

POULSBO CITY COUNCIL MEETING OF MARCH 18, 2020

MINUTES

PRESENT: Mayor Erickson; Councilmembers Livdahl, Lord, McGinty, McVey, Musgrove, Phillips, Stern.

Staff: Finance Director Booher, City Clerk Fernandez, Risk Manager/City Attorney Foster, Police Chief Schoonmaker, City Engineer Lenius, Civil Engineer Ranes, IT Manager Stenstrom.

MAJOR BUSINESS ITEMS

- * * * WASPC Traffic Safety Grant Acceptance
- * * * Budget Amendment/BA #20-0105, Marine Patrol Boat Motor
- * * * Resolution No. 2020-07, Regarding Emergency Proclamation No. 01-2020 related to the Novel Coronavirus
- * * * Resolution No. 2020-08, Noll Road Improvements – North Segment

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Erickson called the meeting to order in the Council Chambers at 5:00 p.m. and led the Pledge of Allegiance.

2. AGENDA APPROVAL

Mayor Erickson said the Vanaheimr Hearing has been pulled from the agenda (Business Item 6c)

Motion: Move to approve the agenda as revised.

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

3. COMMENTS FROM CITIZENS

City Clerk Fernandez read emailed citizen comments into the record from Carla Abrams and Rick Eckert.

4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Lord noted that everyone's lives have been totally disrupted. She reminded everyone to follow the CDC guidelines.

Councilmember McVey thanked City Clerk Fernandez and staff for the social distancing set up.

Councilmember Musgrove stated that we will get through this and we'll be stronger for it. He reminded the public to note on their emails if they want them read into the record.

Councilmember Phillips noted the NKSD "grab and go" meal program from 11:00 a.m. to 12:30 p.m. Monday through Friday except for spring break. There is a list of schools on the NKSD website.

Councilmember Stern stated that he called in last week from Washington, D.C., and he stated that he could only hear about every other word. He asked about the review of the status of review for a permit for the fireworks.

Mayor Erickson shared they have not done anything with the fireworks at this point. The special events application has been submitted, and it is now being reviewed by staff. She is waiting for everyone to get their comments back. After a decision is made, and if the applicant does not like that decision, the appeal comes to Council.

Mayor Erickson handed out an email trail to the Councilmembers between her and the city attorney. At the end of February, city governments started asking some serious questions about what local governments could do from a legal standpoint, anywhere from sending sick workers home to closing businesses, etc. She was quoted in the paper about cancelling all Council meetings, but that is not what she meant. She is unsure if the governor's proclamation supersedes the Open Public Meetings Act (OPMA). She will never do anything to exclude the Council from the operations from city government, but they are trying to figure out how they meet, make decisions, obey the OPMA, and follow social distancing dictated by the governor, and possibly from the federal level in the future.

Councilmember Stern stated that the two committees that were supposed to meet that night, Public Safety/Legal and Finance Administration, were cancelled without the concurrence of committee members. After talking to the City Attorney, he pointed out that the advice and consent of the Council members are needed to change a Council meeting, and that the advice and consent of committee members are needed to change a committee meeting. They all want to work together. He contacted AWC and MRSC and said the opinion of the Attorney General is vague. AWC has been talking with the Governor to figure out what the parameters should be for public meetings.

Mayor Erickson reported the EOC is meeting daily via teleconference, and she is now having two staff meetings a week. Department Heads have been charged with creating workflows and figuring out what can be done remotely and what can be done in the office, as well as how they can shift their working elements. She stated the City Clerk is creating a specific COVID-19 webpage. Staff is working on some social services for

vulnerable populations and providing quarantine spaces for people who need to be quarantined. She is looking for a volunteer for business development activity; the downtown area is dying. We are reacting to all the changes we are facing. The staff has been doing a terrific job, it has not been easy.

Mayor Erickson said they may have an opportunity to use Nelson House as a quarantine area. Coffee Oasis is willing to give it up their position. Another social services agency would operate it. This might be an alternative in the future. Councilmember Lord said we should expand the population acceptable in there rather than what we have right now.

Mayor Erickson said he is not sure how to enforce the 50-person rule. Eventually something might come up, and it is worrisome to her on how to enforce these orders. She had a conversation with a barber who has one chair and is shut down.

In response to Councilmember Stern, Mayor Erickson stated that she will not open or close a building without careful legal guidance from Alexis Foster (Risk Manager/City Prosecutor) and Jim Haney (City Attorney). Councilmember McGinty would assume the Health Department would have input in any decisions.

