

POULSBO CITY COUNCIL MEETING OF MAY 16, 2012

MINUTES

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

Staff: Berezowsky, Boltz, Booher, Loveless, McCluskey, Nelson, Stephens, Treacher

MAJOR BUSINESS ITEMS

- * * * Claims – April 1-30, 2012
- * * * Payroll – April 1-30, 2012
- * * * Resolution No. 2012-02, Greenhouse Gas Policy
- * * * 7:15 PM Public Hearing (continued) 2012-02 Comprehensive Plan Amendments

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. Tex Lewis, Clear Creek Task Force, provided background on the formation of the task force and the Clear Creek trail; and the donation of property by property owners. The status of the Clear Creek trail and strong community support.
- b. Molly Lee provided the Council with an email that was solicited.
- c. Justin Ingalls, Home Builders Association (HBA) of Kitsap County, offered the HBA as a resource to the City for gathering information, due to the amount of members and HBA resources.
- d. Tom Nordlie spoke to the conceptual trail line over private property; stating the City has been able to acquire several properties in the past with grants and donated by interested citizens. The purpose is for preservation of property, nature environment and trails.

3. **MAYORS REPORT AND COUNCIL COMMENTS**

- a. Councilmember Lord reminded everyone the Lions Pancake Breakfast will be held at the North Kitsap High School.

b. Mayor Erickson announced an Executive Session will be held at the end of the agenda, for the purpose of discussing real estate; and announced the City received a grant from the Department of Ecology for the reconstruction of 3rd Avenue.

c. Councilmember Berry-Maraist commented on her attendance at the Visitors and Convention Bureau Annual Meeting where Awards were presented to Poulsbo Marathon and Cascade Bike Club.

4. CONSENT AGENDA

Motion: Move to approve Consent Agenda items a and b. **Action:** Approve, **Moved by** Stern, **Seconded by** Musgrove.

Motion passed unanimously.

The items listed are:

a. Claims - April 1-31, 2012, in the amount of \$4,196,734.54, check numbers 10019153 through 10019365 and electronic disbursement numbers 22-0023 through 22-33 and 22-0036 through 22-0038

b. Payroll - April 1-30, 2012, in the amount of \$311,732.13 with check numbers (including direct deposit vouchers) of 30016959 – 30017180.

5. BUSINESS AGENDA

a.  **Resolution No. 2012-02, Greenhouse Gas Policy**

Loveless reported the Public Works Trust Fund is offering construction loans, which require a Greenhouse Gas Policy. The loan program will help fund the City's utilities at a very low interest rate (0.50%). The City has applied for three loans for three CIP projects.

Councilmember McGinty reported the Public Works Committee reviewed and recommends approval of the policy.

Motion: Move to adopt Resolution No. 2012-02 establishing a City Greenhouse Gas Policy, with changes to item L-2, "Consider water-efficient landscapes and irrigation in publicly funded projects, including..."

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

Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

Yes: Berry-Maraist, Henry, Lord, McGinty, Musgrove, Stern.

No: Nystul.

b. ► Continued Public Hearing for 2011-2012 Comprehensive Plan Amendments

Mayor Erickson requested public comments:

- i. Tom Nevins, West Sound Conservation Council spoke in support of the concept of trails, however they should not be in critical areas; and viewing platforms should not disturb wildlife habitat.
- ii. Rita Hagwell stated she wants the pink conceptual trail line that runs through her property removed from the trail map, and she will not allow trails on her property or bicycle trails on Mairelane Lane.
- iii. David Wells, Bjorgen Creek Estates Homeowner Association expressed concern with the proposed trails through private properties, and requested the Council look at the Critical Area Ordinance and the proposed trails in those areas.
- iv. Han Nilsson thanked the Mayor and Council for listening to the public and updating the PRO-3 trail map, which removed the proposed trail through his property. The Urban Paths of Poulsbo Plan should also reflect the PRO-3 trail map changes.
- v. Molly Lee commented on a 2009 e-mail written by Councilmember Linda Berry-Maraist to Mayor Erickson and Dale Rudolph regarding once planned cottage project and her attempt to bring sewer down Viking Avenue. Lee stated Berry-Maraist needs to state for the records her property location within the amendment 09-13. Lee further requested the conceptual trail line near Johnson Creek be removed from the PRO-3 trails map and suggested text be added that trails be located at least 300 feet from Johnson Creek.
- vi. Kate Nunes, spoke to her use of Highway 305 from downtown to Olhava Shopping Center; and the need for trails around the City.
- vii. Russ Perisho urged adoption of the Poulsbo Trail Plan, and is pleased that a conceptual trail going through his property; properly planned and executed trails are an important amenity for our City. Perisho urged the Council to consider the facts not the meritless comments by some people.
- viii. Tom Nordlie stated it is difficult to please everyone with a project such a this, and the City has never taken property away from private property owners.
- ix. John Nantz commented on the location of bicycle routes in Poulsbo and some of the steepest roads are designated as bicycle routes. Nantz further stated trails near creeks and wildlife habitat are the worst possible places to put trails.
- x. Mark Kuhlman, Team 4 Engineer, spoke to the proposed trails and the Comprehensive Plan as a visionary document for the future residents.

