

POULSBO CITY COUNCIL MEETING OF JUNE 15, 2016

MINUTES

PRESENT: Mayor Erickson; Councilmembers Henry, Lord, McGinty, Musgrove, Nystul, Stern, Thomas.

Staff: Planning Director Berezowsky, Office Clerk II Diehl, Senior Engineering Technician Hart, Director of Engineer Kasiniak, Building Inspector Miller, Engineering Technician Roberts, IT Senior Technician Williamson.

MAJOR BUSINESS ITEMS

- * * * Minutes of June 1, 2016, Council Meeting
- * * * Payable Disbursements for April 2016
- * * * Payable Disbursements for May 2016
- * * * Liberty Bay TMDL Plan and Code Update Presentation
- * * * Resolution No. 2016-__, GMA Periodic Update
- * * * Halden Glen Utility Pole Relocation
- * * * Ordinance No. 2016-__, Adopting Building Code PMC Updates
- * * * Ordinance No. 2016-__, Repealing Ordinance No. 89-27 Regarding Food Waste Disposal
- * * * Ecology Grant Agreement for Small Anderson Parkway Retrofit

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. AGENDA APPROVAL

Motion: Move to approve the agenda as presented.

Action: Approve, **Moved by** McGinty, **Seconded by** Nystul.

Motion passed unanimously.

3. COMMENTS FROM CITIZENS

Tom Wojciechowski, a 4th Avenue resident, stated he submitted a petition at a previous meeting regarding the sidewalk conditions on 4th Avenue and questioned the status. He also noted the Central Highlands building proposed in Poulsbo Place is too large for the lot.

Cindy Baker, a property owner on Fjord Drive, stated the city should update the laws on the future development in the downtown core. She objects to the building of four story buildings in the downtown core in efforts to keep Poulsbo quaint.

4. **MAYOR'S REPORT AND COUNCIL COMMENTS**

Councilmember Lord noted the Poulsbo Twilight Criterium Bike race was fantastic and hopes they come back next year.

Councilmember Thomas stated he also enjoyed the Poulsbo Twilight Criterium and recognized some of the businesses downtown were impacted and would like to hear from them. Thomas mentioned this coming weekend would be the Sons of Norway Midsommer Fest and encouraged people to attend this event.

Mayor Erickson mentioned the following upcoming events taking place this weekend: Sons of Norway 100th Anniversary Gala, Midsommer Fest, and WWU Graduation. Erickson stated the Poulsbo Twilight Criterium was a great success and she would like to see the event continue. Erickson noted the resurfacing of Hostmark Street from Highway 305 to Caldart starts June 20th.

Councilmember Nystul stated he attended the North Kitsap School Board meeting and passed crayons out to council.

5. **CONSENT AGENDA**

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

The items listed are:

- a. Minutes of June 1, 2016, City Council Meeting
- b. Payable Disbursements for April 2016
- c. Payable Disbursements for May 2016

Action: Approve, **Moved by** McGinty, **Seconded by** Nystul.

Motion passed unanimously.

6. **BUSINESS AGENDA**

a. **Liberty Bay TMDL Plan and Code Update Presentation**

Phil Struck, of Parametrix, presented the Liberty Bay TMDL implementation plan noting:

- TMDL stands for Total Maximum Daily Load which is a water quality cleanup plan.

- TMDL plan started with an Ecology study that was initiated in 2008 and completed in 2013 because water quality standards in Liberty Bay were not being met.
- It is an extension of the NPDES permit the city was issued by the Department of Ecology.
- The city applied for a \$200,000 grant in 2015 to cost effectively implement their responsibilities under the TMDL plan.
- Benefits of the plan include: implements parts of TMDL; shows progress; identifies needs; and positions the City for future grants.

