

Oak Harbor City Council  
Regular Meeting Minutes  
May 16, 2023

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**This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at [www.youtube.com/cityofoakharbor](http://www.youtube.com/cityofoakharbor), on Facebook, and on Cable Channel 10/HD 1090 following the meeting**

### CALL TO ORDER

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

**Invocation** – Father Kyle Logan, Grace by the Sea Anglican Church

**Pledge of Allegiance** – Led by Mayor Severns

### ROLL CALL

City Council Present:

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

Staff Present/Videoconference

City Administrator Blaine Oborn  
Finance Director David Goldman  
Public Works Director Steve Schuller  
Development Services Director David Kuhl  
Senior Planner Dennis LeFevre  
Fire Chief Ray Merrill  
Police Chief Kevin Dresker  
City Engineer Alex Warner  
Parks Lead Tally Hucke  
Grants Administrator Wendy Horn  
Communications & IT Manager Sabrina Combs  
Executive Assistant Macalle Finkle  
City Clerk Julie Nester

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

### EXCUSE ABSENT COUNCILMEMBERS

Mayor Severns welcomed all in attendance and noted all members of the Council were present.

#### 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 – National Public Works Week

i. Mayor Severns proclaimed National Public Works Week, May 21-27, 2023, and thanked Public Works and Engineering Departments and staff for their work on behalf of the City.

Mayor Pro Tempore Hizon read the National Public Works Week proclamation for the 63rd annual National Public Works Week during May 21-27..

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

### **3. CITIZEN COMMENT PERIOD**

Mayor Severns noted citizens may comment on Consent Agenda items or subjects of interest not listed on the agenda at this time and that citizens would have the opportunity to comment on the remaining Agenda items during the meeting as appropriate.

Citizens can also visit the City’s website prior to meetings for methods to submit public comment, or contact the City Clerk, Julie Nester by phone or email. When submitting comments, please include your name and address. Public comments sent anonymously will be shared with the Mayor and Council but will not be displayed.

The City received two on-line public comments from Greg Wendell, of Oak Harbor, requesting the City consider an off-leash dog park for reactive dogs, and another from Siang Harmon of Oak Harbor noting appreciation of the Utilities Counter staff customer service

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

- 1. Oak Harbor High School Debate Team students Morgan Partridge and Gray Schain-Skaggs addressed the Council regarding the needs and conditions of roads, sidewalks, traffic signals, and accessibility.

Hearing no others with a desire to address the Council, the public comment period was closed.

### **4. CONSENT AGENDA**

#### Consent Items

- a. Approval of Minutes of the May 2, 2023 Council Meeting
- b. Approval of Payroll and Accounts Payable Vouchers

Mayor Severns called for any changes to the consent agenda. Hearing none, the Consent Agenda was approved as presented.

### **5. MAYOR, COUNCIL & STAFF COMMENTS**

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

- National Police Week: During National Police Week, we honor the men and women in law enforcement who put their lives on the line every day to keep our communities safe. The week-long recognition coincides with National Peace Officers Memorial Day—May 15—which President John F. Kennedy signed into law in 1962. Thank you to our outstanding Police Force for all you do.

Chief of Police Dresker addressed the Council in honor of Police Week. He read from guest editorial by

Craig Floyd in National Police Week Magazine titled “Why Americans Should Care About National Police Week.”

Mayor Severns resumed his comments:

- Voter registration: This week is filing week for government offices and it’s a great opportunity to remind our citizens to register to vote.
- Office Closures: City Offices will be closed in observance of Memorial Day on Monday, May 29th.
- Association of Washington Cities: The AWC Annual Conference will be held in Spokane June 20-23. Council members wishing to attend, please let Executive Assistant Macalle Finkle know by the end of this week.
- Roof Repairs: The Center will be closed May 14-23 for roof replacement.
- Cooling Centers: The Sno Isle Library is open as a cooling center in times of high temperatures.
- Splash Park: Shipwreck Shore Splash Park is open weekends and will be open daily starting Saturday, June 17th.
- Public Works Construction Projects: This is construction season. See the City’s website for details on City public works/engineering projects around town.
- Island Transit: As noted a while back by Councilmember Munns, Island Transit begins Sunday service starting May 29th, serving Whidbey and Camano Islands.
- Boards & Committees: The City has openings on the Historic Preservation Board, Investment Committee, Arts Commission, Planning Commission and Salary Commission. Please see the website for more details.
- Upcoming Events: Events were displayed on screen.

