

POULSBO CITY COUNCIL MEETING OF NOVEMBER 1, 2017

MINUTES

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

Staff: Finance Director Booher, City Clerk Fernandez, Director of Engineering Kasiniak, Planning Director Boughton, IT Manager Stenstrom.

ABSENT: Councilmember McGinty

MAJOR BUSINESS ITEMS

- * * * Approval of October 4, 2017, Council Meeting Minutes
- * * * Payable Disbursements for September 2017
- * * * Budget Amendment/BA# 17-0407
- * * * Banking Services Contract
- * * * Extension of Contract for Curbside Recycling Services
- * * * Planning Commission Appointments
- * * * Engineer I Position Creation
- * * * Ordinance No. 2017-18, Setting 2018 Property Tax Levy
- * * * Ordinance No. 2017-19, Public Records Act Update
- * * * Public Hearing for Resolution No. 2017-13, Fee Schedule Update
- * * * Resolution No. 2017-14, Public Records Act Policy Update

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

Mayor Erickson noted Consent Agenda Item 5e has been added to the agenda.

Motion: Move to approve the agenda as amended.

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

Motion carried.

3. COMMENTS FROM CITIZENS

Rita Hagwell said she doesn't understand why she would have to pay \$3,000 to apply to have Marelaine Lane put in the right place on the map.

4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Lord said there was good weather for Halloween last night. She also said she attended the write-in candidate session the other night.

Councilmember Thomas said he attended the Parks & Recreation Committee meeting, and it was a good meeting.

Councilmember Musgrove said Halloween was especially awesome.

Mayor Erickson agreed Halloween was a good night with great attendance. She announced Saturday is Daffodil Day and invited the public to help plant daffodil bulbs. She said the West Poulsbo Tree Lighting will be the day after Thanksgiving around 6pm.

Councilmember Stern said he will be out of town on November 8 for AWC, and November 15 for National League of Cities. He announced Western WA Alumni gathering from the entire peninsulas is happening at the SEA Center on November 14.

Councilmember Henry said he would be out of town November 14 through 25. He noted he will be attending the Suquamish Tribe Veteran's event on November 11.

5. CONSENT AGENDA

Motion: Move approval of the Consent Agenda.

The items listed are:

- a. Approval of October 4, 2017, Council Meeting Minutes
- b. Payable Disbursements for September 2017
- c. Budget Amendment/BA# 17-0407
- d. Banking Services Contract
- e. Extension of Contract for Curbside Recycling Services

Action: Approve, **Moved by** Nystul, **Seconded by** Lord.
Motion carried.

6. BUSINESS AGENDA

a. Planning Commission Appointments

Planning Director Boughton presented the agenda summary, noting two Planning Commission positions have become vacant with the resignations of Shane Skelley

and Jim Thayer. Planning Director Boughton has met with Mr. Gerald (Jerry) Block and Mr. Gary McVey. Mayor Erickson recommends appointing Mr. Block to fill a term ending December 31, 2017, and Mr. McVey to fill a term ending December 31, 2018.

In response to Councilmember Stern, Planning Director Boughton said both appointments are filling unexpired terms, and that when Mr. Block's term ends in 2017, it will be recommended to appoint him to a new six-year term.

Mayor Erickson said they were fortunate to get good candidates for the Planning Commission. She said the Planning Commission is an important body, because they review all of the changes in our land use code and many of our current development applications.

Councilmember Lord said we have had stellar members on the Planning Commission. She would like to have a celebration to honor our commission volunteers whenever we can.

Mayor Erickson said she would like to have another training in January/February for public records training. City Clerk Fernandez also noted the training is on DVD and new hires are required the training.

Motion: Move to confirm the Mayor's recommendations for appointments to the Planning Commission as presented.

