

POULSBO CITY COUNCIL MEETING OF MARCH 4, 2009

M I N U T E S

PRESENT: Councilmembers: Berry-Maraist, Erickson, Lord, Rudolph, Stern.
Staff: Berezowsky, Boltz, Booher, Funk, Kingery, Loveless,
McCluskey, Stephens, Swiney.

ABSENT: Mayor Quade; Councilmember McGinty and Crowder.

MAJOR BUSINESS ITEMS

- * * * Proclamation: Brain Injury Awareness
- * * * Proclamation: Spay Day USA
- * * * Appointments to Design Review Board and Planning Commission
- * * * Payroll – February 1-28, 2009
- * * * Minutes of January 27, 2009 Joint City Council/Planning Commission Meeting
- * * * Minutes of January 28, 2009 Special Council Meeting
- * * * Agreement with North Kitsap School District #400 for School Resource Officer Services
- * * * Ordinance 2009-___, Illicit Discharge Detection and Elimination
- * * * Ordinance 2009-___, Amendment to Public Works Fee Schedule to include IDDE Appeal Fee
- * * * Agreement for Legal Services
- * * * Approval of Grounds Maintenance Technician II Job Description
- * * * Resolution 2009-___, 2009 Salaries and Wages
- * * * Bad Debt Write-Off
- * * * Ordinance 2009-___, 4th Quarter 2008 Budget Amendments
- * * * Agreement with Kitsap County for Incarceration of Prisoners

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Deputy Mayor Lord called the meeting to order in the Council Chambers at 6:59 PM and lead the Pledge of Allegiance.

2. MAYOR'S REPORT AND CHANGE TO AGENDA

- a. New City Hall Update: Public Works Director Loveless reported the City Hall design drawings are nearing completion and the constructability review is in process. Councilmember Berry-Maraist questioned when the Council will receive information on the bid package and bid alternates; Loveless stated alternate bid items have already been identified and

include upgraded siding, rockery, roofing materials, amount of audio/visual equipment and furniture.

- b. Proclamation: Brain Injury Awareness: Deputy Mayor Lord proclaimed March 2009 as Brain Injury Awareness month. Suzanne Griffith recited an excerpt of a statement written by a brain injury survivor, and presented the Council with a book relating to brain injuries.
- c. Proclamation: Spay Day USA: Deputy Mayor Lord proclaimed February 24, 2009 as Spay Day USA. Dana Lerma, Kitsap Humane Society, provided an overview on the Kitsap Spay Neuter Council program and the success of the 2009 Spay Day.
- d. Deputy Mayor Lord advised the sale of the 10th Avenue property to Harrison Medical Center was finalized on February 27, 2009.
- e. Deputy Mayor Lord announced the 2nd Annual Poulsbo Kids Clean Up Day will be held on March 6, 2009, at 9:00 AM, at Poulsbo Middle School or Lions Park, encouraging the Council and citizens to participate.
- f. Deputy Mayor Lord announced Mayor Quade has requested Council concurrence for the appointment of Stephanie Wells and Jim Henry to the Planning Commission; and Bill Austin to the Design Review Board.

MOTION: Stern/Rudolph. Move to concur with Mayor Quade's appointment of Stephanie Wells to the Planning Commission for an unexpired term ending 12/31/2011, Jim Henry to the Planning Commission for an unexpired term ending 12/31/2009, and Bill Austin to the Design Review Board for an unexpired term ending 12/31/2012.
Motion carried unanimously. Absent: Crowder and McGinty.

3. COUNCIL COMMITTEE REPORTS (FOR ITEMS ON CURRENT AGENDA)

- a. Public Works Committee: Councilmember Berry-Maraist reported the committee discussed and recommends approval of the Illicit Discharge and Elimination ordinance and fee schedule.

4. CITIZEN COMMENTS

- a. Tony DeCarlo advised he circulated a petition to survey residents of the Ridgewood neighborhood, with a majority of those in opposition of opening the connection at 23rd Avenue and Languanet. DeCarlo will submit the petition to the Council once he has made contact with all residents.

- b. Janet Marie Valiga expressed her appreciation for the newly installed stop signs throughout downtown.

5. **CONSENT AGENDA**

MOTION: Stern/Erickson. Move to approve Consent Agenda items a through d.

