

POULSBO CITY COUNCIL MEETING OF MAY 2, 2012

MINUTES

PRESENT: Mayor Erickson, Berry-Maraist, Henry, Lord, McGinty, Musgrove, Stern.

Absent/Excused: Nystul.

Staff: Berezowsky, Boltz, Booher, Kasiniak, Kingery, Loveless, McCluskey, Stephens, Swiney

MAJOR BUSINESS ITEMS

- * * * Claims – March 1-31, 2012
- * * * Payroll – March 1-31, 2012
- * * * Budget Amendment BA#12-0202, Lincoln Road Task Authorization
- * * * Minutes of March 7, 2012 City Council Meeting
- * * * Minutes of March 21, 2012 City Council Meeting
- * * * Minutes of April 4, 2012 City Council Meeting
- * * * Lincoln Road Task Authorization
- * * * 4th Avenue Traffic Calming
- * * * City Hall Project – Final Acceptance
- * * * Approval of Hearing Examiner Agreement
- * * * 7:05 PM Public Hearing: Draft Shoreline Master Program

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Erickson called the meeting to order in the Council Chambers at 7:00 PM and led the Pledge of Allegiance.

2. COMMENTS FROM CITIZENS

a. Molly Lee stated the conceptual trail line in the Urban Poulsbo Paths plan, map PRO-3, still shows the trail going through her property and other private properties. Lee requested that the trail line be removed from the map and her property.

b. Jan Wold requested the conceptual trails be removed from private properties and critical areas. Wold commended the City for removing and moving trails near certain critical areas and environmental areas.

c.Rita Hagwell commented on the revised map indicating conceptual trails on her property, requesting the line be removed from her property.

3. ► **MAYORS REPORT AND COUNCIL COMMENTS**

a.Councilmember Lord reminded the public the Lions Club Pancake Breakfast will be held at the High School this year.

b.Mayor Erickson reported she visited Mrs. Trunkeys 3rd grade class at Pearson Elementary School.

c.Councilmember Musgrove stated last week was National Dance Week and his attendance at a dance performance at the school auditorium.

4.**CONSENT AGENDA**

Motion: Move to approve Consent Agenda items a through f.

Action: Approve, **Moved by** McGinty, **Seconded by** Stern. Motion passed unanimously.

Absent: Nystul.

The items listed are:

a.Claims – March 1-31, 2012, in the amount of \$1,057,862.35, check numbers 10018968 through 10019152 and electronic disbursements numbers 22-0016 through 22-0022.

b.Payroll – March 1-31, 2012, in the amount of \$313,805.13 with the check numbers (including direct deposit vouchers) of 30016744-30016958.

c.Budget Amendment BA#12-0202, Lincoln Road Task Authorization

d.Minutes of March 7, 2012 City Council Meeting

e.Minutes of March 21, 2012 City Council Meeting

f.Minutes of April 4, 2012 City Council Meeting

5.**BUSINESS AGENDA**

a. ► **Lincoln Road Task Authorization**

Assistant Public Works Director Kasiniak reported on the proposal to split the project into motorized and non-motorized portions, allowing the City to apply for grants in each category. The additional amount would cover additional engineering required to split the project.

Motion: Move to approve Task Authorization #11, with Parametrix as recommended by the Engineering Department. **Action:** Approve, **Moved by** Berry-Maraist, **Seconded by** Henry. Motion passed unanimously.

Absent: Nystul

b. ► 4th Avenue Traffic Calming

Assistant Public Works Director Kasiniak reported the Engineering Department has developed a scope of work and budget for a traffic calming project at the 4th Avenue and Viewmont intersection. The project will include installation of new crosswalks and stop bars at the 3 way stop at 4th Avenue and Viewmont, and their associated upgraded ADA ramps, sidewalks and drainage improvement. Mayor Erickson would like the project to be completed before Viking Fest.

Motion: Move to approve the 4th Avenue traffic calming project and budget as presented. **Action:** Approve, **Moved by** McGinty, **Seconded by** Lord.

Motion passed unanimously. Absent: Nystul

c. ► City Hall Project - Final Acceptance

Public Works Director Loveless reported the City Hall project is complete; the contractor has been working on punch list completion and resolution of claims from various suppliers and subcontractors, as well as labor claims via Washington State Labor & Industries.

Motion: Move to accept the City Hall Project as completed and authorize release of retained funds in accordance with state law and contract requirements.

Action: Approve, **Moved by** Berry-Maraist, **Seconded by** Musgrove.

Motion passed unanimously.

Absent: Nystul

d. ► Approval of Hearing Examiner Agreement

Planning Director Berezowsky reported a Request for Proposals (RFP) for Hearing Examiner services was advertised in several publications and the City website; two submittals were received. Interviews were held in January, and Stafford L. Smith was selected as the proposed Hearing Examiner.

Motion: Motion to approve the agreement between the City of Poulsbo and Stafford L. Smith for the services of Hearing Examiner. **Action:** Approve, **Moved by** Berry-Maraist, **Seconded by** Lord. Motion passed unanimously.

Absent: Nystul

e. ► 7:05PM Public Hearing: Draft Shoreline Master Program (continued)

Mayor Erickson stated the public hearing is being continued from April 11, 2012. Associate Planner Weaver reported, the Council has been provided with an updated clean copy of the SMP regulations.

