

## POULSBO CITY COUNCIL MEETING OF APRIL 17, 2019

### MINUTES

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

Staff: City Clerk Fernandez, Office Clerk Rodgers, Planning Director Boughton, Public Works Superintendent Lund, Public Works Assistant Superintendent Svarthumle, Parks & Recreation Director McCluskey, IT Senior Technician Williamson.

### MAJOR BUSINESS ITEMS

- \* \* \* Budget Amendment/BA#19-0201 Laserfiche Cloud Hosting
- \* \* \* Finn Hill Shared Use Path Project PSE Illumination Contract
- \* \* \* Special Event: Downtown Poulsbo's Viking City Car Show
- \* \* \* Executive Office Discussion
- \* \* \* Telemetry Project Update and Presentation
- \* \* \* Interim Regulations on High Risk Secured Facilities

#### 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

Mayor Erickson stated that there was a new business item added to the published agenda, the Interim Regulations on High Risk Secured Facilities, which will be first business item on the agenda.

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

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

Motion carried.

#### 3. COMMENTS FROM CITIZENS

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

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

Councilmember Stern announced that two of the college banners will go up in front of City Hall, there are two upcoming youth programs: the first event is the 4<sup>th</sup> annual Coder Dojo Program on Saturday, May 11<sup>th</sup> at the Poulsbo Olympic College/Western Washington University Campus and the second event is a Cyber Security Summer Camp at Western Washington University.

Councilmember Nystul attended the Highway 305 Working Group, and they have identified several projects to mitigate the traffic issues. The first project is led by the City of Poulsbo: the roundabout at Johnson Rd/Noll Rd. There are several challenges that will need to be overcome: there are three fish streams that need to be addressed, along with Agate Pass bridge, which will cost \$80-100+ million to fix. The problem in Poulsbo are left turns on Hwy 305, which are problematic and hazardous maneuvers. The projects are moving along, and prioritized, but the roundabout at the Casino is not quite funded.

Councilmember Thomas stated that Poulsbo's American Legion Post 245 is converting the current 3-stall parking lot at American Legion Park into veteran's honor plaza; work and fundraising has been done, and they ready to build it this spring and summer. If someone would like to purchase an engraved brick with a veteran family member's name, rank, and service, you can find more info on Facebook and search for "American Legion Post 245."

Councilmember Lord announced a workshop on Saturday, April 20<sup>th</sup> for people who are interested in running for office. The workshop is from 11:00 to 12:30 in the Council Chambers. Mayor Erickson added the filing week is May 13-17.

Mayor Erickson announced the Easter Egg Hunt at Raab Park on April 20 at 1:00 p.m. and the Lions Club Fishing Derby on April 27 at 7:00 a.m.

Councilmember Musgrove gave his condolences to the Norte Dame fire. He announced Earth Day is coming up; the County is putting on a septic system seminar; and the County Commissioners are considering changes to the Community Development Block Grants and asked if Poulsbo had anything they are putting up for RFP on May 1. Mayor Erickson said Poulsbo does not.

Councilmember Garland will be chasing eggs and fish with her kids over the next couple weekends. She thanked Parks & Recreation Director McCluskey for the great programming.

Councilmember McGinty mentioned Councilmember Thomas, Mayor Erickson, and Councilmember McGinty attended the Marine Historical Society ribbon cutting last weekend, and the Mayor and Isabel Haskins cut the ribbon together.

Mayor Erickson reminded everyone that Forest Rock Hill construction starts at the beginning of May. We're going into construction season, and we're getting requests for

proposals/bids for Finn Hill in June, and they will need to complete that one before school starts because of Vinland Elementary. Johnson Parkway construction will also start soon because they must build the road before they start on the roundabout, and there will be about two and half years of intensive road construction.

Councilmember Garland asked if the work currently being done on Finn Hill Road is part of the Finn Hill Project. Public Works Superintendent said that work is a WSDOT project where they were paving the onramps and bringing the sidewalks up to code.

## 5. **CONSENT AGENDA**

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

The items listed are:

- a. Budget Amendment/BA#19-0201 Laserfiche Cloud Hosting
- b. Finn Hill Shared Use Path Project PSE Illumination Contract

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

## 6. **BUSINESS AGENDA**

### a. **Interim Regulations on High Risk Secured Facilities**

Director of Planning and Economic Development (PED) Boughton presented the agenda summary, noting the City of Poulsbo conducted a review of the City's development regulations addressing facilities that would house multiple sexually violent predators (SVPs). These individuals have been found by the Superior Court to be eligible for placement in a less restrictive alternative (LRA) to total confinement. The review found that existing City development regulations did not define LRA facilities or mitigate their land use and life safety impacts. To mitigate land use and life safety impacts, and interim ordinance was developed to define a new land use (High-Risk Secured Facility, establish a permit and review process (Conditional Use Permit in Light Industrial (LI) zoning districts)), address building code and life safety requirements, and outline facility siting requirements consistent with state law.