Motion carried unanimously. Absent: Crowder and McGinty

The items listed are:

- a. Payroll – February 1-28, 2009
- b. Minutes of January 27, 2009 Joint City Council/Planning Commission Meeting
- c. Minutes of January 28, 2009 Special Council Meeting
- d. Agreement with North Kitsap School District #400 for School Resource Officer Services

6. **MAJOR BUSINESS ITEMS**

a. **Ordinance 2009-03, Illicit Discharge Detection and Elimination**

Senior Engineering Technician Funk provided an overview and purpose of Illicit Discharge Detection and Elimination (IDDE). The ordinance would establish enforcement processes and penalties for violations. Funk stated the ordinance consists of two elements; the prohibition element, which includes activities which are prohibited, allowable, or conditional; and the compliance element which includes escalating enforcement procedures, actions, penalties and an appeal process.

Councilmember Lord noted a revision to the ordinance, which was provided to the Council, regarding the appeal process.

Councilmember Erickson requested clarification as to the timing of approving the IDDE ordinance prior to the approval of the updated stormwater manual, specifically the best management practices. Erickson expressed concern that the best management practices the City would be enforcing would be conflicting with the updated manual, which will be approved in August. Councilmember Rudolph explained the City would not have the authority to enforce any illicit discharges, if the IDDE ordinance is not approved.

Councilmember Erickson stated she would contact City Attorney Haney to review any potential issues with the timing of adopting the ordinance; if there are any concerns, she will bring forward a motion for reconsideration.

MOTION: Rudolph/Lord. I move to adopt Ordinance No. 2009-03, an ordinance of the City of Poulsbo, Washington, providing for the health, safety, and general welfare of the citizens of Poulsbo; the protection and enhancement of the water quality of watercourses and water bodies through the regulation of non-storm water discharges to the storm drain system to the maximum extent practicable as required by Federal and State law; compliance with the requirements of the City's National Pollutant Discharge Elimination System (NPDES) permit; adding a new chapter 13.18 to the Poulsbo Municipal Code; and fixing a time when the same shall become effective, as corrected by the memo dated March 4, 2009.

Motion carried unanimously. Absent: Crowder and McGinty

b. Ordinance 2009-04, Amendment to Public Works Fee Schedule to include IDDE Appeal Fee

Senior Engineering Technician Funk advised the IDDE appeal fee was determined based on the land use appeal fee of \$250.

Councilmember Erickson stated she would contact City Attorney Haney to review any potential issues with the timing of adopting the ordinance, if there are any concerns, she will bring forward a motion for reconsideration.

MOTION: Rudolph/Berry-Maraist. I move to adopt Ordinance No. 2009-04, an ordinance of the City of Poulsbo, Washington, amending Section 3.12.100(g) of the Poulsbo Municipal Code to adopt the cost of appeal fees for illicit discharge detection and elimination violations under Chapter 13.18 of the Poulsbo Municipal Code; providing for severability, and establishing an effective date.

Motion carried unanimously. Absent: Crowder and McGinty

c. Agreement for Legal Services

Human Resource Manager Kingery explained the legal services agreement covers personnel legal services; noting the hourly rate agreement has increased. Due to the upcoming union negotiations the amount that would be expended for personnel legal services, will be increased over years past.

MOTION: Berry-Maraist/Stern. Move to approve and authorize the Mayor to sign the agreements with Davis Grimm Payne & Marra for legal services.

Motion carried unanimously. Absent: Crowder and McGinty

d. Approval of Grounds Maintenance Technician II Job Description

Human Resource Manager Kingery explained the additional classification of Ground Maintenance Technician II was created combining the Senior Maintenance Technician and entry level Grounds Maintenance Technician positions.

MOTION: Stern/Erickson. Move to approve the additional classification and job description for Grounds Maintenance Technician II.
Motion carried unanimously. Absent: Crowder and McGinty

e. Resolution 2009-04, 2009 Salaries and Wages

Human Resource Manager Kingery stated the resolution amendment adds the Ground Maintenance Technician II to the salary schedule; also noting the title change of the Office Clerk positions.

Councilmember Erickson questioned if there was a change to the job descriptions for the Office Clerk positions; Kingery explained there is no change to the salary or job descriptions, it is a title change only.

MOTION: Stern/Berry-Maraist. Move to approve Resolution No. 2009-04, amending the Salaries and Wage schedule.
Motion carried unanimously. Absent: Crowder and McGinty

f. Bad Debt Write-Off

Finance Director Booher reported on two accounts that have been deemed uncollectable, stating the accounts are still in collections where the collection agency will continue to pursue repayment.

MOTION: Stern/Berry-Maraist. Move to approve writing off accounts which have exceeded two years past due and with excess of \$1,000.00 to Bad Debt per Poulsbo Municipal Code 3.72.040.
Motion carried unanimously. Absent: Crowder and McGinty

g. Ordinance 2009-05, 4th Quarter 2008 Budget Amendments

Finance Director Booher advised the ordinance formally amends the 2008 budget and includes all previously approved amendments for the 2008 4th quarter.

