

## POULSBO CITY COUNCIL MEETING OF MARCH 6, 2019

### MINUTES

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

Staff: Finance Director Booher, City Clerk Fernandez, Director of Engineering Kasiniak, City Engineer Lenius, Public Works Superintendent Lund, Police Chief Schoonmaker, Associate Planner Coleman, IT Manager Stenstrom.

### MAJOR BUSINESS ITEMS

- \* \* \* Payable Disbursements for January 2019
- \* \* \* Minutes of February 20, 2019 Council Meeting
- \* \* \* Planning Commission Appointment Confirmation
- \* \* \* Snow Storm Debrief
- \* \* \* Ordinance No. 2019-03, Office Hours Ordinance Update
- \* \* \* Public Defender Services Agreement
- \* \* \* Resolution No. 2019-03, Update Land Use Fee Schedule
- \* \* \* Ordinance No. 2019-04, Adopting Ordinance for Concomitant Agreement Release
- \* \* \* South Fork Dogfish Creek Restoration Project Consultant Agreement
- \* \* \* SR305/Johnson Parkway Project (Noll Road Segment 1) TIB Grant Acceptance

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

Mayor Erickson called the meeting to order in the Council Chambers at 7:00 p.m. and led the Pledge of Allegiance.

#### 2. AGENDA APPROVAL

**Motion:** Move to approve the agenda as presented.

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

#### 3. COMMENTS FROM CITIZENS

Pamela Benson thanked the citizens and the Poulsbo City Council for their support regarding the issues surrounding the SVP Facility on Viking Way. She shared that Kitsap County Department of Community Development noted Poulsbo House on Viking Way is in violation of Title 17 of the Kitsap County Zoning Code for maintaining a non-

permitted use. If compliance does not happen, Washington State for Public Safety is prepared to file an immediate law suit. They are pleased the County took action.

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

Councilmember McGinty noted Public Works did an awesome job during the snow storm, and he is looking forward to the debrief tonight.

Councilmember Lord thanked Ms. Benson for briefing the Council on the good news.

Mayor Erickson announced on Saturday is an open house for Westwood Crossings on Urdahl Road, a ribbon cutting downtown for the Poulsbo Gallery, the Jewel Box Theater charity dinner at the Sons of Norway, and the Poulsbo Beer Run.

Councilmember Musgrove reminded everyone Saturday night is the time change, shared the March Parks & Recreation newsletter, and announced WSDOT will hold an open house on April 11 for the 305 Corridor.

Councilmember Garland said the preschool and childcare fair is being hosted at Vibe Co-Works this Saturday at 10:00 a.m., and the Smart Talk Digital Safety Seminar is this Friday at the North Kitsap Auditorium. She thanked Ms. Benson for all of her work, and she is proud to serve on the board of Washington State for Public Safety, a group of hundreds of volunteers doing great work for our community.

Councilmember Stern said tomorrow there is a roll out of a new initiative of Western Washington University and Kitsap Bank to support a small business incubator program.

#### **5. CONSENT AGENDA**

**Motion:** Move to approve Consent Agenda items a and b.

The items listed are:

- a.** Payable Disbursements for January 2019
- b.** February 20, 2019 Meeting Minutes Approval

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

Councilmember Musgrove noted on the payable disbursements many things are listed as payable to PayPal or Amazon. He asked if there is any way to add a row for the provider. Finance Director Booher does not believe they can add that info, but she will look into it.

## 6. BUSINESS AGENDA

### a. Planning Commission Appointment Confirmation

City Clerk Fernandez presented the agenda summary, noting one Planning Commission position became vacant with the resignation of Bob Nordnes. Planning Director Boughton and Mayor Erickson met with Mr. Raymond Taylor, and Mayor Erickson recommends appointing Mr. Taylor to fill a term ending December 31, 2019.

Councilmember Lord said she is impressed with Mr. Taylor's resume. His qualifications will positively impact the Planning Commission. The Council heavily relies on the Planning Commission and the work they do to vet all the Planning Department projects.

**Motion:** Move to confirm the Mayor's recommendation for Raymond Taylor for appointment to the Planning Commission as presented.