Councilmember Lord commented that she has attended many meetings of the ad-hoc group. She thanked the Mayor for taking this on because we had no regulations; they talked about it at Economic Development and Public Safety Legal Committee

meetings. This is exactly what she wanted to have happen to protect the citizens of Poulso.

Councilmember Musgrove asked if this was a moratorium or temporary regulations which give the City the opportunity to create regulations. PED Director Boughton noted that this not a moratorium, and under state law, we are prohibited from prohibiting this use, and currently the City has no regulation for them. The City is considering them an institutional use and identifying them in the Use Chapter [of the Poulso Municipal Code] and for Light Industrial.

Councilmember Stern asked if this is not an emergency, what is this being referred to as. PED Director Boughton clarified that is an emergency interim ordinance, not a moratorium.

Councilmember McGinty asked if they have 60 days to define what the regulations would be. PED Director Boughton explained that they 60 days to hold a public hearing, the regulations are defined in the interim ordinance.

Mayor Erickson noted that SVP, or sexually violent predator, is a legal definition. There are sexual predators who are deemed Level 3 and they have served their terms. Some of them are categorized as sexually violent predators, and they are civilly committed. The state has been civilly committing them and the ACLU and several others said these people cannot be locked up indefinitely and there must be a less restrictive alternative, which has to be total confinement, effectively meaning these are level 4 [sexual predators]. The less restrictive alternative was deemed by the state to be in our communities. We cannot tell them no according to state law, but we can restrict them.

PED Director Boughton stated that the community group is hoping to talk to some local legislators into restructuring state law. It is apparent that the way it is being set up by the state agency is not taking local community and compatibility into consideration.

Councilmember McGinty asked if this sets some interim development regulations, which they wouldn't be able to do that without going through the normal hearings, so this sets it in place instead of going through the whole process. PED Director Boughton explained there is a provision in the City's Growth Management Act, which allows for declaring emergencies for interim regulations.

In response to Councilmember Lord, Mayor Erickson said these people have served their sentences, but they're categorized as unrehabilitated.

Councilmember Garland thanked the Mayor and PED Director Boughton for doing this for the safety of our community.

**Motion:** Move to approve Ordinance No. 2019-07, and ordinance of the City of Poulsbo, Washington, adopting interim development regulations and findings in support thereof; amending chapters 18.40.030 and 18.90 of the Poulsbo Municipal Code in order to adopt interim regulations related to high risk secured facilities; providing for the public hearing on the interim regulation, providing for interim regulation to be in effect for a period of six months or until a permanent regulation is adopted; providing for severability; declaring an emergency and establishing an immediate effective date.

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

Motion carried.

PED Director Boughton noted that June 5, 2019 is the public hearing date.

**b. Special Event: Downtown Poulsbo's Viking City Car Show**

Parks & Recreation Director McCluskey presented the agenda summary, noting the sponsor is Historic Downtown Poulsbo Association, the event showcase about 85 cars, parking at stalls along the SE row of Front Street and north up Jensen Way to Iverson, and west parking stalls next to the park on Saturday, September 7, 2019 from 9:00 am to 3:00 pm. They expect 1000 participants. The event benefits the SEA Discovery Center.

**Motion:** Move to approve the Special Event application for the Downtown Poulsbo's Viking City Car Show as presented.

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

Motion carried.

**c. Executive Office Discussion**

The Finance-Administration Committee presented the agenda summary, showing the work they have been doing to the full Council during this discussion, which included a draft timeline and a job description of a City Administrator.

Councilmember Thomas stated that over time the duties of Mayor have increased. It's difficult to administer the City when the Mayor has so many responsibilities out of the City. The committee is looking at the concept to create a City Administrator position, where this person would be chief of staff and operations manager for the City, which would be under the Executive office of the Mayor. A City Administrator brings in professional help to the Mayor's office to help run the City. They wanted to get this information out as soon as possible because they don't want this to be seen as a political maneuver to undercut a candidate running for Mayor.

