

## POULSBO CITY COUNCIL MEETING OF DECEMBER 2, 2009

### MINUTES

**PRESENT:** Mayor Quade; Councilmembers: Berry-Maraist, Crowder, Erickson, Lord, McGinty, Rudolph, Stern.  
Staff: Berezowsky, Boltz, Booher, Kasiniak, Kingery, Loveless, McCluskey, Stephens, Swiney, Wilson.

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#### MAJOR BUSINESS ITEMS

- \* \* \* Minutes of September 12, 2009 Special Council Meeting
- \* \* \* Minutes of September 16, 2009 City Council Meeting
- \* \* \* Minutes of September 30, 2009 Special Council Meeting
- \* \* \* Budget Amendment; BA 29-0404 Marine Science Center
- \* \* \* 7:30PM Public Hearing: 2010 Budget
- \* \* \* 7:30PM Public Hearing: Amendment to the 2010-2015 6-Year Transportation Improvement Program
- \* \* \* 7:40PM Public Hearing: Amendments to Title 19
- \* \* \* Ordinance No. 2009-13, Adopting the 2009 Comprehensive Plan
- \* \* \* Ordinance No. 2009-14, Amending Time for Civil Service Meetings
- \* \* \* Bad Debt Write Off
- \* \* \* Recreation Center Purchase and Sale Agreement
- \* \* \* Workshop: Ordinances for Stormwater Management

#### 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

#### 2. MAYOR'S REPORT AND CHANGE TO AGENDA

- a. Mayor Quade reported on the land slide on Fjord Drive, which prompted the City to close the road. There has been some positive feedback from residents regarding the decreased traffic. It is not known how long until the repairs can begin or the road will be closed.
- b. **City Hall update:** Public Works Director Loveless reported the structural steel is continuing with the 2<sup>nd</sup> and 3<sup>rd</sup> floor decking to be poured next week, the backfilling around the building is also continuing, and the finishing of the exposed concrete work is almost complete.

### **3. MAYOR AND COUNCIL DISCUSSION**

- a. Councilmember Stern commented on the attendance of the Lakewood City manager at the Puget Sound Regional Council meeting and conveyed sympathy for the fallen Lakewood Police Officers; and the discussion on safe parks.

### **4. COUNCIL COMMITTEE REPORTS (FOR ITEMS ON CURRENT AGENDA)**

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None.

### **5. CITIZEN COMMENTS**

- a. Dianne Iverson, Poulsbo, commented on her search for a wheel chair accessible home in Poulsbo and unique needs in a home for many people. Iverson stated she wants the council to be aware the problem and the need for solution for people who are need of a wheel chair accessible home.
- b. Joan Hett, Poulsbo resident, urged the council to purchase the Parks and Recreation building, the building is highly used and a necessity to the community.
- c. David Wymore, Parks and Recreation Commission chair, expressed his support for the purchase of the Parks and Recreation building. All comments from the commission have been positive and supportive, although a formal vote has not taken place.
- d. Margaret Hudson, Poulsbo resident, commented on the need to purchase the Parks and Recreation building. The building serves as a place to hold community meetings, programs and events programs, and is an investment in the community.
- e. Jan Wold, Poulsbo, commented on the adoption of the Comprehensive Plan and the condition of Johnson Creek and Liberty Bay, stating there is no additional habitat conservation areas indicated in the plan. Wold further commented on the need to address the traffic issues, Johnson Creek, Liberty Bay and the increased population growth.
- f. Rick and Lilly Ransdale, expressed their support of and urged the council to purchase the Parks and Recreation building. The building is below market value and the benefit of the parking area. The Ransdale's stated they have three generations of family that are using the building and programs.

- g. Loretta McGinley, Poulsbo, commented on the amount of classes and programs her family has attended over several years and urged the council to purchase the parks and recreation building.
- h. Stacy Lee, Poulsbo, urged the council to purchase the Parks and Recreation building. Lee stated both her daughters have attended the preschool program; and if the building is not purchased there is a risk of losing the programs.