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

Motion carried.

b. Engineer I Position Creation

Director of Engineering Kasiniak presented the agenda summary, noting the Engineering Department would like to create an Engineer I position on Range 40. Earlier this year, a Development Review Engineer position (Range 42) was vacated providing an opportunity to reorganize the department. A new employee was hired at a lower classification (Engineering Technician Senior - Range 37) and with the creation of the Engineer I position (Range 40), an existing staff member can be promoted from an Engineering Technician position (Range 32). This creates another layer of advancement within the department and has had a cost savings of \$1,935 for 2017 and \$3,258 for 2018. This item was discussed and recommended for approval by the Public Works Committee and Finance/Administration Committee.

Councilmember Lord said the Public Works Committee thoroughly explored the restructuring of the Engineering Department and recommended approval.

In response to Councilmember Stern, Director of Engineering Kasiniak said Phil Struck works in a project specific position and is a casual laborer (temporary).

In response to Councilmember Musgrove, Director of Engineering Kasiniak said the change will keep the same number of positions. The previous positions still exist in the schedule, but they are not filling the positions.

Motion: Move to approve the creation of an Engineer I position on Range 40 of the Teamsters Salary Schedule.

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

Motion carried.

c. Ordinance No. 2017-18, Setting 2018 Property Tax Levy

Finance Director Booher said these numbers were presented as part of the Revenue Presentation a couple weeks ago. This is setting the levy for the Assessor, and it is reflective of the 1% allowed by state law, as well as our banked capacity from last year. This ordinance will allow the assessor to collect property tax on our behalf.

Mayor Erickson said the City is taking its banked capacity from last year, and the additional 1% allowed this year. She noted that utility taxes were cut in 2017 and 2016. She said the City is trying to match its revenues and expenditures, and the additional revenues are needed to hire a new clerk and a sergeant.

Motion: Move to approve Ordinance No. 2017-18, an ordinance of the City of Poulsville Washington levying the general taxes for the City of Poulsville for the fiscal year commencing on January 1, 2018, on all property, both real and personal, in said city which is subject to taxation for the purpose of providing sufficient revenue to carry on the several departments of said city of the ensuing year as required by law, and approving an ordinance summary for publication.

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

Motion carried.

d. Ordinance No. 2017-18, Public Records Act Update

City Clerk Fernandez presented the agenda summary, noting effective July 23, 2017, new laws became effective regarding the Public Records Act. The City Clerk worked with the City Attorney's office to determine what changes needed to be made to

PMC 2.98 Public Records. A review of HB1594 and HB1595 was given. Highlights of changes to PMC 2.98 include:

- 2.98.030 Exemptions - new language makes it clear that Appendix C of the "Public Records Act for Washington Cities, Counties, and Special Purposes" is the list required under RCW 42.56.070(2).
- 2.98.040(A) Procedure for inspection and copying
 - The City cannot require written requests; added language regarding the new portal as an option to submit requests.
 - Added new language per HB 1594, codified at RCW 42.56.520 that the City may ask for clarification as one of its actions during the five business day period.
- 2.98.040(C) - clarified the City will using a combination of default costs and actual costs. Added statement of undue burden, which is now required under RCW 42.56.120(2)(b).
- 2.98.050 Denials; procedure for review of decision - Under RCW 42.56.520(4), the City is required to have an internal procedure for reviewing denials. This language is taken from the model rules of the Attorney General.

Mayor Erickson said these proposed changes are a result of state legislative activities and recommended by our City Attorney. We are trying to get in compliance with state law. She noted the City has been in compliance with the log for almost two years and posting it on our webpage. It has been helpful for the City and the public to have that available.

Councilmember Musgrove asked if in order to be in compliance with state law, the City should adopt the changes to its own code. City Clerk Fernandez confirmed that the changes to PMC 2.98 copy the recent changes to RCW 42.56, which governs how public agencies must respond to a request for records.

