Marshall moved to adopt Resolution 22-12, authorizing the Mayor to sign the Youth Athletic Field grant application for Phase 1 of the Harbor Heights Sports Complex project. The motion was seconded by Mayor Pro Tem Munns and passed unanimously.

- b. Resolution 22-13: Authorizing the Mayor to sign the Recreation Projects – Washington Wildlife and Recreation Program grant application for Harbor Heights Sports Complex Phase 1 project

Harbormaster Sublet presented this grant request item as well. This grant request would be for \$500,000. He explained the Washington Wildlife and Recreation Program provides funding for a broad range of land protection and outdoor recreation, including local and state parks, trails, water access, and the conservation and restoration of state land. This grant is not a “dollar for dollar” grant and requires a match based on the entire cost of Phase I of the Harbor Heights Sports Complex project. If approved for the entire \$500,000 the grant match amount may be between \$4.2 - \$4.6 million based on the 60% design plans. Like the Youth Athletic Field grant, this means that in order to receive the grant dollars the

City must construct the two fields and parking regardless of the cost of construction to qualify for the grant dollars.

Mayor Severns confirmed no public comment had been received on the item.

There were no questions or comments from the Council.

Motion: Councilmember Marshall thanked Harbormaster Sublet for his time on all three grant applications. He moved to adopt Resolution 22-13, authorizing the Mayor to sign the Washington Wildlife and Recreation Program grant application for Phase 1 of the Harbor Heights Sports Complex project. The motion was seconded by Mayor Pro Tem Munns and passed unanimously.

- c. Resolution 22-14: Authorizing the Mayor to sign the Land and Water Conservation Funds grant application for Harbor Heights Sports Complex Phase 1 project

Harbormaster Sublet presented the item. He explained that in an effort to secure more grant funding for Phase I of the Harbor Heights Sports Complex project staff would like to apply for a \$2,000,000 Land and Water Conservation Fund grant. The Land and Water Conservation Fund (LWCF) provides funding to preserve and develop outdoor recreation resources, including parks, trails, and wildlife lands. This grant is also not a “dollar for dollar” grant and requires a match based on the entire cost of Phase I of the Harbor Heights Sports Complex project. If approved for the entire \$2,000,000 the grant match amount may be between \$2.7 - \$3.1 million based on the 60% design plans. Like the YAF grant this means that to receive the grant dollars the City must construct the two fields and parking regardless of the cost of construction to qualify for the grant dollars.

Mayor Severns confirmed no public comment had been received on the item.

There were no questions or comments from the Council.

Motion: Councilmember Marshall moved to adopt Resolution 22-14, authorizing the Mayor to sign the Land and Water Conservation Fund grant application for Phase 1 of the Harbor Heights Sports Complex project. The motion was seconded by Mayor Pro Tem Munns and passed unanimously.

8. CONTRACTS & AGREEMENTS

- a. Oak Harbor School District – Memorandum of Understanding for Pickleball Facilities Use & Upgrades, and Funds Reallocation

Parks Operations Manager Crawford provided background information and reviewed this two-part MOU for the Council.

In 2019, at the behest of resident pickleball enthusiasts, the Parks Division budgeted for the construction of 2 pickleball courts located at Neil Park, for \$80,000. \$50,000 sourced from REET 2 funds. The balance covered through donations. After consultation with City staff, pickleball club leadership, and the Oak Harbor School District, it has been determined that for \$50,000 the existing pickleball courts adjacent to Oak Harbor Chamber of Commerce can be refurbished to provide two additional courts within the existing footprint. As the property is owned by the Oak Harbor School District, an MOU will be required. Tentative support has been communicated by OHSD staff.

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

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

Motion: Councilmember Stucky moved to authorize the Mayor to sign the Memorandum of Understanding between the City of Oak Harbor and the Oak Harbor School District regarding Pickleball Facilities Use and Upgrades. Mayor Pro Tem Munns seconded the motion, which carried 4-3 with Councilmembers Woessner, Hizon, Stucky and Mayor Pro Tem Munns in favor and Councilmembers Marshall, Evans and Hoffmire opposed.