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- i. Dan Murphy, Poulsbo, commented on the redesignation approval of the Sing/Pee Wee property, and the impact to the quality of life for the surrounding residents, if the property is developed as residential medium.
- j. Suzanne Christman, commented on the lack of public space available for clubs and organizations, and the potential loss of that space if the Parks and Recreation building is not purchased.
- k. Chris Franklin, Poulsbo, expressed his support of the purchase of the Parks and Recreation building, commenting on the many programs that his family has used and the potential loss of several programs.
- l. Joe Gonzalez, Kitsap Regional Library, commented on his appreciation of the programs, the staff and the recreation center. Gonzalez expressed his support for purchasing the Park and Recreation building.
- m. Sheila Moore, Liberty Christian Center, commented on their interest in renting some of the space at the Recreation Center.
- n. Bruce Krafsky, Poulsbo, commented on the purchase of the Parks and Recreation building and the potential loss of the programs, if the building is not purchased.

## 6. CONSENT AGENDA

**MOTION:** Lord/Erickson. Move to approve Consent Agenda items a, b, c (as corrected) and d.

Motion carried unanimously

The items listed are:

- a. Minutes of September 12, 2009 Special Council Meeting
- b. Minutes of September 16, 2009 City Council Meeting
- c. Minutes of September 30, 2009 Special Council Meeting
- d. Budget Amendment; BA 29-0404 Marine Science Center

## 7. MAJOR BUSINESS ITEMS

### a. 7:30 PM Public Hearing: 2010 Budget

Finance Director Booher stated the final budget will come to council for approval next week.

Mayor Quade asked for public comments.

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Jan Wold, Poulsbo, commented on the funding of a sewer project on Viking Way, included in the 2010 budget. The project should be paid for by the developers, and serves the eight properties annexed into the City in 2004. Wold stated the project should be used removed from the budget and should not be paid for by citizens.

Mayor Quade closed the public hearing at 7:41 PM.

**MOTION:** McGinty/Lord. Move to close the public hearing on the City of Poulsbo year 2010 budget.

Motion carried unanimously.

### b. 7:30 PM Public Hearing: Amendment to the 2010-2015 6-Year Transportation Improvement Program

Mayor Quade opened the public hearing at 7:42 PM.

Assistant Public Works Director Kasiniak reported the proposed amendment is to separate the Viking Avenue project into two projects, Viking Avenue 3A and 3B. The separation is for planning and funding purposes.

City Attorney Haney stated Councilmember Berry-Maraist does not have a conflict of interest on any issues related to South Viking Avenue. Berry-Maraist has stated, while she does not have a conflict of interest, she desires to abstain from voting on any particular items. Haney further stated due to the adopted Council Rules of Procedure in place, an abstention can only occur if there is a conflict of interest. If Berry-Maraist refuses to vote, it would be counted as a vote in majority. Haney suggested the council make use of rule 11.1; which allows the council, by majority vote, to suspend the application of any rules, to allow Berry-Maraist to abstain without admitting she has a conflict of interest.

**MOTION:** Lord/McGinty. Move that the Council suspend rules 5.3 and 5.4 of the council's rules of procedure insofar as that suspension is necessary to allow Linda Berry-Maraist to abstain on all votes related to South Viking Avenue Improvement projects without her abstention being construed as an admission

of a conflict of interest and without her having been deemed to have voted in the majority.

Motion carried. Abstain: Berry-Maraist

Mayor Quade asked for public comments. No public comments were received; Mayor Quade closed the public hearing at 7:54 PM.

~~Councilmember Berry-Maraist stated the Viking Avenue Improvement projects have been in the works for many years; Viking Avenue is one of the busiest roads in the City and the improvements are needed. Berry-Maraist stated she would be abstaining from votes that are specifically in front of her property on Viking Avenue South.~~

**MOTION:** Rudolph/McGinty. Move to approve the amended 6-year Transportation Improvement Program and direct the City Clerk to file the same with the State Secretary of Transportation and the Transportation Improvement Board.

