

## POULSBO CITY COUNCIL MEETING OF OCTOBER 9, 2019

### MINUTES

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

Staff: Finance Director Booher, City Clerk Fernandez, Director of Engineering Kasiniak, City Engineer Lenius, Planning and Economic Development Director Boughton, Civil Engineer Ranes, Senior Contract Administrator Zieman, Prosecutor/Risk Manager Foster, IT Senior Technician Williamson.

**ABSENT:** Councilmember Stern

### MAJOR BUSINESS ITEMS

- \* \* \* Minutes of August 21, 2019 Council Meeting
- \* \* \* Public Hearing and Ordinance No. 2019-16, Extension of Interim Regulations on High Risk Secured Facilities
- \* \* \* Ordinance No. 2019-\_\_, Release of Torval Terrace Rezone Concomitant Agreement
- \* \* \* On-Call Contract for Environmental Professional Services
- \* \* \* Hearing Examiner Contract
- \* \* \* Johnson Parkway Project Presentation
- \* \* \* Executive Session for Pending Litigation

#### 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 added business item 6e for the Johnson Parkway Project Presentation, and there will be an executive session at 9:00 pm regarding potential litigation.

**Motion:** Move to approve the amended agenda.

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

#### 3. COMMENTS FROM CITIZENS

Dana Steege-Jackson thanked those who came to the Suquamish forum last week. She encouraged the Council to continue to move in that direction.

Brenda Calderon also thanked those who came Suquamish's forum last week.

Marcia Cutting thanked those who attended the meeting in Suquamish. She hopes that inspires them to think about what they can do to build relationships with that community. She read statistics from Center of Disease control and prevention.

Maria Fergus thanked those who attended the forum and the march. She is doing a training with ACLU, and she shared how the killing of John T. Williams in Seattle was a catalyst of I-904.

Jen-Say referenced the Council's Public Safety/Legal committee meeting minutes and nothing is in the minutes that they are doing the work to do de-escalation. She thanked those who have been attending the forums.

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

Councilmember Thomas reported on the forum last week at the Suquamish Tribe. There was a lot of emotion in the room. A lot of the focus was I-904. Their purpose was to gather information to take back to the commission on how to apply I-940. One take-away was that it would have served Poulsbo and our citizens well if the state had developed the rules before the law came into effect. His feedback was that in the future, he hopes that those rules are in place, and the quicker the better. Through some discussion, it turns out that probably most appropriate for future investigations would be the attorney general's office. He is hoping that in the future Washington State comes up with the rules before a new law is implemented. He will attend the next PACT meeting in Bremerton on October 15 in Bremerton at the Marvin Williams Center.

Councilmember Musgrove mentioned the West Sound Ecosystem Fair is on Saturday, October 12.

Councilmember Nystul noted that the League of Women Voters sponsored a candidate forum on Monday night, it was filmed by BKAT, and it there will be a couple rebroadcasts.

Councilmember Lord thanked Councilmembers Stern and Thomas for attending last week's forum. She would like to know what time the PACT meeting will take place.

Mayor Erickson stated that Daffodil Days is on Saturday, November 2 at 9:00 a.m. The lutefisk dinner is on November 19 and the spaghetti feed is on November 26 at First Lutheran Church.

Mayor Erickson reported October is Domestic Violence Awareness Month, which is a systemic problem in our culture. All cities within the county jointly signed the proclamation last week with the Navy. Ely's Place, owned by the YWCA, is a shelter for domestic violence victims. Morrow Manor, which is currently being built through donations, will have four duplexes for domestic violence victims. Ardis Morrow shared her story regarding her

great-grandnephew Eli. At that time, they didn't know much about domestic violence. Since then, Rotary has done a great job educating the public on domestic violence.

## **5. CONSENT AGENDA**

**Motion:** Move approval of the minutes as presented.

The item listed is:

- a. Minutes of August 21, 2019, City Council Meeting

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

## **6. BUSINESS AGENDA**

- a. **Public Hearing and Ordinance No. 2019-16, Extension of Interim Regulations on High Risk Secured Facilities**

Planning and Economic Development Director Boughton presented the agenda summary, noting the Poulsbo City Council passed Ordinance No. 2019-17 on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. Pursuant to RCW 35A.63.220 and 36.70A.390, the City Council is authorized to extend the interim development prohibition as long as a public hearing is held and findings of fact are made.

Mayor Erickson opened public hearing at 7:36 p.m.

Tricia Benson, Washington State for Public Safety (WSPS) Executive Director, thanked the Mayor and Council for their work on this. She spoke in support of extending the interim development prohibition.

Rick Eckert, North Kitsap School Board Director, reiterated that he endorses the City's position on this. Due to the lack of sidewalks, NKSD cannot move the bus stop that is close to the SVP house on Viking.