Deputy Mayor Lord asked for public comments, no comments were received.

MOTION: Stern/Berry-Maraist. Move to adopt Ordinance No. 2009-05, an ordinance of the City of Poulsbo, Washington, amending the 2008 budget adopted by Ordinance No. 2007-60 to revise the revenues to and appropriations from certain funds and approving an ordinance summary for publication.

Motion carried unanimously. Absent: Crowder and McGinty

h. Agreement with Kitsap County for Incarceration of Prisoners

Police Chief Swiney reported on the amendment to the annual agreement with Kitsap County for incarceration of prisoners, noting the increased fee for Kitsap County to recuperate the actual costs.

Councilmember Rudolph advised the agreement needs to be revised to reflect the new County Commissioner.

MOTION: Rudolph/Erickson. Move to approve the Interlocal agreement with Kitsap County Jail.

Motion carried unanimously. Absent: Crowder and McGinty

7. DEPARTMENT/COMMITTEE REPORTS

- a.** Parks and Recreation McCluskey reported the Tree Board will be hosting a complimentary tree pruning class at the Moe Street trail on March 7, 2009 from 10:00 AM- 12:00 PM, co-hosted by the Poulsbo Home Depot.
- b.** Public Works Committee: Councilmember Berry-Maraist reported on discussion regarding:
 - Planning Director Berezowsky's concerns on how the City will coordinate with surrounding jurisdictions on the Shoreline Master Program update; noting Poulsbo has a small percentage of shoreline. The Public Works Committee concurred with Berezowsky, in that the City will not move forward with participating in the update until further information is gathered. The Council also concurred more information needs to be provided prior to moving forward and agreeing to participate in the program.

- The Committee reviewed and suggested a few revisions be made to the annexation brochure, which will come back to the Council for review and comment.
 - Due to the complex issues and changes to construction and road standards, a Council workshop will be held for the full Council discussion.
- c. Finance/Administration Committee: Councilmember Lord reported on discussion regarding the financing for the new City Hall project. Councilmember Stern noted the bond package will come forward to Council on March 18, 2009; noting all conditions have been met as stated in the December 3, 2008 motion. The committee recommends moving forward with bonding for a 25 year period instead of 30 years, which will result in a lower interest rate, more marketability and a savings over the length the bond term. Stern explained the immediate need for the Council to discuss and reach a consensus on intending to move forward with bonding, due to the amount of time needed for the bond underwriter to prepare the necessary paperwork, and market the bonds prior to issuance. The risk of moving forward and potentially rescinding the decision at a later date, would damage the City's reputation when marketing the bonds and potentially increase the interest rate.

Councilmember Erickson expressed concern with current City properties not being sold, as conditioned in the December 3, 2008 motion. Further explaining the purchase and sale agreement with Harrison Medical Center included a contingency, where the City potentially would need to refund the purchase price to Harrison Medical Center, if they were unable to obtain a building permit. Erickson advised the bond agent will be preparing information that will show the implications of not selling the City properties and not retaining money from the 10th Avenue property.

Booher explained the Council made the decision to put the proceeds from the 10th Avenue property sale into a interest bearing account; if the agreement is rescinded the City would retain any interest earned on the funds.

Councilmember Rudolph stated the current cost of construction is in the City's favor, possibly making the project more affordable; noting the City will be in a better position if the bid package can be put out as soon as possible.

Councilmember Berry-Maraist suggested the City Hall financing discussion be added to the March 11, 2009 agenda for discussion by the entire Council and Mayor, and would like to see the information on the bonding package.

8. CONTINUED COMMENTS FROM CITIZENS

No comments received.

9. COUNCILMEMBER COMMENTS

- a. Councilmember Rudolph reported on the February 28, 2009 Poulsbo Historical Society presentation on growing up in Poulsbo in the 1950-1960's; noting the meeting was well attended.
- b. Councilmember Berry-Maraist reported, at the Association of Washington Cities (AWC) City Legislative Action Conference, Mayor Quade and Councilmember Berry-Maraist, Lord, Erickson and Stern, met with several local State Representatives to discuss several local issues, such as ferry funding. Councilmember Erickson expressed her appreciation to State Representative Appleton for arranging the meetings.

10. ADJOURNMENT

MOTION: Stern/Rudolph. Move to adjourn at 8:57 PM.
Motion carried unanimously. Absent: Crowder and McGinty



Connie Lord, Deputy Mayor

ATTEST:



Jill A. Boltz, City Clerk