Motion carried. Abstain: Berry-Maraist

**c. 7:40 PM Public Hearing: Amendments to Title 19**

Planning Director Berezowsky reported during council discussion on the Comprehensive Plan, there was recommendation to clarify Title 19, that the council is the deciding body for adoption or amendment to a Master Plan.

Mayor Quade opened the public hearing at 7:58 PM and asked for public comment.

Jan Wold, Poulsbo, commented the changes to the process of Master Plan amendments seems to be confusing the Planning Commission provides the only avenue for the public to be heard; and the high cost of the appeal process.

City Attorney Haney stated site specific rezones that do not require a Comprehensive Plan amendments, Master Plan amendments and redevelopment Master Plan amendments, are quasi-judicial project permits. Under state law there can only be one open records hearing that can be held. The proposed amendment to Title 19, is to have Master Plans, redevelopment Master Plans proceeding in front of the Planning Commission, with the council making the final decision.

Mayor Quade closed the public hearing at 8:03 PM.

Councilmember Erickson expressed concern with projects coming forward in a closed hearing setting and the council would not have the full records.

Councilmember Berry-Maraist questioned if the process to review and hear public comments can happen as it had previously; with an open meeting at the Planning Commission and a public hearing at a Council Meeting. City Attorney Haney explained yes, the public meeting could be with the Planning Commission with a public hearing in front of the council; however it would be a new type of permit process. Haney further clarified at an open record public hearing the public can provide testimony; a closed record hearing the public can still speak however no new testimony can be given.

**MOTION:** Crowder/Rudolph. Move to approve amendments to Title 19 of the Poulsbo Municipal Code clarifying the City Council's role in reviewing and approving Master Plans and amendments thereto, and the Hearing Examiner's role to review and approve site specific applications within an approved Master Plan project.

Motion carried.

Yes: McGinty, Crowder, Rudolph, Lord, Stern.

No: Erickson and Berry-Maraist.

Councilmember Rudolph suggested the Public Works Committee discuss the place for the closed records public hearing to take place.

**d. Ordinance No. 2009-14, Adopting the 2009 Comprehensive Plan**

Planning Director Berezowsky stated the council previously gave guidance to move forward with draft 2009 Comprehensive Plan, and gave a brief overview of the discussion and review timeline.

Councilmember Stern restated his concern with the site specific redesignation application 09-05, Sing/Pee Wee property. Berezowsky explained when staff reviews a redesignation application, they may recommend additional parcels be included in the redesignation to make more sense; as was the case in this application. The PeeWee's submitted a letter of support and appeared at the Planning Commission for the redesignation.

Councilmember Erickson questioned if the PeeWee's formally applied for the redesignation. Berezowsky stated the only applicant is Sing.

**MOTION:** Erickson/Lord. Move to approve an ordinance of the City of Poulsbo, Washington adopting the 2009 City of Poulsbo Comprehensive Plan; changing the land use designation and zoning classification of certain properties; denying land use designation changes and zoning classification changes requested for certain properties, except application 09-05, which is denied; providing for severability and establishing an effective date.

**POINT OF ORDER:** Councilmember Rudolph stated the council does not have finding of facts and conclusions to support the motion. If the motion was to be considered the record would need to be revised.

City Attorney Haney stated a motion for reconsideration can only be made by a councilmember in the majority vote; therefore Councilmember Erickson motion is improper.

Councilmember Erickson withdrew her motion; Councilmember Lord withdrew her second.

**MOTION:** Rudolph/Crowder. Move to approve an Ordinance No. 2009-14 of the City of Pouslbo, Washington adopting the 2009 City of Pouslbo Comprehensive Plan; changing the land use designation and zoning classification of certain properties; denying land use designation changes and zoning classification changes requested for certain properties; providing for severability and establishing an effective date.

**DISCUSSION:** Councilmember Stern commented on the point that was brought up by Councilmember Erickson, the application was a singular application and the PeeWee's were not an applicant. Stern stated with the clarification from Planning Director Berezowsky, that staff felt the inclusion of the PeeWee property made the most sense; he would not be willing to change his original vote to approve application 09-05.