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

### b. Snow Storm Debrief

Superintendent Lund gave a presentation on the 2019 Snow Storm. Presentation highlights included a review of how they prepared prior to the event; the equipment they had available; equipment casualties; labor costs and material costs to date; lessons learned (what worked well, equipment needs, and challenges/ideas).

Police Schoonmaker said the Police Department did very well during the event and reiterated that Mike's crew made their jobs much easier. It was amazing what they got accomplished. He thanked the Mayor and City Council for getting the all-wheel drive vehicles, it made everybody's job easier. He thanked the community for staying home. The EOC was not activated locally.

Mayor Erickson said she learned that she could not shut the building down legally. The only way she could close city hall would be by either declaring a state of emergency or holding a special city council meeting (requiring 24-hour notice) to get approval from the Council to close. The next agenda item gives the Mayor flexibility to close for inclement weather or other extraordinary circumstances. She said putting information out on social media was invaluable. She was cross posting with Superintendent Evans and posting whenever she got updates from PSE, NOAA, and other agencies. That also helped with the road closures. She would also like to get a list together this fall when doing the small works roster to find private contractors who can do snow removal for private property owners.

Councilmember Stern asked what the anticipated cost would be from reserves to cover the expenses from the event. Mayor Erickson expects it to cost around \$80,000. He noted when plowing secondary streets, people are having problems getting out of their driveways. He wondered what could be done to assist those with difficulties clearing the berms. Public Works Superintendent Lund said that is a difficult thing with snow plowing. When there is room, and the guys can get in there with the little plow, they can try to put the snow in between driveways, but that is a problem with plowing. The other problems is vehicles parked on the roads. They only have a certain way to access the roads; it is challenging. This is one of the things where it is great to see neighbors helping neighbors.

Councilmember Lord said there was not much interruption of our garbage pickup. They were able to get around. She gave a shout out to Gateway Church. They have had a severe weather shelter open since the beginning of the snow storm, and it is still open today. This has been going on for three weeks and Gateway is still open for business. They need a big thank you.

Councilmember Musgrove said he received positive comments about the Police Department and their calming presence. He asked if the department found that they were short on anything. Police Chief Schoonmaker said they did pretty well. 90% of their job it to get where they are going, between the vehicles and the Public Works crew, his department did fantastic.

Councilmember Musgrove asked with the County moving, are they planning on stocking sand and salt in larger quantities at the public works yard. Public Works Superintendent Lund said they usually have sand at the yard stockpiled (they knew the event was coming, and they stocked up). As they move forward, they will have to take a harder look on where they can stockpile that stuff.

Mayor Erickson thanked staff again. A budget amendment will be coming forward in the future to cover the costs.

**c. Ordinance No. 2019-03, Office Hours Ordinance Update**

City Clerk Fernandez presented the agenda summary, noting after the February 2019 snow storm, it was recognized that the Mayor should have clear authority to close City Hall in the event of inclement weather or other extraordinary circumstances. The City Attorney recommended the addition of subsection E as presented to give clear authority to the Mayor in such circumstances. The draft ordinance was reviewed and recommended by the Finance-Administration Committee at their March 6, 2019, meeting.

Councilmember Musgrove liked how the proposed language covers other circumstances not weather related. He felt the language was appropriate.

**Motion:** Move to approve Ordinance No. 2019-03, an ordinance of the City of Poulsbo, Washington, amending Poulsbo Municipal Code Section 1.04.010 by adding a subsection giving authority to the Mayor to close City Hall due to inclement weather or other extraordinary circumstances and establishing an effective date.

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

Motion carried.

**d. Public Defender Services Agreement**

Finance Director Booher presented the agenda summary, noting an RFP process was conducted in December 2018, including written proposals, an interview panel, and reference checks. The agreement has been reviewed by City Attorney Haney. The agreement is set to begin April 1, 2019 and includes annual cost inflators until termination. The agreement has been recommended for approval by the Mayor and Public Safety Legal Committee.

Councilmember Musgrove asked if Taschner & Associates can subcontract out for all of the services, and we pay the subcontractors directly. Finance Director Booher said the agreement is directly with Taschner & Associates. They have a staff of five attorneys, one is assigned directly with our court. Sometimes there may be a conflict, and we would have to appoint a different firm, so that is when the City would have to go outside, but every payment in our agreement is with Taschner & Associates. If they have to hire an investigator, the City would pay the investigator directly.