Motion: Hizon moved to reallocate \$50,000 for the Neil Park Pickleball Courts Parks Capital Project to the Oak Harbor School District Pickleball Courts North of NE 4th Avenue, bounded by SR 20 to the West, and NE Izett Street to the East. and Funds Reallocation. The motion was seconded by Mayor Pro Tem Munns and carried 4-3 with Councilmembers Woessner, Hizon, Stucky and Mayor Pro Tem Munns in favor and Councilmembers Marshall, Evans and Hoffmire opposed

b. Third Amendment to Agreement for Legal Services with Kenyon Disend, PLLC

City Administrator Oborn presented the Agreement. He explained the City put out an Request for Proposals (RFP) for Attorney services earlier this year and received just one proposal, which came from Kenyon Disend. At the request of the advisory committee for legal services, which includes three members of Council, the City is also advertising for an in-house attorney. This Third Amendment expressly modifies the Agreement for Legal Services, executed October 4, 2021, the First Amendment to Agreement for Legal Services, executed October 11, 2021, and Second Amendment to Agreement for Legal Services, executed November 9, 2021 (together "Agreement") between the Parties. The Second Amendment remains in effect until terminated with a total amount payable not to exceed \$125,000. As the City has continued to utilize Kenyon Disend, a Third Amendment to the Agreement for Legal Services is necessary to increase the total amount payable to \$160,000.

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

There were no Council questions or comments.

Motion: Councilmember Hoffmire moved to approve the Third Amendment to Agreement for Legal Services with Kenyon Disend, PLLC. Mayor Pro Tem Munns seconded the motion, which carried unanimously.

c. One Washington Memorandum of Understanding between Washington Municipalities regarding Opioid Settlement

Interim City Attorney Hillary Evans presented the item. The Association of Washington Cities ("AWC") recently presented a briefing regarding a possible state-wide settlement for the opioid epidemic lawsuits filed by 33 local Washington governments against prescription drug distributors and manufacturers AmersourceBergen Corporation, Cardinal Health, Inc., McKesson Corporation, and Johnson and Johnson. This possible settlement would provide a payout not only to cities who have filed a lawsuit, but also cities who have not filed a suit. At this point in settlement negotiations, local governments have an option to participate in a Memorandum of Understanding ("MOU") related to an allocation agreement for local governments regarding how to divide up the settlement funds.

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

Councilmembers Woessner provided his respective questions and comments.

Motion: Councilmember Woessner moved to authorize the Mayor to sign the One Washington Memorandum of Understanding between Washington Municipalities regarding Opioid Settlement. Mayor Pro Tem Munns seconded the motion, which carried unanimously.

9. OTHER ITEMS FOR CONSIDERATION

a. Compensation Adjustment from Minimum Wage

Human Resources Director House reviewed the item. She explained Employers must pay the highest applicable minimum wage rate-whether local, state, or federal. To be competitive on salaries for recruitment, specifically, for Seasonal Laborers and Paid-on-Call Firefighters (POCFF), the City Administration and Human Resources recommend an hourly compensation increase to align positions based on the established pay scales, closest to the hourly rate to \$20.00 per hour.

Director House reviewed the fiscal impact for the City:

- 1) Increase Seasonal Laborers on the non-represented salary schedule to the range closest to a minimum of \$20.00 per hour from Range AA to Range C;
- 2) Increase Paid On Call Firefighter salary schedule to a minimum of \$20.00 per hour, with the higher wages adjusted accordingly for advancement.

The Public Works Department and the Marina will absorb the cost increase in the current 2022 budget. The information should include the notification of subsequent FD Budget Adjustment of \$119,793 prorated for 2022. For the proposed FD Referendum, the increase will affect the proposed positions and the forecast should be adjusted.

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

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

Motion: Councilmember Hoffmire moved to authorize the Mayor to increase compensation for positions earning less than \$20.00 per hour. Positions include Seasonal Laborers for the Marina and Public Works, Program Assistant for the Senior Center, and Paid-on-Call Firefighter (POCFF) employees for the Fire Department. Councilmember Hizon seconded the motion, which carried unanimously.

10. REPORTS & DISCUSSION ITEMS

a. Update: Windjammer Artwork

City Archeologist and Project Manager Cauffman provided the update to Council on the following:

Patrick McVay "The Acorn" - the installation will be on Pioneer Way, as approved by the Council on February 15, 2022 via Resolution 22-02. Staff is working with the artist and his agent on the installation design. The preliminary schedule for the design and pre-application process and installation was reviewed.

There were no questions or comments by Council.

The Windmill – Archeologist Cauffman provided historical background on the prior windmill structure. Built in 1979 and demolished due to its hazardous state of disrepair in 2017. Council Resolution 17-19 approved the demolition and included a commitment by the Council for rebuilding at a future date. Citizens in the community have formed a group to raise funding to build a new windmill and will begin the

process with a cursory review, design, a gifting agreement to the City Council and Mayor, and a pre-application process.

