

Oak Harbor City Council
Regular Meeting Minutes
May 17, 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 Kevin Scott, Seventh Day Adventist 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
Finance Director David Goldman
Development Services Director David Kuhl
Public Works Director Steve Schuller
City Engineer Alex Warner
Fire Chief Ray Merrill
Police Chief Kevin Dresker
Harbormaster Chris Sublet
Principal Planner, Cac Kamak
Project Manager Brett Arvidson
Central Services Supervisor Sandra Place
Operations Lead Mechanic Ken Riley
Communications & IT Manager Sabrina Combs
Executive Assistant Macalle Finkle
City Clerk Julie Lindsey

Also in attendance: City Interim Attorneys
Hillary J. Evans and Lisa Marshall 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 – Public Works Week

Mayor Pro Tem Munns recited the proclamation and presented it to Public Works Director Schuller on behalf of the Mayor and Council

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 a number of public comments since the April 19, 2022 meeting. Comments were received from Clairann Haney regarding Councilmember Hoffmire's informative posts on social media, from Oak Harbor Chamber of Commerce Executive Director Vicki Graham regarding City staff support for the Holland Happenings event, and from Suzie DuPris, Sue Riney, Linda Ann Lipke, Frank Rose, Don Cecil, Bruce Lantz, Marilyn Sherman Clay, William Walker, Erika Jenkins, Dr. Bernd J. Fischer, Karla Freund, and Melissa Hand regarding their support for public art and the Angel of Creativity sculpture. 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. Cynthia Mason of Oak Harbor, who identified herself as the Board President of the Oak Harbor Music Festival, Arts Commission Board member and new President of the Oak Harbor Creative Arts Foundation, addressed the Council in support of the arts and the Angel of Creativity sculpture.
2. Don Cecil of Oak Harbor addressed the Council in support of the Angel of Creativity sculpture.
3. Hal Hovey of Oak Harbor addressed the Council in support of the Angel of Creativity sculpture.
4. Larry Mason of Oak Harbor, representing the Oak harbor Music Festival, addressed the Council to share the 10th year festival dates, September 2-4 and also dates for the 1st Annual Summer Concert Series, August 3, 10, 17 & 24 at 6:00 p.m. at the Windjammer Park Pavilion. Mr. Mason also expressed support of the Angel of Creativity sculpture.

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

4. CONSENT AGENDA

Consent Items

- a. Purchase Authorization – Vacuum Sweeper Replacement
- b. Purchasing Policy and Procedures Updates 2022
- c. Approval of Minutes of the May 3, 2022 City Council
- d. Approval of Payroll and Accounts Payable Vouchers

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

5. MAYOR, COUNCIL & STAFF COMMENTS

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

Public Works: In addition to this being Public Works week, Mayor Severns thanked City crews for their quick response and repair of a recent watermain break in the line that brings water to Oak Harbor from Fidalgo Island.

National Police Week: Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. The City greatly appreciates of the fine work done by the Oak Harbor Police Department to keep citizens safe. Police Chief Dresker will make a presentation in June to honor the fine men and women of the Oak Harbor Police Department.

Congratulations to Police Captain Bill Wilkie on his retirement: Captain Wilkie is retiring after 32 years of service. Mayor Severns and Chief Dresker thanked Captain Wilkie for his dedication and service to the community.

Congratulations to Sergeant Tony Slowik: Sergeant Slowik will be promoted to Captain in a pinning ceremony on Wednesday, June 1st at 4:00 p.m. at the Police Department.

Filing Week: Filing for upcoming County and State public office positions is this week and closes May 20th. For filing information, go to the Island County website or Washington Secretary of State's website.

LAMA: The City's new Land Management Software program went online on May 9th. This new system integrates planning, zoning, building and engineering reviews and will help to shorten the permit process and keep customers informed.

Fire Levy Feedback: The City like to hear from citizens. There is a feedback form on the City's website at oakharbor.org/FireLevy. Please complete the online feedback form via: www.survey-monkey.com/r/FireLevyFeedback The opportunity to provide feedback ends on Friday, May 27. Printed versions are available at City Hall, The Center, and Oak Harbor Chamber of Commerce.