b. Councilmembers

- i. Consideration of Applicants for Vacated Council Position 4 and Creation of a Short-list for interviews

City Administrator Oborn reviewed the item for the Council. The vacancy stems from the April 5, 2023 resignation of Councilmember Dan Evans. The Council has 90 days to appoint an Oak Harbor resident of at least one year who is a registered voter in Oak Harbor to fill the vacated position. Since the position was vacated prior to the filing deadline for the November General Election, the position will be included on the ballot. The person appointed by the Council will serve until the General Election is certified on November 28, 2023. Applications for Position No. 4 were due to the City Clerk by May 8<sup>th</sup>, 2023 and have been confirmed to meet residency and voter registration requirements.

The City received nine applications for the vacant position. One applicant, Mr. Cecil Pierce, withdrew his application earlier this week. The remaining eight applicants, in order of receipt were:

John Chaszar  
Barbara Armes  
Kelly Beedle  
Earl (Andy) Plumlee  
Wismine D’Avilar

John Morrison  
Christopher Wiegenstein  
Teresa Addison

The recommended action was to create a short-list of three to five applicants for interviewing at the May 24, 2023 City Council Workshop.

The Councilmembers provided their list of top five applicants to the City Clerk. The top four vote recipients were Wismine D'Avilar, who received six votes, John Chaszar and Christopher Wiegenstein who each received five votes, and Barbara Armes who received four votes.

**Motion:** Councilmember Stucky moved to move forward with the top four applicants: Wismine D'Avilar, John Chaszar, Christopher Wiegenstein, and Barbara Armes, seconded by Councilmember Hoffmire. The vote on the motion carried unanimously.

- ii. Mayor Severns called upon the Council for any additional comments.

Councilmembers Stucky, Woessner, Munns, Hoffmire and Mayor Pro Tem Hizon provided their respective questions and comments and thanked all of the applicants for their interest in serving on the Council. They encouraged participation on City Boards and Commissions, some of which have openings.

## 6. PUBLIC HEARINGS & MEETINGS

- a. Ordinance No. 1970 – Amending Oak Harbor Municipal Code 20-04.100 – State Environmental Protection Act (SEPA) Thresholds for categorical exemptions

Senior Planner Dennis LeFevre presented the ordinance. He noted WAC 197-11-800 identifies several areas where SEPA is not required. One category is “Minor new construction” which includes single and multi-family developments, certain agricultural structures, minor office, school, commercial and recreational structures, associated and stand-alone parking facilities and landfill and excavations.

The City of Oak Harbor last changed their threshold levels in August 2004. The Oak Harbor Housing Action Plan (June 2021, LDC, Inc.) recommended raising the existing SEPA exemption levels as a method to lower permit timelines and costs and potentially increase the affordable housing stock in the city. Following discussion at both, the February 22 City Council workshop and February 28 Planning Commission, staff concurred with increasing the threshold for single-family residential units.

To remain consistent with neighboring jurisdictions, staff is recommending an additional increase to the single-family residential threshold. The City is currently at 4 units, the previous recommendation was 9, and the new recommended threshold is 20 residential units. Senior Planner Lefevre reviewed the revised proposed Oak Harbor thresholds in comparison to the state maximums and other regional jurisdictions. No other additional changes to the proposed thresholds are recommended.

All required procedural steps have been accomplished which include issuance of a SEPA Determination of Non-Significance on this non-project action (DNS); notification of intent to adopt code amendments with the WA Department of Commerce; and proper notification of this public hearing. In addition, WAC 197-11-800(1)(c)(i) requires: the preparation of specific findings (included as part of the February 22, 2023 Workshop meeting packet); a 60-day comment opportunity with notice to affected tribes, agencies with expertise, affected jurisdictions, Department of Ecology, and public; identification of laws and regulations providing for the protection of cultural and historic resources; and, documentation of correspondence with the Washington Department of Transportation.