Councilmember Musgrove asked if the clarification option in the five-day response would extend the time frame, and if so, if there is a limit so that it does not go on forever. City Clerk Fernandez said she can request clarification, but if she does not receive clarification, she is required to give the requestor an estimate of time of how long the request will take without the clarification. When the City asks for clarification, it is because we are unclear what the requestor is looking for, or the request is very broad. The City wants to get the records to the requestor as quickly as possible, but vague or broad requests take a long of time to produce. It is a good practice for the Public Records Officer and the requestor to communicate with each other, because often times the public is unsure what to ask for when looking for a record, so they end up asking for all records. The clarification process won't cause

undue burden on the City. If the requestor doesn't respond, the City will work on the original request.

Councilmember Lord clarified that the clarification is a new part of the statutes, that we are allowed to clarify requests. City Clerk Fernandez noted that the City has used clarification as a tool when responding to vague or broad requests. The state legislature decided to add it to the language as one of the actions an agency could take in the five-day response period.

Councilmember Lord said this is an important job. The Clerk must manage all of the public records requests, and it is exceedingly regulated by the state.

Motion: Move to adopt Ordinance No. 2017-19, an ordinance of the City of Poulsbo, Washington, regarding public records; repealing Chapter 2.98 of the Poulsbo Municipal Code governing public records and enacting a new chapter 2.98 in order to reflect current state law; amending Section 3.12.040 of the Poulsbo Municipal Code to reflect recodification of the public records act; providing for severability and establishing an effective date.

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

e. Public Hearing for Resolution No. 2017-13, Fee Schedule Update

City Clerk Fernandez presented the agenda summary, noting effective July 23, 2017, new laws became effective regarding the Public Records Act that allow agencies to charge requestors for electronic records. Currently, there are two fee schedules, one maintained by the City Clerk (Res. 2015-12), and one maintained by the Police Department (Res. 2015-15). The Police Department requested the Clerk combine both schedules as was previously done prior the adoption of Res. 2015-15. The City Attorney recommended a bifurcated approach for updating the fee schedule:

1. Adopt the new statutory fee schedule allowed by RCW 42.56.120(2)(b), (c), and (e). These charges can be adopted by agency rule or regulation, and have been addressed in the Ordinance 2017-19 adopted in the previous agenda item. This covers standard copy charges and all of the new electronic record copying and transmission costs.
2. Adopt actual costs for copies not addressed in the new legislation. This includes fees for maps and for non-standard and color photocopies. The fees represent the actual cost to the City of creating those copies and are

calculated based on prices for comparable services by local copying vendors. These fees require a public hearing.

Other changes were made to the schedule to provide clarity, remove duplicate items, and remove publications/documents (which will be charged the per page copy rate).

Mayor Erickson asked for an example of a custom service for records production. City Clerk Fernandez said she has not had to provide such a service to date, but it would be a request that is asking for manipulation of data in software programs, and it would be in coordination with the IT department.

Councilmember Musgrove was curious if files provided are compressed or not, how you judge a gigabyte, and what are the costs involved with transferring something you already have electronically. He feels these items are fuzzy, and noted the City Clerk said she didn't have any experiences with this in response to the Mayor. City Clerk Fernandez clarified she did not have experience with applicable customized service charges. Regarding charges for uploading electronic charges, the City is proposing to adopt the State's default charge of five cents per four files uploaded. She said she is unsure exactly how the state arrived at that cost, but she would imagine they did a cost study that looked at how long it took to for an employee to find four files on their computer, and upload them to an email or a web portal for delivery, and what is the cost of the software that is used to electronically deliver the file. Councilmember Musgrove clarified that this was different from other charges, because it is accounting for labor, where the other ones accounted for materials. City Clerk Fernandez said all cost studies will look at the time it takes for an employee to perform the action, whether it is attaching files to a portal/email, scanning paper copies into electronic records, or photocopying paper copies. The time is added to the cost of the copier contract, maintenance agreements, software licenses, and paper and toner (for photocopies). It is all inclusive in each case.