Salmon Rearing Release: Approximately 30,000 salmon were released this past Thursday morning from the Oak Harbor Marina. This was an exciting cooperative project with the Washington Department of Fish & Wildlife and involved community volunteers and our Marina staff. The event was covered by local news and by King 5 television news from Seattle.

b. Councilmembers

b.i. Special Workshop Meeting with Action, June 1, 2022

Staff is proposing to hold a Special Council Workshop on Wednesday, June 1, 2022, at 2:00 p.m. The purpose of the special workshop is to provide Council with the most up-to-date information regarding projected costs and community outreach results regarding the Fire Department levy proposal for the November 2022 ballot. The deadline for submitting a ballot item is August 2, 2022. The special workshop will be noticed as having this as an action item.

Staff will be asking for Council action to provide direction on whether to move forward to place the levy proposal on the ballot. Staff is requesting Council provide this direction at this date to allow time for preparation and review of ballot measure materials in advance of the August 2nd deadline.

The City Clerk confirmed all members of Council had confirmed their availability as of this meeting.

Mayor Severns turned to Council for their comments and questions.

Council consensus was to proceed with the Special Workshop Meeting with Action on June 1, 2022 at 2:00 p.m.

Mayor Pro Tem Munns and Councilmember Hoffmire provided their respective questions and comments on other topics.

6. PUBLIC HEARINGS & MEETINGS

- a. Ordinance No. 1946: Updated Comprehensive Plan and Capital Improvement Plan Amendments, continued from March 15, 2022

Principal Planner Cac Kamak reviewed the amendments and updates since the March 15, 2022 Council Meeting for Parks – Harbor Heights, Sewer – Schedule and Scope, and General Government – Fire Station.

Planner Kamak reviewed all 2022 Capital Improvement Plan changes for:

- Streets
 - Harbor Heights
 - Serendipity Lane – funding TBD
- Parks
 - Harbor Heights
 - Playground Equipment renovations
 - Ridgehaven
 - Smith
 - Sumner
 - Volunteer skate park
- Water
 - Marin Woods – waterline upsizing
 - Wet Fiber
- General Government
 - City Hall Parking Lot
- Senior Center
 - Parking Lot
- Marina
 - Dredging predesign study
 - Changes to Storm damage

Also reviewed were the 2022 and 6-Year unsecured funding. All elements were broken down by project to include total project costs and expenditures for 2022-2027.

Mayor Severns opened the Public Hearing and confirmed no public comments were received on this item. He opened the floor for public comment from those present.

1. Hal Hovey of Oak Harbor identified himself as a former member of the Planning Commission. He spoke in regards to the NE 7th project, noting it was considered a priority by the Planning Commission and urged its completion.

Hearing no comments, the Public Hearing was closed.

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

Motion: Mayor Pro Tem Munns moved to adopt Ordinance No. 1946: Adopting the 2021 Comprehensive Plan Amendments that includes the Six-year Capital Improvements Plan. The motion was seconded by Councilmember Hoffmire. The vote on the motion carried unanimously.

- b. Ordinance No. 1944: Amendment No. 6 to the 2021-2022 Biennial Budget, continued from March 15, 2022

Finance Director David Goldman provided an overview of Amendment No. 6. He noted the purpose of amendment is to account for new funding needed for 2022 as a result of the adoption of the 2022-2027 Capital Improvement Plan. The Capital Improvement Plan programs funding through the 2027 study period. Since the biennial budget is appropriated in two-year increments, this amendment will only affect the remainder of the 2022 year.

Director Goldman summarized the detail of the budget amendment:

- Addition of \$55,000 of Parks Impact Fee funds for the Harbor Heights project.
- Addition of \$179,231 of Streets funds for the Annual Streets Improvement Project.
- Addition of \$220,000 of REET 1 funds for engineering design work for the Harbor Heights Access Roads project.
- Addition of \$250,000 of Water Utility funds for the engineering design and construction of the new Marin Woods Waterline Upsize project.
- Addition of \$150,000 of Marina Funds for the pre-design study portion of the Dredging Pre-design Study & Dredging project. On May 3, 2022, the City Council approved \$150,000 of American Rescue Plan Act (ARPA) funds for this project. The total funding to date allocated to this project would be \$300,000 pending adoption of this amendment
- Addition of \$150,000 of insurance proceeds and \$45,000 of Marina funds (insurance deductibles) for the F Dock Storm Damage and Repair project.
- Addition of \$65,000 of private insurance procedures to replace piles that were damaged due to an accident caused by a private operator.
- Addition of \$200,000 of prospective Federal government assistance for the Sewer Line Replacements project.