If the committee gets Council concurrence, their next step is to go to Department Heads to get some input from them, because they want to know how it would that effect operations for them. In November, they'd like to gather public comment and draft a non-binding resolution of intent, so it's fair warning by letting people know in advance that this is an option that could come to pass.

In the Summer 2020, the beginning of the next budget cycle, the Council would need to set aside money for the position. In February 2021, the Council would complete the review, and then the City would commit, and vote. The next step would be to search and hire a City Administrator a few months before the new Mayor is elected, so you don't have a new Mayor and City Administrator at the same time, which gives a little overlap time. Currently, these are all ideas, and any of it can be changed.

Councilmember Stern repeated from the Finance Committee that they're intending to recommend this proposal after the election in November; the Council has five seats up for this election cycle, and two are intended to be vacant. Sometime between the November election and the Thanksgiving holiday they want to have a special retreat of the Council, along with those who have been elected to office, to share in this question, along with the state of the City, and also do an orientation for newly elected.

Councilmember Lord asked how the committee envisioned the separations of powers. She would like some generalized ideas of how those duties are divided.

Councilmember Stern explained that they're using what's in the RCW and PMC. He said to think of the City Administrator as an assistant to the Mayor, and the Mayor's position would become part-time. The City Administrator would take on the day-to-day activities, defined by the Council with the Mayor working and instructing the City Administrator. The ability of the Council to participate in the interview process, with the Mayor's permission requires the Council not write the job description, though.

Mayor Erickson clarified that the [City Administrator] position is not an assistant position to the Mayor – it's a super department head; a department head who guides all the other department heads. They take over the of day-to-day operations and making sure "the wheels stay on the bus." Her understanding is that you can't put the

specific responsibilities of the position into the Code if the Council wants to help with the hiring process. Her assumption is [the City would] hire this person like they hired the Police Chief. The City Administrator would work for Mayor, just like all other department heads, it's just a super department head.

Councilmember Lord stated that she still needs a little more clarification, as she's not quite sure what the Mayor would do.

Mayor Erickson explained that she has many tasks: 1) day-to-day, managing staff; 2) another position that is public outreach and regional committees, to chairing committees, and those positions have done by an elected official; and 3) she's leaning heavily on the City Clerk as a secretary/assistant, which most Mayors have an assistant or secretary. The City Administrator would do the day-to-day managing of staff.

Councilmember Lord responded that she understands that there are certain positions that only a Mayor can do, so she appreciated the explanation. She asked what would happen if the City Administrator leaves. Mayor Erickson said they would hire a new City Administrator.

Councilmember McGinty understands that they can make a job description, just can't put it into an ordinance if they want to be involved in the hiring process.

Councilmember Musgrove asked if they can lay out the job description if they don't involve ourselves in the actual hiring process? Or conversely, they can be involved in the hiring process but with no authority if we don't write the job description. Mayor Erickson notified that it can't be codified if they want to be part of the hiring process.

Councilmember Thomas stated the two options are 1) if they put it into ordinance, it becomes the Mayor's hire only; or 2) if we put the job description into a contract, the Council can help with hiring process.

Councilmember Musgrove thinks it would be appropriate at this time if the Council has job descriptions of both the Mayor and City Administrator developed on at least some basic format. Councilmember Thomas pointed out there is a preliminary job description in the packet.

Councilmember Nystul noted that he's been through the process of converting from Mayor/Council form to Council/Manager form. He has two concerns: 1) timing, because an administrator gets an employment contract with a severance clause. He asked the Council to think hiring the administrator after the new Mayor has been sworn in; 2) he doesn't think it's necessary to hire a "head hunting firm".

Councilmember Garland agrees with Councilmember Nystul about the timing of administrator hire. She thinks it's important for new Mayor to pick their new employee.

Councilmember Thomas understands the Councilmembers' concerns. When elected, the new Mayor does not get to fire the Police Chief, etc. The Administrator is a city employee, and not a political candidate. They're worried about the transition period, so there are not two brand new people at the same time.

Councilmember Musgrove asked to quorum next FAC meeting. He wants to slot time for City Administrator discussion.

Councilmember Stern stated that the committee wanted to continue to commit to keep the Council informed; they're looking for a head nod consensus to proceed.

Councilmember Musgrove asked if they are looking for consensus to continue investigation or consensus to move forward with the intent to do this. Councilmember Stern stated that they're looking forward to proceeding with the timeline as it right now presented.

Councilmember Musgrove asked if the committee is looking for consensus to approve of moving to City Administrator and proceed with the process. Councilmember Stern said they're looking to proceed to the dates noted on the timeline; November 2019 would be a bit of a milestone, as would the summer of 2020. They are not making any commitment at this point. This is to assure the Council that the FAC is operating with transparency.