City Clerk Fernandez concluded the fees were recommended by the City Attorney, and the Finance Administration committee reviewed the proposed changes at their October 18, 2017, meeting and recommended approval.

At 7:51 PM, Mayor Erickson opened the public hearing, and hearing no comments, closed the public hearing at 7:52 PM.

Councilmember Thomas said transparency in government is important. The City supports all of its business being out there for the public to understand. However,

anytime there is a public records request, it does take time and materials. With these new state laws, this is a good move to comply with the state laws and within our city have a system for managing the requests. The fees look reasonable, and he supports the changes.

Councilmember Musgrove said it is sometimes considered to be transparency with a fee. However, in this case, it is that rough edge they have to follow. The records are available to view at no cost. That option is always there. If you want a hard copy, or a copy that we transmit for you to keep, that is where there will be a cost because it takes time, money and energy. It is a hard line to follow to not get too sticky, but this is quite reasonable. Our costs for public records requests have been immense, and could be even worse. This is good step, at least for the time being, until something better comes along, so that we are not burdening the remainder of society to cover these specific cases of requests.

Motion: Move to approve Resolution No. 2017-13, a resolution of the City Council of the City of Poulsbo, Washington, repealing Resolution Nos. 2015-12 and 2015-15 and creating a new fee schedule to update fees and charges for copying, scanning, and transmitting records in response to public records requests, and to consolidate police department fees and general city fees.

Action: Approve, **Moved by** Musgrove, **Seconded by** Nystul.
Motion carried.

f. Resolution No. 2017-14, Public Records Act Policy Update

City Clerk Fernandez presented the agenda summary, noting the Clerk's Office has historically had a Public Records Act Policy available to staff to help guide them through the process of fulfilling public records requests in accordance with the Public Records Act 42.56 RCW. The City Clerk and City Attorney reviewed the existing policies and procedures and made updates to reflect changes to the new legislation passed in 2017, and also took the opportunity to clarify procedures and provide more detail for requestors regarding what they can expect when they submit a request to the City of Poulsbo. As a best practice, it is recommended that the City Council adopt the policies and procedures. This has not been done in the past.

Motion: Move to adopt Resolution No. 2017-14, a resolution of the City Council of the City of Poulsbo, Washington, adopting the City of Poulsbo Public Records Act Policy dated November 1, 2017.

Action: Approve, **Moved by** Musgrove, **Seconded by** Nystul.
Motion carried.

7. COUNCIL COMMITTEE REPORTS

Economic Development Committee: Councilmember Lord reported Planning Director Boughton presented an Economic Development Strategic Plan that is well thought out and in process, and there was an update to the subdivision ordinance.

Planning Director Boughton said the Economic Development Strategic Plan is in response to a policy in our Comprehensive Plan. Associate Planner Coleman has been working on this the past six months.

Planning Director Boughton said they are in the process of updating Title 17, the land division ordinance. The Planning Commission has completed its review and they will be holding a public hearing next Tuesday night.

Public Works Committee: Councilmember Lord reported they received an update from Bill Austin on the pavilion repair project; Bainbridge Disposal Recycling Contract has to be renewed, and a six month extension is coming forward for council approval to allow time for renewal negotiation; update on Central Interceptor Project (lots of challenges – pipes are in worse shape than anticipated, and it was more difficult to access the manholes – causing delays to the schedule and increasing project costs); the committee recommends approval of the Sewer Rate Ordinance (CPI + 2%, baselined at 2015 rate); and discussed current policy on property dedications on short plats and making sure it correlated correctly with Engineering's policies; and Little Free Library are going to be allowed in the right-of-way.

Lodging Tax Advisory Committee: Councilmember Nystul said LTAC asked the City Attorney for an opinion regarding conflicts of interest, and he has a response to share with those councilmembers who are interested.

Finance-Administration Committee: Councilmember Stern reported they discussed the upcoming public hearing on the Library building surplus and he recapped prior minutes from the FAC regarding the process.