Mayor Severns opened the Public Hearing and confirmed no public comment was received on this item. Hearing no comments, the Public Hearing was closed.

Councilmembers Hoffmire, Woessner, Stucky, Evans, Marshall and Mayor Pro Tem Munns provided their respective questions and comments. Director Goldman was joined by City Engineer Warner and City Administrator Oborn in responding questions, the majority of which centered on the Harbor Heights project and access and grant status.

Motion: Following discussion, Councilmember Hizon moved to adopt Ordinance No. 1944: Budget Amendment No. 6, amending the 2021-2022 Biennial Budget and adopting an updated wage and salary schedule and plan pf classification. The motion was seconded by Mayor Pro Tem Munns. The vote on the motion carried 6-1 with Councilmember Hoffmire opposed.

c. Ordinance No. 1949: Zoning Code Text Amendment – Site Specific Rezone

Development Services Director David Kuhl presented the item. He explained these were zoning code text amendments for site specific rezoning in which an individual site is proposed for rezoning, not an area-wide change that might include a change to the Comprehensive Plan. Site specific rezones can only be approved via Ordinance by the City Council. They first go to the Hearing Examiner for any findings and conclusions of law, along with any conditions for approval. This proposal would amend the Zoning Ordinance to update the following code sections relating to how site-specific rezones are processed in the City. The area of particular concern is the Type IV and V processes. In the current code, there are provisions in Type IV that are outdated and need to be brought forward into Type V. In addition, the need to use a Hearing Examiner for a site-specific rezone is required. After the Hearing Examiner, the next step is to forward the decision to the City Council. This will allow the Council to approve a site-specific rezone by ordinance. The site-specific rezone language for this Ordinance amendment would:

- Modify Sections 18.20.260, 18.20.270, 19.75.20, and 18.40.100
- Type IV and V processes
- There are type IV processes would be included as type V which are legislative

Mayor Severns opened the Public Hearing and confirmed no public comment was received on this item. Hearing no comments, the Public Hearing was closed.

Councilmembers Woessner provided his respective questions and comments.

Motion: Councilmember Woessner moved to approve Ordinance No. 1949: Text Amendments regarding site specific rezones, amending Oak Harbor Municipal Code Section 18.20.260, 18.20.270, 19.75.20, and 18.40.100. Mayor Pro Tem Munns seconded the motion, which carried unanimously.

7. ORDINANCES & RESOLUTIONS

a. Ordinance No. 1947: Water Code Revisions

City Engineer Warner reviewed the revisions, noting they were presented in detail at the April 27, 2022 Council Workshop. The proposed ordinance provides an update to design characteristics of the water infrastructure, enables staff to respond to advances in materials and standards swiftly, and ensures that decommissioning of obsolete water infrastructure proceeds in a managed fashion that will not conflict with the Comprehensive Water Utility Plan. The last major update to Oak Harbor Municipal Code regarding specifics of the Water infrastructure occurred in 1975. Since then, several advances in technology, materials available and national design standards have occurred. This proposal will benefit the City's future growth by providing for a well maintained, modernized, and orderly managed water infrastructure system to serve the community, and aligns with the American Water Works Association (AWWA) and current engineering practice Engineer Warner provided recommendations as follows:

Subsection 1, standard water mains are sized according to the needs to provide for both fire suppression and domestic water use demands.

- Old standards of 6" diameter are no longer sufficient to meet flow requirements for most fire suppression needs.
- 8" diameter is now the standard size that can meet flow requirements that best provide for fire suppression efforts and domestic water uses.

Subsection 2, Design standards have evolved since 1975.

- The water system should be designed to withstand pressures that can accumulate from rapid changes in rates of water demand, also known as "water hammer". "Water Hammer" is a surge

of pressure that can cause pipe bursts, which can be costly not only in terms of lost water, but also in terms of damage to other infrastructure, such as roads.

- Internal pipe water pressures can spike in excess of 150 psi, especially in areas with significant pressure gain from elevation (such as Pioneer Way, SE Bayshore) or in areas where pipe diameter changes frequently, and pipes have aged significantly (such as West Whidbey Ave.)
- To better serve our customers and to better conform with the Water Use Efficiency goal of less than 6% water loss to non-revenue sources (water leaks), requiring stronger pipe classifications and materials is warranted.
- Also, the Fire Underwriters referenced in this subsection is a defunct organization and references to it should be eliminated.