Councilmember Musgrove asked if they are looking for consensus to continue investigating this path. He has a general feeling of "let's keep looking at this." He sees a lot of holes in the current timeline. Councilmember Stern explained that the holes in the timeline are proof that they're not getting ahead of the Council as a whole. The FAC is trying to operate as a committee of the whole.

Councilmember Lord also sees missing things; they will be revealed as they keep exploring. Department heads need to be very frank and express their fears because there might be the feeling that they're working for two bosses. She appreciates the FAC's approach.

Councilmember McGinty stated that accountability and responsibility need to be clearly defined.

Mayor Erickson noted that sometimes people forget who they're serving: the citizens of Poulsville. Every person working for the City of Poulsville is working for the 11,000 people that live here.



Councilmember McGinty stated that when priorities are set, they need to know who has the final say.

Mayor Erickson pointed out that the important date is November 2019 after the next election, when they have the new Council and go into retreat, they have job descriptions, and the Council (as a whole) can make a determination of whether they want to go forward on this path.

Councilmember Stern noted that Saturday, November 16 has been set aside for the Council Retreat. They're trying to increase citizen participation.

Mayor Erickson stated that they will have real citizen comment as we get close on these timelines on this decision.

**d. Telemetry Project Update/Presentation**

Public Works Assistant Superintendent Svarthumle presented the agenda summary, noting the Telemetry Upgrade Project is now complete and working great. He gave a brief presentation of the system, noting the benefits and impacts. The presentation was given to the Public Works Committee on March 27, 2019.

Councilmember Musgrove said this is all about data. They are getting data that tells them right where the problem is and alerts them prior to problems happening.

Councilmember Thomas asked about the system's security because it can be operated remotely. Public Works Assistant Superintendent Svarthumle said the Master Telemetry Unit (MTU) at the shop is tethered to an iControl program which is managed by Primex. Primex has multi-level security systems to protect the system and have guaranteed they haven't had any issues and don't expect any.

Councilmember Lord asked about personnel redundancy. Public Works Assistant Superintendent Svarthumle said he has several employees who are trained on the system.

**7. COUNCIL COMMITTEE REPORTS**

*Economic Development Committee:* Councilmember Lord reported on last week's special meeting. They continued discussion on the Commercial One (C-1) Zone (development standards within the zone, focusing on allowed uses and impacts on use capability in a changing market, as well fire protection for mixed-use or convertible uses). They

discussed the American Disabilities Act, ingress and egress associated with that, and how there are a lot of unintended consequences when you change uses. They also had a discussion on traffic impact fees. They need to have a full Council workshop to discuss the C-1 Zone and if they want to make any modifications.

## **8. DEPARTMENT HEAD COMMENTS**

Public Works Superintendent Lund mentioned they are doing upgrades at the Caldart/Lincoln intersection, the requote with flashing yellows is under \$5,000. He discussed a unique opportunity to purchase a used backhoe on Bainbridge Island (very few hours for half price). He asked to get consensus to proceed with a budget amendment and to continue negotiations with the seller. The Council concurred with moving forward with the process.

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

Councilmember Nystul attended the NKSD Facilities Advisory Committee Meeting. There is a citizen group that looks at the projects for spending from the capital bond, it's about \$5MM for this year. While the money is being well-spent, there is a greater need to continue.

Councilmember Thomas attended the April 11 NKSD Board Meeting. After the business meeting they reconvened at NKHS and received a presentation by the principal. He reported on the demographic overview, and the low-income students is about 23%, which indicates some of the challenges our students face. The number of English learners has increased, which is a new challenge. The graduation rates have improved over the past five years, which has gone from the high 80's to low 90's from 2013 to 2018. The school is offering study sessions for every student after hours, which is worth applauding.

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

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

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

Councilmember Thomas wished everyone a Happy Easter.

Councilmember Lord wants everyone to stay safe this weekend.

Mayor Erickson stated, "Happy Easter."

Councilmember Musgrove discussed the Highway 305 Open House last week; overall, he found that the public response is that they're curious about what's going on.

Councilmember Garland wished everyone a "Happy Easter".

Councilmember McGinty, "Happy Easter."

## 12. ADJOURNMENT

**Motion:** Move to adjourn at 8:56 p.m.,

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

Motion carried unanimously.

---

Rebecca Erickson, Mayor

ATTEST:

---

Rhiannon Fernandez, CMC, City Clerk