Regarding the closure of City Hall, Mayor Erickson has been pushing hard to keep the 2nd and 3rd floor open with the gates closed to ensure a 6-foot barrier. The police windows and the court windows are not open. She has been informed by Mayor Putaansuu in Port Orchard that they are shut down, and she understands that large parts of the county will be shutting down. Bainbridge and Bremerton are also shut. She is revisiting that decision; she's thinking she should shut the building and asked for the Council's opinion. We are the only ones still open.

Councilmember Musgrove thought that it sounds fine if employees still have access to their work.

Councilmember Stern believes the 2nd and 3rd floors should be open for continuity for the community. He leaves it to her discretion.

Councilmember Phillips countered that people could make a phone call to talk to staff, and if they need to come in, they can schedule an appointment.

Councilmember McGinty thinks the safety of the employees is critical, and if they can keep the balls rolling with new technology, he thinks they should shut down.

Mayor Erickson is leaning towards closing the building. If one employee gets sick, everyone who had contact with them has to also be quarantined. Councilmember McGinty said he initially thought they should remain opened, but as things have changed, he believes they should close as well.

Councilmember Musgrove pointed out that downtown businesses are doing everything they can to stay open and are getting creative.

Councilmember Lord asked if the Mayor has come up with contingency plans if Police and Public Works need to be quarantined. Police Chief Schoonmaker stated law enforcement is having weekly meetings. The police chiefs are meeting virtually every Friday to discuss contingency plans. He knows that Public Works Superintendent Lund is doing similar things.

Mayor Erickson informed everyone that public restrooms have been closed. The garbage workers have also been separated from the rest of the Public Works crew to keep workers safe.

Councilmember Stern asked if someone is infected and recovered, if those employees would come back to work. Police Chief Schoonmaker said someone would come back to work once they are recovered after following Department of Health protocols.

Councilmember Lord asked if the Engineering and Planning departments have contingency planning going on to identify short, medium, and long-term plans for when the minimum of each project needs to be accomplished. City Engineer Lenius stated that the Engineering & Building and Planning departments identified all the projects that affect the economy, such as construction projects, building permits, and plats. They identified who is working on those important functions for the departments and are the backups. They implemented a pilot test this week where one third of the second-floor staff worked from home in order to make sure it worked. They found that it worked well.

Mayor Erickson pointed out that they will learn a lot of lessons from the pandemic.

5. CONSENT AGENDA

Motion: Move to approve Consent Agenda as presented.

The items listed are:

- a.** WASPC Traffic Safety Grant Acceptance
- b.** Budget Amendment/BA #20-0105, Marine Patrol Boat Motor

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

6. BUSINESS AGENDA

- a. Resolution No. 2020-07, Regarding Emergency Proclamation Nos. 01-2020 and 02-2020 related to the Novel Coronavirus**

Risk Manager Foster presented the agenda summary, noting that on March 13, 2020, Mayor Erickson issued Emergency Proclamation No. 01-2020 declaring a state of emergency in the City of Poulsbo as it related to the Novel Coronavirus, also known as COVID-19. Adoption of this resolution is required by code to ensure the Emergency Proclamation remains in effect and establishes that it is to remain in effect until such time the Council takes action to rescind it.

The proclamation allows us to apply for federal funding, to avoid public advertisement requirements or competitive bidding requirements. If the Mayor needed to declare curfew, or shut down businesses, that would be a separate proclamation. This proclamation addresses our current need.

The changes in the new proclamation updated the number of COVID-19 cases as of March 17, 2020, and adds language on page 3 that states that the Mayor issued an emergency proclamation on March 13, and this situation continues to present itself as an emergency.

Councilmember McVey asked if the code that covers emergencies needs to be revised. Risk Manager Foster said that there are many things in the code that need to be revised. This part of the code had not been updated since the 1970s. They probably want to address it sooner rather than later in case they have any other emergencies.

Risk Manager Foster explained that the Council is ratifying the first proclamation and extending the time for the second proclamation.

Councilmember Stern asked what powers are being implemented by their action, and if they are implementing their comprehensive emergency management plan (CEMP). Risk Manager Foster said the City already implemented the CEMP, it was adopted by the Council in 2015. They are not adopting a new EOP at this point. The emergency manager for the EOP and EOC is the Chief of Police.

Councilmember Stern said there are certain powers that are bestowed upon the Mayor the ability to close buildings and send people home in the community. He asked if that power is already in the CEMP. Risk Manager said that power is not in the CEMP. Emergency powers that the Mayor is authorized to enact or enforce are in PMC 2.62 (sending people home, curfew, closing buildings). PMC 2.60 in the CEMP

outlines how we operate in the case of an emergency. It is no different than any other jurisdictions EOP.