Subsection 3 lists approved pipe materials.

- Asbestos Cement is no longer available.
- Cast Iron does not have sufficient strength.

Staff has also proposed the creation of a new Chapter 13.29 for “Decommissioning of Water Mains and Services as there is a need to ensure that the process for decommissioning and removal of obsolete or aged water system components is codified. Decommissioning of water system components should not conflict with the Water System Plan. Decommissioning of water system components should follow prescribed requirements. These items are addressed as Sections 13.29.010 and 13.29.020.

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

There were no questions or comments from Council.

Motion: Mayor Pro Tem Munns moved to adopt Ordinance No, 1947 amending Oak Harbor Municipal Code Section 13.28.040 and adopting Chapter 13.29. Councilmember Hoffmire seconded the motion, which carried unanimously.

b. Resolution 22-16: Washington State Archives Grant Submission

City Administrator Oborn presented the item. The Washington State Archives department of the Washington Secretary of State's office has an "Organize the File Room" grant opportunity for funding in 2022. This grant is offered through the Local Records Grant Program (WAC 434-670). The application deadline for the 2022-2023 grant cycle is May 20, 2022. RCW 40.14.026 requires for retainage of a large variety of public records, including, but not limited to documents and information in all formats.

The City of Oak Harbor has an abundance of documents with varying retention periods and requirements. These requirements are reviewed and updated annually by the Secretary of State's office who then publishes new guidelines. Earlier this year the City hired its first time designated Public Records Officer (PRO) whose position is responsible for records management, retention and employee training. Currently the PRO is a part-time position. In the course of examining the City's backlog of records, the PRO has found a need for additional hours and resources to adequately catch-up and bring the City into compliance with document retention and destruction as well as provide education to staff.

If successful, the City would use the grant to:

- Increase Public Records Officer hours by 7.5 hours per week for 1 year -\$12, 207
- Additional shredding services -\$4,160
- Total grant funding of \$16,367 would be a reimbursement

If grant funding is not awarded, the increase to the PRO hours and shredding services would not be implemented.

Mayor Severns confirmed there were no comments received from the public on this item.

There were no questions or comments from the Council.

Motion: Councilmember Marshall moved to adopt Resolution 22-16, authorizing the Mayor to approve an application for an “Organizing the File Room” grant from the Washington State Archives. Councilmember Stucky seconded the motion, which carried unanimously.

8. CONTRACTS & AGREEMENTS

- a. Professional Services Agreement: Amendment No. 5 – Moffatt & Nichol for Marina Boat Ramp Dock Emergency Repair

Project Manager Brett Arvidson and Harbormaster Chris Sublet reviewed the amendment and storm damage history. Most recently, on April 4th, 2022 a boat tied up to the boat ramp at the temporary moorage dock pulled over the moorage piles during a windstorm. City staff were able to pull the dock assembly out of the water but the support piles need to be replaced and the damaged dock sections replaced or repaired. This repair is subject to an insurance claim. This work will involve obtaining an emergency in-water regulatory permit. The goal is to complete the repairs prior to the July 2022 crabbing season. This Contract Amendment No. 5 with Moffatt & Nichol covers the work to design the pile, design the repairs and modify the in-water permits to allow the emergency repair. The cost of this amendment is \$23,752.00. The cost for the damages is yet undetermined. Repair of the damage is an insurance claim and the insurance company will reimburse the City directly for the cost less any deductibles. Once the design is complete, negotiations will begin with American Construction Company.

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

Councilmembers Hoffmire and Evans provided their respective questions and comments.

Motion: Councilmember Marshall moved to authorize the Mayor to sign a Professional Services Agreement, Amendment No. 5 with Moffatt & Nichol for repair of the boat ramp dock in the amount of \$23,752.00, increasing the contract amount from \$148,179.00 to \$171,932.00. Councilmember Hoffmire seconded the motion, which carried unanimously

- b. Professional Services Agreement: Contract Amendment with American Construction for Marina Boat Ramp Dock Emergency Repair

Project Manager Brett Arvidson and Harbormaster Chris Sublet also presented this amendment. As noted, the City of Oak Harbor Marina experienced damage to the boat ramp dock on April 4, 2022. This damage adds to the damage that had previously occurred during the February 2020, January 21 and November 2021 windstorm events. The City has filed a fourth claim with our insurance company. Construction on the original two claims was completed in March, 2022, but the construction contract has not been closed. Staff is in discussion with the contractor and engineer about the potential of adding the boat ramp repair to our existing contracts. The insurance company supports this approach. With the short time of implementation and the upcoming boating season, the City may need to authorize contract amendments and change orders prior to the next council session. Staff is requesting authorization to take any necessary actions to the extent it is reimbursed by the insurance company.