Department of Ecology Grant Requirements consists of:

- Posting the plan on website by June 31st
- Incorporating the Stormwater Comprehensive Plan
- Evaluate Code Updates under the current permit
- Present it to the City Council
- Close grant by June 30, 2016

PMC Updates Requirements include:

- Implications
 - Lower development thresholds
 - Increase detention requirement for smaller projects
 - New LID site assessment process
 - New LID treatment Methods
- New Thresholds
 - Less than 5,000sf impervious must meet 2012 Manual
 - LID assessment, more detention and water quality
 - Larger, more technically complex and more expensive to build
 - Challenges for developers in short term
 - Better performance and O&M in long term
- LID
 - Use LID when feasible
 - LID benefits: reduces volumes, revenue pollutants, increase open space, recharges groundwater
 - LID is evolving science
 - Infiltration; is central to LID; much of Poulsbo is not well suited for infiltration due to shallow till and high ground water; may not meet technical criteria for many LID BMP's; good site assessment will be key.
 - Advantages include: cost effective; excellent water quality treatment; reduces erosion and flooding; recharges groundwater and stream flows; reduces temperature in stream (colder water); aesthetically pleasing (landscaping, open space, multi-use areas).
Development Challenges include: LID must be addressed at inception of project; preserve good soil and vegetation in areas often preferred

for development; design will change for each site; poor soil areas prone to flooding/standing water; infiltration is not always feasible in Poulsbo; LID must be maintained to retain good appearance.

- Actions and Elements
 - Adopt 2012 Ecology Manual
 - Adopt LID Technical Manual for Puget Sound
 - PMC updates to landscaping, buffers, tree retention, clearing and grading, construction standards (Titles 12, 13, 15, 16 & 18)
- Approach
 - Code reviews and analysis
 - Tree/vegetation preservation and protection options
 - LID code update options
 - Keeping it simple – anticipate refinements over time
 - Adopt existing manuals (achieves 95% compliance)
 - Develop public information and developer tools
- Proposed Timeline for LID Code Updates
 - September: Public release of LID Amendments, Public Works Committee #1.
 - October: Planning Commission 2nd Workshop, Public Works Committee #2, Planning Commission Public Hearing.
 - November: City Council Workshop #1, City Council Workshop #2.
 - December: City Council Public Hearing

Council questions included:

If the council were to refuse this plan, where would the city be?

Struck explained the City would be out of compliance with TMDL, would not be able to issue any construction permits, and would also be in violation of State and Federal Law.

After adoption in December what would happen to permits are already in process? Kasiniak stated the new regulations would not apply to those permits and they would essentially be grandfathered in.

With the past litigation against the Department of Ecology and the obtain ability questions of TDML in Liberty Bay in the 2012 Manual, can we achieve what they are asking of us?

Struck noted the city is currently implementing their responsibilities of the TDML quite effectively.

Senior Engineering Technician Hart explained there was an appeal of the NPDES over several components, the main one being the one acre threshold which was lost in the appeal.

With the pervious pavement being a requirement, the city will then be required to take ownership of it and the future maintenance can become costly, since it is required will DOE offer potential grants for operation and maintenance?

Struck stated he did not see this being a possibility and noted the city in the future will be more likely to subjected to more environmental regulations will increase the costs.

Will adoption of this include the 2014 updates or the 2012 manual? With the city switching to a biennial budget and adopting this plan will impact development moving forward is there an Economic Impact Study to help determine the costs to the city?

Hart stated it is the 2012 manual with the 2014 updates.

Struck stated he hopes the net effect to development will be quite marginal and it is just a process of change that will be difficult. Also feels the operating and maintenance cost will be the ones you need to keep your eye on.

b. Resolution No. 2016-16, GMA Periodic Update

Planning Director Berezowsky stated this resolution documents the June 30, 2016 compliance with the periodic update of the Comprehensive Plan Development Regulations. Berezowsky gave a history which included: 2009 the city did a major overhaul of the Comp Plan Development Regulations to comply with the periodic update of December 1, 2011; annual amendments are done every year; Kitsap Regional Coordinating Council amended the county wide planning policies and changed the plan date from 2025 to 2036 which caused the city's date not to be up to date; there is no process to just update the date to put us in compliance; this gave time for Engineering and Public Works to update their functional plans and roll them into the Comprehensive Plan Update; there were no funds at risk to lose if requirements were not met by the deadline; staff opted to push the deadline out to December 31, 2016.

Motion: Move to approve Resolution 2016-16, a resolution of the City Council of Poulsbo, Washington detailing the City's substantial progress towards fulfillment of the requirements of the 2016 state mandated periodic comprehensive plan update and setting forth a timeline and schedule for City Council review and adoption of comprehensive plan amendments.

Action: Approve, **Moved by** Musgrove, **Seconded by** Lord.