Israline Moni thanked the Council for their prompt action to ensure the safety of Poulsbo residents. She supports the extension of this ordinance.

Cameron Beach lives across the street from the SVP house in a duplex, where they rent one side while they live in the other. Now they are having a tough time getting tenants, which has become a financial burden. His wife is a teacher, and they have kids at their house often. He supports the ordinance extension.

Troy Barber lives within the City and is on the board of directors for WSPS. He encouraged the Council to extend the ordinance.

Mariah Jensen thanked the City for the ordinance, endorsed the ordinance extension, and she encouraged a permanent ordinance.

Mayor Erickson closed the public hearing at 7:50 p.m.

PED Director Boughton stated that on page 1 of the ordinance, paragraph 1, change April 16 to April 17; and the fourth paragraph should read October 9. The final correction is on the last page of ordinance, the summary of the ordinance needs to be corrected.

Councilmember Garland thanked the WSPS for positive change.

**Motion:** Move to approve Ordinance No. 2019-16, an ordinance of the City of Poulsbo, Washington, extending the adoption of interim development regulations related to high risk secured facilities; adopting findings in support of the extension providing for severability; and establishing an immediate effective date with corrections identified during deliberations.

**Discussion:** Mayor Erickson and Councilmember Lord thanked everyone who worked hard on this. Councilmember Lord added she is appalled with the findings of the Superior Court and how the hearing examiner's ruling is not being implemented. Councilmember Musgrove said it is becoming the norm now for the state to say they don't want to pay for something and dump it on the cities and counties to deal with. This is unacceptable. Our residents and our community have every right to defend itself, and this is one step towards that. He hopes rectification comes to repair this statewide, but in the meantime, they will do what they can.

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

**b. Ordinance No. 2019-17, Release of Torval Terrace Rezone Concomitant Agreement**

Planning and Economic Development Director Boughton presented the agenda summary, noting the Poulsbo Planning and Economic Development Department received an application requesting release of a concomitant agreement and concomitant agreement addendum attached to the property at the SE corner of Front Street and Torval Canyon Road. The concomitant agreement was for a rezone of the property from Residential Single-Family (R-1) to Residential Multiple Family (RM) in 1981. A 1982 concomitant agreement addendum occurred prior to construction of the project in 1983. Release of the concomitant agreement and addendum is a Type V permit and requires a public hearing and decision by City Council. The City Council

held a public hearing on August 21, 2019 and approved the release of the concomitant agreement.

**Motion:** Move to approve Ordinance No. 2019-17, an ordinance of the City of Poulsbo, Washington, adopting findings and conclusions; approving the Torval Terrace Rezone Concomitant Agreement release, planning file 07-05-19-01 authorizing the Mayor to execute and record an instrument releasing the concomitant agreement; providing for severability and establishing an effective date.

**Moved by** McGinty, **Seconded by** Musgrove.

**Discussion:** Councilmember Lord asked for clarification on the planning file number, the number in the packet was different than what was in the motion.

Mayor Erickson pulled the agenda item to make sure the correct planning file is on there and add it to the October 16, 2019, agenda.

**c. On-Call Contract for Environmental Professional Services**

Planning and Economic Development Director Boughton presented the agenda summary, noting the Planning and Economic Development Department is seeking to renew the City's on-call professional service agreement with Grette Associates to assist City departmental staff with environmental and critical area review. The Planning and Economic Development Department has used Grette Associates for many years, and the current contract will expire late 2019. The scope of work is consistent with the previous contract approved by the Council in 2017. Grette provides the required peer-review of developer submitted wetland, fish and wildlife habitat studies, as well as consultant services to City-initiated environmental, critical area, or shoreline code updates.

**Motion:** Move to authorize the Mayor to sign the on-call contract with Grette Associates to provide environmental and critical area professional services to the City of Poulsbo.

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

**d. Hearing Examiner Contract**

Planning and Economic Development Director Boughton presented the agenda summary, noting in 2016, Gary McLean became the City of Poulsbo's Hearing Examiner after Council approval. Mr. McLean has demonstrated depth of Hearing Examiner experience and has examined several projects during his length of contract. The 2016 contract is expiring and Planning would like to renew his contract to continue using his services.

**Motion:** Move to approve the contract, including Exhibit A, between the City of Poulsbo and Gary N. McLean for Hearing Examiner services, and authorize the Mayor to sign the contract on behalf of the City.

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

**e. Johnson Parkway Project Presentation**

City Engineer Lenius and Civil Engineer Raney presented the Johnson Parkway Project. Presentation highlights included:

- Advertisement will be in November 2019
- Two-thirds of the project is funded by grants, the last by the City
- 3-D rendering of roundabout and shared-use path
- Construction should begin spring 2020 and go for two seasons (270 working days)
- Design is 90% complete and reviewed by WSDOT
- Acquired 14 properties for rights-of-way
- Draft Art Plan reviewed by the Public Works Committee and submitted to WSDOT
- Funding: Engineer's estimate is ~\$18M-\$18.5M; WSDOT has agreed to obligate the STP funds early
- Reviewed Noll Road construction cost analysis
- Public Outreach – there have been five public meetings in the last 2.5 years. They need to start discussion on what community outreach means in the next stage.