Councilmember Stern asked how the Mayor would keep the Council informed as she needs to invoke certain powers. Mayor Erickson said this proclamation are financial, and to allow her to move outside of normal purchasing processes. She said we could have a special meeting as needed, or she can email the Council or call them. This is a financial piece to put us in line for disaster recovery funding. It is not for closing buildings.

Councilmember Stern asked if the committees would continue meeting. Mayor Erickson said she would like to continue the committees if there are substantive things that need to be done in the committees. For example, she wants a FAC meeting to go over sales tax revenues. She wants to get back to normal as soon as possible.

Motion: Move to approve Resolution No. 2020-07, a resolution of the City Council of the City of Poulsbo, Washington, confirming and ratifying emergency Proclamation No. 01-2020 and extending the duration of emergency Proclamation No. 02-2020 related to the Novel Coronavirus.

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

b. Resolution No. 2020-08, Noll Road Improvements – North Segments

Mayor Erickson recused herself from the meeting at 6:09 P.M. Deputy Mayor McGinty continued chairing the meeting.

City Engineer Lenius presented the agenda summary, seeking authorization in the resolution to apply for the Surface Transportation Program (STP) funding assistance from the Puget Sound Regional Council (PSRC) for the Noll Road Improvements Project – North Section (Languanet Phase).

This is the complete connection between Mesford Rd and Lincoln Rd (3,360 lf, ~\$5MM, 2024 construction). The funding strategy would break the segment into two phases: Phase 1 – Languanet Connection + nonmotorized improvements, and Phase 2 – Maranatha Connection + nonmotorized improvements. Phase 1 is 1,800 lf, construction cost is \$2.7MM, and proposed funding would be: Grant, \$2.35M; City, \$350K (traffic impact fees). Additional grant application will include TIB and Safe Route to Schools. The grant application is due May 2020 and would be awarded in 2024.

Councilmember Stern asked if the Connect Washington money has been reallocated, and he asked about a timeframe for receiving it. City Engineer Lenius said they submitted their plan to WSDOT, and the hope is to obligate this month. They laid out a schedule that begins in June or July.

Councilmember McVey asked if the third section was originally just one phase. City Engineer Lenius affirmed that. She explained that any given year the City gets anywhere from \$100,000 to \$800,000 per year in traffic impact fees. They estimate they will get about \$300,000 this year. She stated it's easier to start with a small piece and make it bigger.

Councilmember Lord asked if the \$350,000 traffic impact fees would be earmarked in the budget, but not going to be spent until we get closer to the construction. City Engineer Lenius confirmed that the City would not spend the money until 2024-2025.

Motion: Move to approve and adopt Resolution No. 2020-08, a resolution of the City Council of the City of Poulsbo, Washington, authorizing staff to make a formal grant application for STP funding assistance on the Noll Road Improvements project – North Segment.

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

At 6:19 p.m., Mayor Erickson rejoined the meeting.

7. COUNCIL COMMITTEE REPORTS

None.

8. DEPARTMENT HEAD COMMENTS

Finance Director Booher talked about utility penalty shut offs and fees. According to the Poulsbo Municipal Code, the City is legally obligated to charge those fees when accounts are in arrears. During the emergencies, she recommended eliminating shut offs and assessing penalties until the end of April and she needs Council concurrence. She also discussed HDPAs, and she is sending a note to their board to see if they want to waive the next quarterly dues. She also noted that there will be a future economic impact. They will still receive sales tax from online orders, but they will receive less from smaller retail businesses. She noted that the City does have a strong fund balance.

Risk Manager/City Attorney Foster notified the Council that on Monday, March 16 the Municipal Judge Tolman issued an emergency administrative order, and most court proceedings are suspended. The only criminal cases that they are currently handling are those that are in custody or those they are required to see within a certain amount of time. Protection orders will continue because that's usually only two parties involved. Bench warrants will be issued on a case by case basis. The order is in effect until May 1.

9. BOARD/COMMISSION REPORTS

None.

10. CONTINUED COMMENTS FROM CITIZENS

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

11. MAYOR & COUNCILMEMBER COMMENTS

Councilmember Lord stated that these are challenging times and that people need to stay safe.

Mayor Erickson asked everyone to have faith. She noted that China has not had any new cases, so we will get through this and learn a lot of lessons.

Councilmember McVey reminded everyone to remain calm and wash their hands.

Councilmember Musgrove said there is a lot of creativity in the businesses downtown to keep their stores open and their people employed.

Councilmember Livdahl noted that they are fortunate to be in this community and its impressive how people are taking care of each other.

Councilmember Phillips reminded everyone about the NKSD lunch program.

Councilmember Stern said God bless the peoples of this world during this troubled time.

12. ADJOURNMENT

Motion: Move to adjourn at 6:39 p.m.,

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

Motion carried unanimously.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, CMC, City Clerk