Motion passed unanimously.

c. Halden Glen Utility Pole Relocation

Engineering Technician Roberts introduced Kelly Clark, a developer and owner of Halden Glen project. Roberts noted the background information of the project as: 13 lot subdivision off of Caldart Avenue; preliminary plat was approved in fall of 2014;

construction started in 2015 and is currently nearing the end of construction; a utility pole has been found to cause a sight obstruction for vehicles leaving Halden Glen on to Caldart Avenue; the City Engineer issued a decision in which the telephone pole would need to be moved; the Poulsbo Municipal Code states anytime a utility pole is to be relocated the overhead utilities need to be underground; the pole is located on the property adjacent to the project; in the Poulsbo Municipal Code there is a provision that allows a developer to appeal to the city council for an exemption if certain criteria is met; the Engineering department supports the exemption since it is an insignificant portion of the utilities in that area and since the estimate to underground the utilities would be around one hundred thousand dollars which would not be economically feasible; the Public Works Committee supported the exemption of undergrounding the utilities with the understanding this is rare circumstance.

Motion: Move to approve Halden Glen to relocate utility pole without undergrounding overhead utilities in accordance with PMC 13.20.040 due to the insignificant portion of facilities in the area and the significant cost, as presented by the City Engineer and previously recommended by Public Works Committee.

Action: Approve, **Moved by** McGinty, **Seconded by** Lord.

Motion passed unanimously.

d. Ordinance No. 2016-10, Adopting Building Code PMC Updates

Building Inspector Miller stated this ordinance is to remove the "year" currently listed and replace with the terminology "current edition", simplify by referencing as adopted by the Washington State Building Code Council, and improve overall transparency.

Motion: Move to approve Ordinance 2016-10, an ordinance of the City of Poulsbo, Washington adopting the current edition of the international building code; amending chapters 13.06, 15.04, 15.07, 15.12, 15.16, 15.18, and 16.04, of the Poulsbo Municipal Code to amend the international building code provisions and references therein; providing for severability and establishing an effective date.

Action: Approve, **Moved by** Henry, **Seconded by** Nystul.

Motion passed unanimously.

e. Ordinance No. 2016-11, Repealing Ordinance No. 89-27 Regarding Food Waste Disposal

Building Inspector Miller noted she has been receiving push back when requiring food disposals on plans since it is obsolete due to increased benefits for recycling and composting.

Motion: Move to approve Ordinance 2016-11, an ordinance of the City of Poulsbo, Washington repealing chapter 8.14 of the Poulsbo Municipal Code and ordinance 89-27 regarding food waste disposal and establishing an effective date.

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

f. Ecology Grant Agreements for Small Anderson Parkway Retrofit

Director of Engineering Kasiniak reported the following: this is the parking lot next to Marine Science Center; proposing to replace existing surface and to install a water treatment facility; total eligible cost of the project is \$248,000 with \$186,000 funded by a Department of Ecology Grant and the city's portion is \$62,000; finalize design and contract documents by December 6, 2016; start construction around January/February 2017; end construction by March/April 2017; Public Works Committee has recommended approval.

Motion: Move to approve the funding agreement WQC-2016-PoulPW-00171 with the Department of Ecology for the Small Anderson Parkway Retrofit project and authorize the Mayor to sign the agreement on behalf of the City.

Action: Approve, **Moved by** Nystul, **Seconded by** Thomas.
Motion passed unanimously.

7. COUNCIL COMMITTEE REPORTS

Intergovernmental (MOU) Committee: Councilmember Stern reported they will be meeting on June 17th at 10am at the Suquamish Tribal Offices to discuss the Noll Road Project. Stern proposed a dinner with the Suquamish Tribal Council before year end.

Public Safety/Legal Committee Meeting: Councilmember Stern reported on: parking in the fire lanes at Caldart Heights; Poulsbo Elementary School parking blocking Noll Road; with the road work in Port Orchard this summer the Mayor has made the offer to have county workers work out of city hall during this time; moving District Court back to city hall; the new Court Security and Code Enforcement Officer position; the Poulsbo Municipal Court has numerous Jury trials booked for this summer; the courts feel Alexis is working out well and her filings are substantially up; the committee approved a grant from Kitsap County for a Mental Health Officer due to a lack of funding from Kitsap Mental Health; the status of the Police Chief recruiting process, in which \$5000 will be paid to the WA Police Chief Association for the search for candidates; Police Chief salary is currently \$125,000 and may need to be raised to \$140,000 - \$145,000 to attract qualified candidates.