At 8:20 p.m., Mayor Erickson recused herself from the discussion. Deputy Mayor McGinty continued chairing the meeting.

Councilmember Thomas stated that the project was recently in the media, and there are always some people who aren't aware. The reason this is the first roundabout is because the City stepped up and is funding a third of the project.

Councilmember Musgrove noted that the Public Works Committee agreed in support of consent. They are impressed and have been watching this for many years. It is exciting to see it all come together. This is a service that Poulsbo is providing for its citizens that isn't in the city. A scope of this project is a big deal for a city of our size. He commended staff on the great job they are doing.

Councilmember Nystul said we are fortunate to have the staff who have been working on this. They have received many grants, Senator Rolfes got us funds as well. The other roundabouts are at Day Road and the Casino, and our staff has taken the ball and is

running with it. The SR-305 working group was also instrumental in moving this project along.

The Council provided consensus to City Engineer Lenius to move forward with the project.

City Engineer Lenius gave an overview of the Public Art and Landscaping (PAL) committee, the art plan that was developed for Johnson Parkway, and the new program request of 1% for the Arts (~\$150K). They would like to advertise with an RFP in late 2019/early 2020, with selection in January/February 2020. Public Works Committee recommended moving forward with the WSDOT Art Plan approval and moving forward with RFP process for roundabout centerpiece with an estimated budget of \$75K to \$100K.

Councilmember Lord is excited about this project, and she would like to be part of the selection committee.

Councilmember Musgrove said this is great and it garnered the committee's support. There was a feeling the 1% is light, these funds carry forward the Economic Development concepts of shaping the character of the community. Funding art can enhance other features of the project.

Councilmember Thomas said it is a beautiful job. He was happy to see the raven on the shield. It is not only a Viking motive, but also has native American ties as well.

**Motion:** Move to recommend moving forward with the WSDOT Art Plan approval.

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

Motion carried.

**Motion:** Move to recommend the RFP process for the roundabout centerpiece with an estimated budget of \$75,000 to \$100,000.

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

**Discussion:** Councilmember Musgrove stated that the budget could be above or below that range, but they wanted to give focus to a range. This is a not a commitment to do anything, except to explore.

Motion carried.

Mayor Erickson continued chairing the meeting at 8:45 p.m. She thanked the PAL committee members for their time on this project.

## **7. COUNCIL COMMITTEE REPORTS**

Community Services Committee: Councilmember Thomas reported Terri Douglas from Poulsbo Inn spoke regarding tourist promotion areas (TPAs). They are an assessment that

hoteliers would make on the rooms, from \$.50 to \$2.00 a night. The hotel owners must ask jurisdictions to add the TPAs. It operates in parallel to the lodging tax. The committee also reviewed the LTAC recommendations, received an update on the PERC (Public Facilities District meeting on October 28); and a Christmas carousel is on its way to the Waterfront park.

Public Works Committee: Councilmember Musgrove thanked Viking Fence for donating \$10,000 in fencing recently installed at Lions Park. The SR-305 manhole project is coming along. They finished the sewage pipe lining. There is a meeting coming up with Kitsap County sewer for population allocations and CIP.

## **8. DEPARTMENT HEAD COMMENTS**

City Clerk Fernandez noted that the October 15 PACT meeting is at 5:30 p.m. If Councilmembers plan on attending, she needs them to respond to the email by Friday.

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

None.

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

Shannon Turner attended the forum and thanked Councilmember Thomas for attending. He stated that it was interesting because there was a lot of pain and anger there. He congratulated the Council on the passing of the ordinance. He noted, as a minority, he has nowhere else to go to speak to the community except at the Council meetings. Poulsbo needs a space where community members can go and be heard.

Rick Eckert reminded the Council that their "School Connections" meeting is tomorrow. He thanked the Council for allowing the League of Women Voters to host their candidate meeting on Monday night, especially since four of the five school board positions are up for election.

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

None.

## **12. EXECUTIVE SESSION**

At 9:01 p.m., the Council recessed into a 20-minute executive session to discuss ongoing litigation per RCW 42.30.110(1)(i). No action was taken.



### 13. ADJOURNMENT

**Motion:** Move to adjourn out of the executive session.

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

Motion carried unanimously.

The council adjourned the meeting out of executive session at 9:21 p.m.

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Rebecca Erickson, Mayor

ATTEST:

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Rhiannon Fernandez, CMC, City Clerk