Motion carried.

Yes: McGinty, Crowder, Rudolph, Stern.

No: Lord, Erickson, Berry-Maraist.

**e. Ordinance No. 2009-15, Amending Time for Civil Service Meetings**

**MOTION:** McGinty/Lord. Move to approve Ordinance No. 2009-15 changing the time of the Civil Service Commission meeting from 7:00 pm to 3:00 pm.

Motion carried unanimously.

**f. Bad Debt Write Off**

Councilmember Stern reported on Finance/Administration committee review and recommendation for approval for the bad debt write off.

Finance Director Booher stated some accounts are still in collections, should the funds be recouped the city would receive those funds.

**MOTION:** Rudolph/McGinty. Move to approve writing off accounts which have exceeded two year past due or deemed uncollectable and with excess of \$1,000.00 to Bad Debt expense per Poulsbo Municipal Code 3.72.040.  
Motion carried unanimously.

**g. Recreation Center Purchase and Sale Agreement**

Mayor Quade reported the purchase of the recreation center did go to the Parks and Recreation Commission for discussion and was supported; however a formal vote did not take place. Mayor Quade urged the council to move forward with the purchase of the building.

Parks and Recreation Director McCluskey stated the building is the central piece of their program and would be purchased below assessed value because it is dedicated to public recreation. McCluskey reported on the number of program participants over the last few years, and the amount of funds received for non resident fee. McCluskey outlined the programs that would potentially be lost and relocated.

Finance Director Booher outlined the original and revised proposed park projects, the funding proposal, and debt funding structure to afford the building.

Councilmember Stern commented on his support for the parks and recreation center and programs, however due to the budget issues, unsold properties and use of reserve funds, he can not support the purchase of the building. The building has little to no value, the maintenance and repair costs are unknown.

Councilmember Berry-Maraist commented the building is heavily used and the heart of the community. The value of the building is much higher than proposed purchase price.

Councilmember Erickson commented on the unknown condition of the building and the repairs that may be needed, and the decreased revenue. However, Erickson expressed her support of purchasing the building.

**MOTION:** Berry-Maraist/McGinty. Move to authorize the Mayor to sign and execute the purchase and sale agreement of the Parks and Recreation Building at 19540 Front Street from the Kitsap County Consolidated Housing Authority.

Yes: McGinty, Crowder, Rudolph, Lord, Erickson, Berry-Maraist.

No: Stern

Motion carried.

**h. Workshop: Ordinances for Stormwater Management**

Mayor Quade suggested the workshop be rescheduled as the first time on the December 9<sup>th</sup> agenda, due to time constraints; Council concurred.

**8. CONTINUED COMMENTS FROM CITIZENS**

None.

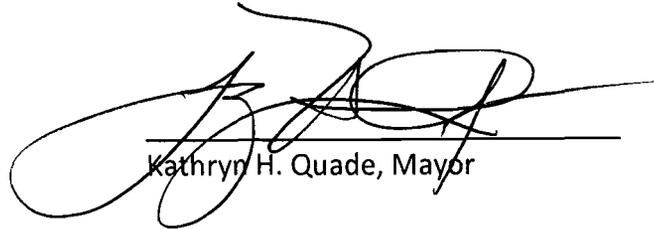
**9. COUNCILMEMBER COMMENTS**

a. Councilmember Lord and Berry-Maraist thanked the Parks & Recreation Department staff for their hard work and not giving up.

**10. ADJOURNMENT**

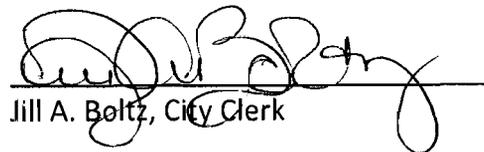
**MOTION:** Stern/Lord. Move to adjourn at 9:52 PM.

Motion carried unanimously.



Kathryn H. Quade, Mayor

ATTEST:



Jill A. Boltz, City Clerk