Mayor Erickson stated she has spoke with the Washington Association of Sheriffs and Police Chiefs (WASPC) and the current police chief salary is 6% behind the national

average and in order to do a national search for a new chief we will need to increase the salary to \$135,000 to \$142,000. Erickson stated she is looking for authorization to post the profile which will need to include the salary increase and \$30,000 for advertising and recruiting expenses.

Councilmember McGinty noted the last time we did the search for a chief the city paid \$45,000 for recruiting.

Councilmember Thomas stated the Finance Administration Committee feels the cash flow is strong and the current revenue will support this increase.

Councilmember Henry stated Shawn Delaney only agreed to be with the city for a year and the hiring process is very lengthy, so giving the Mayor authorization needs to happen tonight in order to get the process started.

Motion: Move to authorize the Mayor to post the profile for a new police Chief with a salary range of \$135,000 to \$142,000 and authorize the Mayor to have funds available up to \$30,000 for the recruitment process.

Action: Approve, **Moved by** Lord, **Seconded by** McGinty.

Motion passed unanimously.

The Mayor explained the hiring process schedule as: the profile will be posted next week; the application period will be open for a month; mid-August the applications will be reviewed and narrowed down to approximately 5 individuals; interviews will be held on August 15th; the night of August 15th a reception for the public will be held to meet the candidates; the following day there will be a de-brief and a candidate will be chosen.

Finance-Administration Committee: Councilmember Thomas reported: the committee went over the monthly sales tax and real estate excise tax and found the cash flows and revenues to be strong and rising; they reviewed the newspaper bids and recommends approval of the North Kitsap Herald bid; the Viking Statue repair will be paid for by the city due to an uninsured motorist and the cost will be approximately \$3,800; the committee will be looking at an exempt employee salary review; Cascadia Rising Event which focused on a major earthquake disaster was attended by city employees.

KRCC Transpol Committee: Councilmember Nystul reported: the committee reviewed the countywide competition on the STP funds; it was noted when grants are awarded the preliminary engineering is ready to go but construction takes some time which creates a need for construction dollars; brief discussion on SR305 study which is currently with the working group and Kitsap Transit is taking the lead in the consultant selection.

8. DEPARTMENT HEAD COMMENTS

Director of Engineering Kasiniak report a permanent radar sign on 4th Avenue is currently being installed north of Iverson and a temporary sign will be installed south of Iverson.

9. CONTINUED COMMENTS FROM CITIZENS

Mark Kuhlman, of Team 4 Engineering, expressed concern with the NPDES discussion and pointed out stormwater regulations deal with two topics, quantity control and quality enhancement. Kuhlman noted: when you talk about TMDL's you are focused on the quality enhancement; quantity control is the most expensive part of stormwater management; the rain garden at the five corners is a biofiltration facility which provides quality enhancement and has a pipe that sends the water to the bay; a biofiltration retention facility will look exactly the same to the public but it infiltrates into the ground and does nothing for quantity control; water quantity control is important for stream bank erosion and maintaining hydrology for wetlands; quantity control is very space consuming under the new codes; quantity control for Poulsbo will be important for stream hydrology and maintaining wetlands; pervious pavement will do more than what is needed to maintain wetland hydrology; soil in Poulsbo is less deep than anywhere in the county; he hopes the council can look into how to avoid quantity control due to the expense.

10. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

Councilmember Stern thanked Councilmember Nystul for allowing the council to volunteer him to be the NKSD Board liaison. Stern expressed his condolences for Bremerton Resident, Emily Moshay.

Councilmember Musgrove thanked councilmember Nystul for the crayons and reminded everyone Father's Day this Sunday.

Councilmember Thomas noted his son was visiting recently and found Poulsbo to be a great place to live.

Councilmember Henry mentioned he and four other councilmember's will be attending the 2016 AWC Conference next week.

11. ADJOURNMENT

Motion: Move to adjourn at 9:13 PM.

Action: Adjourn, **Moved by** Henry, **Seconded by** Nystul.

Motion passed unanimously.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, CMC, City Clerk

Respectfully prepared and submitted by Kati Diehl