**Motion:** Move to approve the Public Defender Agreement with Taschner & Associates, PLLC to begin April 1, 2019.

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

Motion carried.

**e. Resolution No. 2019-03, Update Land Use Fee Schedule**

Associate Planner Coleman presented the agenda summary, noting the Planning Department is recommending updating the Land Use Review Fee Schedule to reflect the past three years of salary increases. Land Use Application fees were last adjusted in 2017. This resolution will update the 2017 fee schedule by adjusting per the three-year negotiated salary increase. This adjustment will increase all application fees and

staff hourly charge by eight percent. The Council updated the Engineering Fee Schedule on January 16, 2019 utilizing the same methodology.

**Motion:** Move to approve Resolution No. 2019-03, a resolution of the City of Poulsbo, Washington, amending the fee schedule for land use applications adopted pursuant to PMC 3.12.030, as set forth in Attachment A.

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

**f. Ordinance No. 2019-04, Adopting Ordinance for Concomitant Agreement Release**

Associate Planner Coleman presented the agenda summary, noting the Poulsbo Planning and Economic Development Department received an application requesting release of a concomitant agreement attached to the property at the NW Corner of Torval Canyon Rd and 1st Avenue. The concomitant agreement was for a rezone of the property from residential single-family to residential multi-family in 1983 so that the existing structure could be utilized as an office. Release of concomitant agreements is a Type V permit and requires a public hearing and decision by City Council. The City Council held a public hearing on February 6, 2019, and approved the release of the concomitant agreement. The City Council now needs to adopt an ordinance approving the concomitant agreement release and adopting findings and conclusions.

**Motion:** Move to approve an ordinance of the City of Poulsbo, Washington, adopting findings and conclusions; approving the canyon crest rezone concomitant agreement release, Planning File 10-26-18-01; authorizing the Mayor to execute and record an instrument releasing the concomitant agreement; providing for severability and establishing an effective date.

**Action:** Approve, **Moved by** Garland, **Seconded by** McGinty.  
Motion carried.

**g. South Fork Dogfish Creek Restoration Project Consultant Agreement**

Director of Engineering Kasiniak presented the agenda summary, noting the City was awarded a \$100,000 grant from the Department of Ecology for the restoration of a short segment of South Fork Dogfish Creek. Included is the scope of work and budget from Struck Environmental to provide design and permitting assistance for the success of the project. Engineering will issue the contract under the existing on-

call consultant agreement with Struck Environmental for Stormwater and Environmental Services in the amount of \$24,840.00. This proposed contract is within the existing project budget.

Councilmember Stern noticed there is a berm above the creek and wondered if we are trying to capture run off in the creek bed. Public Works Superintendent Lund said staff was working with Ecology and Fish & Wildlife to prevent runoff and keep the channel where it needs to be.

Councilmember Musgrove asked if this is part of a \$100,000 grant and if the total cost of the project is \$250,000 or \$300,000. Director of Engineering Kasiniak said they received a grant from the Department of Ecology for \$100,000, and the total cost of the project is \$100,000. The culvert itself will cost more, but we don't have funds for that portion of the project. Right now, we are in design phase and construction of the channel.

Councilmember Lord confirmed doing the design work now helps with being awarded more grants in the future.

**Motion:** Move to approve the task authorization with Struck Environmental for \$24,840.00 for consulting services related to the S. Fork Dogfish Creek Restoration project and authorize the Mayor to sign the agreement on behalf of the City.

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

Motion carried.

**h. SR305/Johnson Parkway Project (Noll Road Segment 1) TIB Grant Acceptance**

At 7:59 p.m., Mayor Erickson recused herself from the meeting. Deputy Mayor McGinty continued chairing the meeting.

City Engineer Lenius presented the agenda summary, noting the City was awarded a \$1.5M grant from the Transportation Improvement Board (TIB). This grant will be one of the funding pieces for the \$15M Johnson Parkway (Noll Road) project. The City Engineer is requesting acceptance of the grant for the Johnson Parkway project.

Councilmember Thomas asked if this grant has any big constraints for accepting it. City Engineer Lenius said of all the grants for this project, this grant is the most

flexible. Federal money is stringent. This grant requires we have some traffic calming measures. They must follow standard contracting processes.