In conformance with OHMC 18.20.270, amendments to regulations and land use codes require a public hearing before the Planning Commission. The Planning Commission held a public hearing at the March 28, 2023 meeting and moved to recommend approval to the City Council. With support from our Legal Department, draft Ordinance No. 1970 was prepared. Two versions of the draft ordinance have been included in this packet. The first (Attachment 2) identifies the proposed amendments via underline and strikethrough and the second (Attachment 3) is a clean version with the proposed amendments incorporated into the code text.

Mayor Severns opened the public hearing. He confirmed no public comment had been received on the item and requested any comments from the public in attendance. Hearing no one with a desire to address the Council, Mayor Severns closed the public hearing and called upon the Council.

Councilmember Woessner provided his respective comments.

**Motion:** Councilmember Woessner moved to recommend adoption of Ordinance No. 1970, amending Oak Harbor Municipal Code Section 20.04.100 - Thresholds for categorical exemptions. Councilmember Munns seconded the motion, which carried unanimously.

Councilmembers Hoffmire and Munns provided additional comments.

## 7. ORDINANCES & RESOLUTIONS

### a. Resolution 23-09: Washington State Archives Technology Tools Grant Application

Grants Administrator Horn reviewed the application which requires a resolution. She explained the City received a \$16,367 grant in 2022 from the WA State Archives titled "Organizing the Records Room." The grant provided funding for additional staff time, training and equipment in order to begin updating our records management process.

The 2023-2024 WA State Archives Technology Tools Grant is meant to assist local governments in moving public records to electronic formats and storing them in a secure searchable database for easy access by the public. The City is requesting \$30,000 in grant funds for Laserfiche cloud-based software and storage, and 600 dpi scanning equipment. Laserfiche is used by a number of other Washington cities and counties and has been vetted by Records Management and Information Technology staff. It is compatible with the City's other web-based platforms, Civic + and Engage.

Mayor Severns confirmed no public comments had been received and requested any comments from those in attendance. Hearing none, he called on the Council for their comments.

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

**Motion:** Councilmember Stucky moved to approve Resolution 23-09, authorizing the Mayor to approve an application for a Technology Tools grant from the Washington State Archives., seconded by Councilmember Hoffmire. The vote on the motion carried unanimously.

### b. Resolution 23-11: U.S. Forest Service Urban & Community Forestry Grant Application

Grants Administrator Horn reviewed the application which also requires a resolution.

The USDA US Forest Service Urban and Community Forestry Program is funding a grant opportunity through the Inflation Reduction Act. This is an annual program opportunity. The grant opportunity provides funding for projects related to urban and community forests, with an emphasis on protecting,

enhancing and expanding equitable urban tree canopy cover. The City's Parks and Recreation Department is requesting approval to apply for a grant of up to \$2,000,000 to develop an Urban Forestry Management Plan; fund urban forest resiliency projects and provide workforce development opportunities in green careers through internships and apprenticeships.

Mayor Severns confirmed no public comments had been received and requested any comments from those in attendance. Hearing none, he called on the Council for their comments.

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

Administrator Horn was joined by Parks Lead Hucke in responding to questions.

**Motion:** Mayor Pro Tem Hizon moved to approve Resolution 23-11, authorizing the Mayor to approve the grant application to the USFS Urban and Community Forestry Program for up to \$2,000,000. Councilmember Munns seconded the motion. Councilmember Marshall provided additional questions and comments. The vote on the motion carried unanimously.

## 8. CONTRACTS & AGREEMENTS

### a. West Whidbey Avenue Utility Improvements Project Award

City Engineer Warner presented the item. The City intends to replace water and storm pipes on West Whidbey Avenue between Oak Harbor Blvd. and Fairhaven Ave. Additionally, after the utility replacements, the road will receive a pavement overlay.