Mayor Erickson added the goal is for Kitsap Regional Library to own the library. A Capital Facilities District was formed many years ago to build the library and there is money that was left in the fund which the City is giving to the library to fix the roof. Hopefully, the levy will pass and the library will be deeded over, and they will have funds to maintain the library. The City has spent hundreds of thousands of dollars maintaining the library in the last decade, but the building really should belong to the library district, and they should maintain it.

Councilmember Stern reported the committee received an update that the Marine Science Center property has been adjusted and recorded with the county. Planning

Director Boughton added there are still a number of steps that have to happen before the full conveyance can occur. They need to amend the Port of Poulsbo lease regarding our city-owned tidelands and uplands. The goal is get this building turned over by the end of the year.

Mayor Erickson said the goal is to get the buildings that are functioning in ways that are not core city government to the organizations that should run them. Staff has done a remarkable job in facilitating the library and SEA Discovery Center.

Councilmember Stern reported the committee discussed the behavioral health outreach program, and the City was granted \$396,400 through 2018. The proposal will create four grant funded positions. Mayor Erickson said this is the third year for the grant program, and she is very grateful to the committee that recommended the funding and the Commissioners for funding this. They want to turn this into a WestNet, where they all work together, but there are funding sources from all jurisdictions, and the positions become permanent within our criminal justice system.

Councilmember Lord said it is a fabulous program, and it has diverted people from going through the legal system, and they are getting the help they need.

Councilmember Musgrove added he never likes when sales taxes are increased; however, he was excited when this program came forward. This is working more effectively to get the help where it is needed. When this is effective, everybody benefits. This prevents crimes, drugs, and other issues that can build if it is not handled well. He is even more excited that it is really working.

Councilmember Stern reported the committee looked at the 2017-18 mid-biennium modification requests. They were in concurrence with the Mayor's recommendations, and added a couple items for funding.

Councilmember Stern also reported the committee discussed next steps for Council position 7 if the elected candidate does not accept the position.

8. DEPARTMENT HEAD COMMENTS

Director of Engineering Kasiniak gave an update on the pump station projects (Village & Liberty). They will start using the pumps on Monday. The one delay is with the delivery of generators. He also reported they successfully paved Languanet today. The final plat application will come before the Council soon.

City Clerk Fernandez reported a new public records web portal has been successfully implemented and launched. All new public records requests will be managed by the software.

9. BOARD/COMMISSION REPORTS

In response to Councilmember Henry, Mayor Erickson said the Pump Track dedication was Saturday morning at 10:00am, and it was covered with people by mid-day. Everyone had a ball. She thanked Commissioner Gelder for his help in getting the land deeded to the City, and she thanked Evergreen Mountain Bike Alliance, Brian Kilpatrick, and Mary McCluskey for getting this done.

10. CONTINUED COMMENTS FROM CITIZENS

Mayor Erickson asked for citizen comments; no comments were received.

11. MAYOR & COUNCILMEMBER COMMENTS

Councilmember Thomas said he attended the Pump Track opening too. He never saw a city recreational area so busy and full of kids. Also last week there was good attendance at the SR305 improvement open house.

Councilmember Musgrove commented on the possible fireworks advisory vote. He asked the committee to look at the primary complaints, and that the complaints are regarding activity that is already illegal. The City needs to enforce the hours and the discharge of illegal fireworks. He asked that the City first apply enforcement to the regulations we have before we try to put another layer of something illegal to be enforced.

Mayor Erickson said she is attending a meeting tomorrow at PSRC for the Kitsap set aside, which is for the next round of funding cycles. She is on a committee with Commissioner Gelder and Port Orchard Councilmember Ashby, and they will define the policy to allocate \$400MM for transit and highway funding for the next round.

12. ADJOURNMENT

Motion: Move to adjourn at 8:38pm,

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

Motion carried unanimously.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, CMC, City Clerk