Councilmember Woessner, who is a member of the citizen and staff committee provided his comments. Others on the committee include the Oak Harbor Rotary, Bill Larsen, Brian Jones, Ryan Wallin, City Principal Planner Cac Kamak, City Engineer Alex Warner, and City Director of Development Services David Kuhl

Sebastian "Angel de la Creatividad" – Archeologist Cauffman provided background on the sculpture, an update on the project, the preliminary schedule, proposed placement location, and a report of Sculpture Northwest expenditures thus far.

The Arts Commission advised the City of an opportunity to receive and install the Angel de la Creatividad at Windjammer Park per the artist's request to place the sculpture near water.

City Council approved contracts for artwork:

- Signed September 7, 2021: Gifting agreement between the Estate of George Drake and the City of Oak Harbor.
- Signed December 14, 2021: Professional Service Agreement between Sculpture Northwest and the City of Oak Harbor.

The Cultural Resources Report was completed in October 2021 and submitted to DAHP and tribal governments.

As of April 13, 2022, the sculpture is scheduled for sandblasting at RAM Construction. Welded joints will be inspected by Material Testing Consultants certified by Davido Consulting Group. If the inspection is satisfactory, Sculpture Northwest will then return to City Council to request a resolution for the installation per the Professional Service Agreement.

Next Steps in the preliminary schedule:

- April 26: Sculpture Northwest and their Engineer will attend the Unified Meeting to discuss the project with City staff.
- April 2022: Sand blasting/welding inspection work to be completed by a Certified Welding Inspector.
- May 2022: Additional work to complete repairs, welding, and repainting the sculpture. See image for color reference.
- Seek a Resolution for installation. Apply for City permits. Develop a City staff approved schedule with the Public Works Director and the City Engineer.

In closing, Archeologist Cauffman reviewed the requested location for placement of the sculpture by Sculpture Northwest and the Arts Commission. The expenditures to date by Sculpture Northwest were:

Davido Consulting Group
Civil Engineers: \$5,255.50
Palmer Geotechnical: \$7,500.00
Pre-Application Fee: \$472.00
Total (to-date): \$13,227.50

Mayor Severns confirmed no additional public comments were received regarding the item. He took the opportunity to thank Mr. Cauffman for his additional work in serving as a liaison and project manager for the City.

Mayor Severns opened the floor for public comment from the audience. Mr. Cauffman introduced mem

bers of the Arts Commission who were in attendance, none of whom wished to speak.

Councilmembers Evans, Hoffmire, Stucky, Mayor Pro Tem Munns, and Councilmembers Hizon, Marshall, and Woessner provided their respective questions and comments. Interim City Attorney Evans also responded to questions from the Council.

During discussion, Arts Commission Chair and Sculpture Northwest President Therese Kingsbury, Sculpture Northwest board member John Kingsbury, and Arts Commission member J.R. Russell provided their comments in support of the sculpture.

It was the consensus of the Council to support a separate meeting by a group made up of representatives Sculpture Northwest and Council. Mayor Severns requested Archeologist Cauffman coordinate this meeting. Archeologist Cauffman requested to include Interim City Attorney Evans, who agreed to participate.

11. EXECUTIVE SESSION

- a. Executive Session to consider the acquisition of real estate by lease or purchase per RCW 42.30.100.1(b).

Mayor Severns noted the Council would take a short recess and then enter into Executive Session to consider the acquisition of real estate by lease or purchase per RCW 42.30.100.1(b). He noted the anticipated duration was 15 minutes and action might or might not be taken upon return to the open session of the meeting. Executive Sessions are not open to the public.

Councilmember Hizon observed the hour and moved to extend the Council meeting to 9:30 p.m. The motion was seconded by Mayor Pro Tem Munns and carried unanimously.

The Council entered into Executive Session at 9:05 p.m.

At 9:20 p.m., Mayor Severns announced the Executive Session would be extended for an additional ten minutes to 9:30 p.m. and the regular Council meeting would be extended up to 9:45 p.m.

At 9:30 p.m. the Council came out of Executive Session and resumed the open session of the regular meeting. Mayor Severns noted no action will be taken at this time regarding the real estate matter discussed.

ADJOURN

Motion: Motion by Councilmember Woessner to adjourn, seconded Councilmember Evans. The motion was approved by a unanimous vote, therefore the meeting adjourned at 9:31 p.m.

Certified by Julie Lindsey, City Clerk