Due to the traffic volumes on the street and the proximity to the high school, most of the project work needs to take place in the summer months. To expedite the construction for the critical summer months, staff has accelerated the award process from the normal agenda bill timelines.

On May 9<sup>th</sup> bids were opened for the project. The bid results are as follows:

1. C. Johnson Construction \$1,709,090.86
2. SRV Construction \$2,052,491.90
3. In-Depth Construction \$2,099,128.63
4. Interwest Construction \$2,258,531.63

The engineers estimate for the project was \$2,930,000.00

Staff recommends awarding the contract to the low bidder C. Johnson Construction.

Engineer Warner noted the work included in this contract is allocated to several capital projects in the 2023-2023 Adopted Budget; Annual Steel/AC Water Main Replacements, Upgrade Storm Drain Lines – Whidbey Ave, and Annual Street Improvements. He reviewed a vicinity map for the project as well as the C. Johnson Construction bid proposal.

Per the City of Oak Harbor's Purchasing Policy Manual the change order allowance is to be 20% of the construction cost or \$100,000.00, whichever is less. In this case that would be \$100,000.00. Staff is requesting the City Council authorize an additional \$125,000.00 for a total change order allowance of \$225,000.00. This additional change order allowance is requested to upgrade the roadway striping from paint to thermoplastic. The thermoplastic has several advantages to paint, such as longer lifecycle and greater visibility improving safety. This is in the budget as the low-bid came in \$1,220,909.14 less than estimated.

Mayor Severns confirmed no comments were received and requested any comments from those in attendance. Hearing none, he called on the Council for their comments.

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

**Motion:** Councilmember Stucky moved to award the contract for West Whidbey Utility Replacement project to the low bidder C. Johnson Construction in the amount of \$1,709,090.86 and authorize the Public Works Director to sign change orders up to standard amount of \$250,000.00 in total. Councilmember Munns seconded the motion, which carried unanimously.

- b. Interlocal Cooperative Agreement with North Whidbey Pool, Park and Recreation District for Mowing

City Administrator Oborn reviewed the Agreement, joined by Parks Lead Hucke. The North Whidbey Pool. Park and Recreation District (NWPPRD) has a need for mowing services for the grass around the pool facility. The current Interlocal Agreement with NWPPRD gives responsibility for grounds maintenance to that entity. NWPPRD and Parks staff have discussed the possibility of utilizing City staff and equipment for mowing the grassy areas around the Pool facility. NWPPRD would pay an annual fee in the amount of \$2,000 to the City for this service with a proposed period of June 1, 2023 - December 31, 2024.

City Administrator Oborn read the following acknowledgements:

- City Economic Development Coordinator Steve McCaslin is also an elected Commissioner of the North Whidbey Pool, Park, and Recreation District. Mr. McCaslin has not been involved with the interlocal agreement as a City employee.
- City Councilmember Shane Hoffmire is an employee of the North Whidbey Pool, Park, and Recreation District and acknowledges his remote interest.

North Whidbey Pool. Park and Recreation District Executive Director Jay Cochran spoke in support of the Agreement. She explained the mowing requirements and cost savings anticipated.

City Attorney Evans explained that any vote by Councilmember Hoffmire should not be counted in the official minutes due to his remote interest.

Mayor Severns noted no public comments had been received and called upon the Council for their comments.

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

**Motion:** Mayor Pro Tem Hizon moved to approve the Interlocal Agreement with North Whidbey Pool, Park, and Recreation to provide mowing around the pool facility. Councilmember Munns seconded the motion, which carried 4-1 with Councilmember Marshall opposed, and no vote counted from Councilmember Hoffmire.

## 9. OTHER ITEMS FOR CONSIDERATION

None.

## 10. REPORTS & DISCUSSION ITEMS

None.

## 11. EXECUTIVE SESSION

None.

### Adjourn

**Motion:** There being no further business, Councilmember \_Woessner moved to adjourn, seconded by Mayor Pro Tem Hizon. The motion was approved by a unanimous vote, therefore the meeting adjourned at 7:41 p.m.

Certified by Julie Nester, City Clerk