- xi. Jan Wold stated she is not against or trying to stop the Trail Plan, however they need to be planned in better, more workable locations. Wold requested all proposed trails on/near private property, critical areas buffers near streams, wetlands, shorelines, wildlife corridors and key wildlife habitat areas be removed; and fully implement Mayor Erickson's decision to locate trails at least 300 feet from Johnson Creek. Berry-Maraist should be recused from discussion and vote tonight because she has made statements about how the trail system will effect and benefit the value of her property.
- xii. Edie Lau, Poulsbo Trails Committee, supports trails in Poulsbo for the safety and convenience of citizens, and the committee would not advocate placing trails on private property against the property owners wishes. Lau also spoke to comments that the Trails (Trail committee) were not mindful of the environment.
- xiii. Randy Begelow expressed concern with the ability for the City to meet growth projections in the Urban Growth Area.
- xiv. John Lee stated during the 2007 storm 500 cubic feet of soil was removed from Johnson Creek, and the proposed trail along Johnson Creek would include impervious surface and will not support life again.

Berezowsky requested clarification from City Attorney Haney regarding Councilmember Berry-Maraist being requested to recuse herself; Haney stated Berry-Maraist does not have a legal conflict of interest with respect to the ownership of her property or any legislative matter before the Council, and is free to participate in the proceedings and vote on the Comprehensive Plan amendments before the Council.

Berezowsky requested clarification from Haney regarding comments on the negligence of the SEPA review for the development the Urban Paths of Poulsbo Plan. Haney stated SEPA provides for phased environmental review and encourages environmental evaluation at the earliest possible phase; however they recognize with a broad policy such as the Comprehensive Plan it may not be possible to do a detailed review and as development permits are applied for there would be environmental review at that time.

Berezowsky commented on the proposed trails and the legal standpoint of "takings" with regard to eminent domain. Haney stated lines on a map are not a "takings," the property would need to be physically invaded or unusable to be considered a taking.

Mayor Erickson asked the Council if they had any concerns or questions regarding any item, other than the Urban Trails of Poulsbo; there were none.

Associate Planner Nelson outlined the changes in the PRO-3 map provided in the adoption document and the revised map was provided to the Council in teal folders.

Mayor Erickson closed the public hearing at 8:57 PM.

Council discussion included:

- Moving the pink conceptual trail line to either Viking Avenue or to the conceptual shared use path.
- Text revision to the adoption document, Urban Paths of Poulsbo.

Motion: Move to approve the following amendments:

CPA 2011-01, Jabber re-designation and rezone

CPA 2011-02(A-C), Parks re-designation and rezone

CPA 2011-03, text amendments to Chapter 1

CPA 2011-04, text amendments to Chapter 2

CPA 2011-05, text amendments to Chapter 3

CPA 2011-07, text amendments to Chapter 5

CPA 2011-08, text amendments to Chapter 6

CPA 2011-10, text amendments to Chapter 10

Move to withdraw:

CPA 2011-02(D), the College MarketPlace re-designation and rezone

Move to approve with modifications identified by the Planning Commission and the May 1, 2012 Adoption Document and with the May 16, 2012 Figure PRO-3 map:

CPA 2011-06, text amendments to Chapter 4

CPA 2011-09, text and map amendments to Chapter 8

CPA 2011-11, text amendments to Chapter 11

CPA 2011-12, text amendments to Chapter 12 and a related map amendment to Chapter 4

CPA 2011-13, adoption of the Urban Paths of Poulsbo Plan, with changes stated

AND adopt the Planning Commission Findings of Fact in support of these decisions;

AND direct the City Attorney to prepare City Council Findings of Fact for modifications approved by City Council;

AND direct the City Attorney to prepare an adoption ordinance to this effect.

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

Motion passed unanimously.

6. COUNCIL COMMITTEE REPORTS

a. Finance/Administration Committee: Councilmember Stern reported the July 4th Committee Meeting will be cancelled due to the holiday; review and refinement of

the budget review process; review of policies for community and employee recognition.

b. Tree Board: Councilmember Henry reported on review of the Arbor Day celebration and the 2012 work plan.

c. Public Safety/Legal: Councilmember Henry spoke to a new brochure for vehicle impounds and citizen rights; and the upcoming Viking Fest.

7. DEPARTMENT HEAD COMMENTS

a. Parks and Recreation Director McCluskey announced Family Trails Day will be held Saturday, June 2nd at Fish Park.

8. CONTINUED COMMENTS FROM CITIZENS

None.

9. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

a. Mayor Erickson announced a Community Meeting will held June 4th regarding downtown parking.

b. Councilmember Berry-Maraist reported on her attendance at a Kitsap Regional Coordinating Council TransPol board meeting, a Puget Sound Regional Council Growth Management Board meeting, and the Greater Conservation Policy Conservancy dinner.

10. EXECUTIVE SESSION

Motion: Move to adjourn from Executive Session.

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

Motion passed unanimously.

At 9:37 PM Mayor Erickson adjourned the meeting into a 10-minute Executive Session, for the purpose of discussing real estate, pursuant to RCW 42.30.110(1)(c).

11. ADJOURNMENT

Meeting adjourned at 9:56 PM

Rebecca Erickson, Mayor
ATTEST:

Jill A. Boltz, City Clerk, CMC