Councilmember Stern asked where the project stands for funding from the City. City Engineer Lenius said they originally asked for approval of a bond of up to \$4.2M. They have applied for every available grant source they could and have been successful. In terms of money from the City, right now it is about \$1.5M-2.5M, but they have submitted for legislative requests as well. There are also some design issues they are working with. The number keeps getting smaller.

**Motion:** Move to accept the \$1.5MM TIB grant for the Johnson Parkway (Noll Road Improvement) project and requests approval for the Deputy Mayor to sign the grant on behalf of the City.

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

Motion carried.

At 8:08 p.m., Mayor Erickson returned and continued chairing the meeting.

## **7. COUNCIL COMMITTEE REPORTS**

Public Works Committee: Councilmember Nystul reported they discussed an agreement for Liberty Bay Bioretention, the transportation funding proposal, and the 6-year TIP. He also asked staff to provide information on the building department. 488 permits were issued in 2018 with a valuation of \$36.2M, and 3,890 inspections were completed by our two-person staff.

Economic Development/Tourism Committee: Councilmember Lord reported the new KPUD Commissioner Heather Pauley attended, and they gave the results of a residential survey they did. They are decommissioning the Wi-Fi access downtown. They discussed the HDPA fee structure, there are many discrepancies in the assessment. They discussed the C-1 zoning district: 1) Gary Lindsay and Mike Brown attended and discussed various issues about the recent changes to the code, 2) downtown needs to be able to organically develop and develop in a way that is not restrictive to what is happening in the market, 3) do not want to fracture downtown authenticity, 4) protection of Front Street store frontages (very unique in Kitsap County), 5) review of the whole commercial structure throughout the city in all the zones (we have more commercial than we actually need), 6) need flexibility to reflect residential vs. commercial in all the zones, in particular the C-1 zone, 7) how residential parts of mixed use in a commercial zone supports new construction (self-leasing opportunity for development). It is very complicated, and they don't want to just tackle the C-1 zone, they want to touch on commercial throughout the city. This discussion will be continued at the next meeting.



Councilmember Stern said it will boil down if the committee wishes for the council to reconsider its decision made a few months ago to limit the street front access to commercial only or allow the conversion option. The market has no demand for commercial, only residential. If they revisit their decision, it could allow real investment and progress, specifically on 3<sup>rd</sup> Ave. They are not talking about heights.

Finance-Administration Committee: Councilmember Stern reported they received a report on the Finance Department staffing levels; monthly sales tax update (up 20% over last year, which is historical); REET update (up 80% from last year); 2019 elections (requested the council provide as much lead time as they can to the public if they do not plan on re-running); and there will be turnover for department heads in the next 2-5 years.

## **8. DEPARTMENT HEAD COMMENTS**

Director of Engineering Kasiniak said the Engineering Department celebrated Anja Hart's 28-year work anniversary.

City Engineer Lenius said the contract administrator position has been accepted and the new hire will start on March 18.

## **9. BOARD/COMMISSION REPORTS**

Councilmember Thomas reported on the NKSD Board meeting and they are continuing with their strategic planning meetings; approved capital projects for the summer (\$5M); reviewed graduation rate data; balancing student populations at the high schools (400 student disparity); and approved the letter of support for the event center near Olympic College campus (they hope a dive competition depth pool is included).

Councilmember Stern reported KRCC has a new committee called the Affordable Housing Task Force, requiring two members from each community. Mayor Erickson is the committee chair, and he asked for another volunteer for the committee. Councilmember Musgrove volunteered. The next meeting is March 21 at 10:15 a.m. Councilmember Stern reported Bremerton has rejoined KRCC. They received a presentation by the Puget Sound Clean Air Agency, and the Census will happen next year.

## **10. CONTINUED COMMENTS FROM CITIZENS**

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

## **11. MAYOR & COUNCILMEMBER COMMENTS**

Mayor Erickson said staff will be celebrating Pi Day with a Pie Contest on March 14, 2019.

Councilmember shared a calendar for KRCC Land Use topics with Councilmember Lord.

## **12. ADJOURNMENT**

**Motion:** Move to adjourn at 8:41 p.m.,

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

Motion carried unanimously.

---

Rebecca Erickson, Mayor

ATTEST:

---

Rhiannon Fernandez, CMC, City Clerk