Staff estimates the cost at between \$150,000 to \$200,000.

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

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

Motion: Councilmember Woessner moved to authorize the Mayor to sign any contract amendments and/or change orders necessary to implement repairs to the boat ramp dock from the April 4, 2022 storm, to the extent these actions are reimbursable by a third insurance claim. Councilmember Stucky seconded the motion, which carried unanimously.

c. Professional Services Agreement: Gray & Osborne – On-Call Design Services for Water Projects

Project Manager Brett Arvidson reviewed the Agreement. He explained the City has a number of capital projects identified to improve the water system throughout the city. The majority of these projects involve replacing aging asbestos cement (AC) pipe and steel pipe though one project involves a relocation of the 24-inch supply pipe from Anacortes. The capital plan also identifies a wide variety of water projects in the next 5 years. Staff solicited proposals from over 100 qualified engineering firms identified on the MSRC list. Three firms submitted proposals. After proposal review and an interview, the selection committee selected Gray and Osborne, Inc. The selection committee's decision was based upon Gray and Osborne's staff/firm qualifications, ability to meet an accelerated schedule, and knowledge of Oak Harbor. This On-Call contract is intended to complete the immediate water projects, but to then implement future projects over the next few years. Contract amendments will incorporate future projects on an as-needed basis.

The initial projects are as follows:

1. Relocation of the 24-inch supply water main at SR20 and Campbell Lake Road
2. Glencoe and SE 4th Steel Water Main Replacement
3. SW 4th AC Water Main Replacement
4. West Whidbey Avenue AC and Steel Water Main Replacement
5. NE Regatta AC and Steel Water Main Replacement

These projects will involve approximately 7100 linear feet of pipe replacement. Gray and Osborne will provide engineering services including survey, design, permitting, specifications/drawing production, bidding support, and project management. The work will be performed on a time and materials basis with a not to exceed amount of \$303,200.00.

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

Mayor Pro Tem Munns and Councilmembers Hoffmire and Marshall provided their respective questions and comments.

Motion: Councilmember Hoffmire moved to authorize the Mayor to sign a Professional Services Agreement with Gray & Osborne, Inc. for On-Call Engineering Services for Water Projects in the amount of \$303,200.00. Councilmember Stucky seconded the motion. The vote on the motion carried unanimously.

9. OTHER ITEMS FOR CONSIDERATION

- a. Fiscal Year 2023 Community Project Funding Request – City of Oak Harbor Inflow and Infiltration (I&I) Correction Program

Public Works Director Schuller noted Mayor Severns, Mayor Pro Tem Munns, and City staff worked with U.S. Representative Rick Larsen's office last month regarding project options for the Fiscal Year

2023 Community Project Funding Requests. He explained Federal project appropriations are a process that has been in flux. Federal “earmarks” were eliminated for about a decade, and then brought back into practice last year. The City submitted three initial solicitations:

- Wastewater Inflow and Infiltration (I&I) Correction Program
- Fire Department Fire Engine and Quint
- Marina Dredging.

Representative Larsen’s office let the City know on April 26 that the Wastewater Inflow and Infiltration (I&I) Correction Program is one of the final projects they are considering this year for submission, and the next steps required to move forward.

Director Schuller thanked Mayor Severns, Mayor Pro Tem Munns, Executive Assistant Finkle, Manager Combs as well as Representative Larsen and Chris Dingle, the Island County and Military Affairs Liaison for Representative Larsen for their assistance with this application.

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

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

Motion: Councilmember Woessner moved to authorize the Mayor to sign the Grant Agreement for Wastewater Inflow & Infiltration (I&I) Correction Program Grant through U.S. Representative Rick Larsen’s office. Councilmember Evans seconded the motion, which carried unanimously

10. REPORTS & DISCUSSION ITEMS

None.

11. EXECUTIVE SESSION

None.

ADJOURN

Motion: Motion by Councilmember Stucky to adjourn, seconded Mayor Pro Tem Munns. The motion was approved by a unanimous vote, therefore the meeting adjourned at 8:24 p.m.

Certified by Julie Lindsey, City Clerk