Changes to the SMP included:

- Revisions to definitions to “Primary Utilities” and “Accessory Utilities”;
- Modification to the requirement for stormwater outfall location;
- Clarification of exemptions for shoreline modifications; and
- Correction to the SR-1 and SR-2 environment boundary line on 3 maps.

Councilmember Musgrove questioned why some changes were made and others were not; Berezowsky stated some of the requested changes by the Port were not consistent either with the City policy or State regulations. City Attorney Haney stated most of the changes were clarifications; some of the changes requested were policy issues, and changes could be made at the Councils discretion.

Mayor Erickson requested public comments:

- i. Jeremy Eckert, Foster Pepper representing the Liberty Bay Marina, commented that the Marina would like reassurance the Marina has the ability to rebuild within the same footprint should a catastrophic event occur, and that the existing nonconforming uses can continue. He requested the Council direct staff to work with the Marina, to ensure the marina and the Planning Department resolve these issues.
- ii. Cynthia Kennedy, Attorney representing the Port of Poulsbo, stated there are still unresolved issues that Port has, specially permitting existing Port accessory structure and uses at the marina, with the planned expansion of Port facilities; and the need for clarification that float plane facilities continue to be conditionally permitted and if any other regulations will be applied to those facilities. Kennedy also requested the most recent changes be made available for public review.
- iii. James Rutledge, Port of Poulsbo Commissioner, stated there have been several changes, including changes within the last few days, that have not been reviewed by the Port or public. Rutledge outlined his existing concerns and areas are inconsistent within the document. Rutledge stated the Council should delay approval of the SMP and the Ports intent is not to be obstructive.
- iv. Ralph Swanson, Liberty Bay Marina, thanked City staff for the hard work that has been put into the updated SMP and stated it is essential the marina be able to rebuild in the event of a catastrophic event.
- v. Jan Wold stated human and environmental disturbances should be minimized on the Citys shorelines; trees and vegetation should also be maintained for water quality, bank stability, and wildlife and fish habitat; and the SMP should emphasize having new trails and other disturbances, outside of shoreline buffers. Wold stated thought should also be given to the view from Liberty

Bay, with the number of derelict boats; and expressed concern with the noise level of float planes, disturbing citizens and wildlife.

Mayor Erickson closed the public hearing at 8:02 PM.

Councilmember Musgrove questioned if the public hearing is permanently closed, or can be reopened; City Attorney Haney stated if there are substantial changes then another public hearing should be held, otherwise the Councils deliberation and minor changes would not warrant another public hearing.

City Attorney Haney responded to the letter submitted by Foster Pepper and the proposal from Liberty Bay Marina; stating the DOE may not approve some of the requested changes regarding nonconforming uses.

Musgrove suggested language be added to the SMP to address Liberty Bay Marinas situation with non-conforming uses, Berezowsky stated the issue with Mr. Swansons building is illegal or non-permitted uses, and this issue should be addressed individually and not in the SMP.

Councilmember Berry-Maraist stated the issue with Liberty Bay Marina should be addressed prior to the adoption of the SMP.

Motion: Move to approve the City of Poulsbo Shoreline Master Program, with changes to draft PMC 16.08 and shoreline map corrections as discussed at the public hearing of May 2, 2012, and direct the City Attorney to prepare an ordinance for adoption, with changes as discussed. **Action:** Approve, **Moved by** Henry, **Seconded by** McGinty.

Discussion: Musgrove expressed concern with adopting the SMP with unanswered questions and issues, and requested that the discussion be continued and not approve the document tonight.

Berry-Maraist stated there is still time left before the deadline and grant expiration, and expressed the need to address outstanding issues. Berry-Maraist requested clarification be made in the document regarding lots within a designated view corridor only have a notice to title only if they were part of a development, state playgrounds are allowed and not high intensity recreation uses, and the references to redevelopment in the document should be consistent with the definition.

Vote: Motion passed (**summary:** Yes = 4, No = 2, Abstain = 0).

Yes: Henry, Lord, McGinty, Stern.

No: Berry-Maraist, Musgrove.

6. ► COUNCIL COMMITTEE REPORTS

a. Finance/Administration Committee: Councilmember Stern reported on review of risk insurance coverage, monthly sales tax report, and upcoming Special Council Workshop May 30th at 6:00 PM.

7. DEPARTMENT HEAD COMMENTS

None.

8. ► CONTINUED COMMENTS FROM CITIZENS

a. Jim Rutledge expressed his disappointment with the approval of the SMP and the rush to approve the document; and pointed out several existing issues the Port has with the document.

b. Jeremy Eckert, Foster Pepper, thanked the Council for their deliberations and requested the Council direct staff and the Attorney to work with Liberty Bay Marina to resolve the issue. Mayor Erickson suggested Mr. Eckert contact Planning Director Berezowsky tomorrow.

c. Jim Feidler, Liberty Bay Condo Association, thanked the City for the hard work and listening to their concerns.

9. ► COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

a. Councilmember Berry-Maraist expressed her appreciation to the Council for their patience in the SMP review and her attendance at the 6th Avenue public workshop.

b. Musgrove expressed his appreciation to the effort and hard work the staff and Council put into the SMP.

10. ► ADJOURNMENT

Motion: Move to adjourn at 9:18 PM., **Action:** Approve, **Moved by** Musgrove, **Seconded by** Henry.

Motion passed unanimously.

Rebecca Erickson, Mayor
ATTEST:

Jill A. Boltz, City Clerk, CMC