

## POULSBO CITY COUNCIL MEETING OF JUNE 10, 2020 (via remote attendance)

### MINUTES

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

Staff: Finance Director Booher, City Clerk Fernandez, Director of Engineering Kasiniak, City Engineer Lenius, Parks & Recreation Director McCluskey, Police Chief Schoonmaker, Engineer 1 Burgess, Associate Planner Berghoff, Civil Engineer Ranes.

**ABSENT:** Councilmember McVey

### MAJOR BUSINESS ITEMS

- \* \* \* Brown-Alacron Utility Extension Agreement
- \* \* \* Johnson Parkway/SR305 Roundabout Construction Contract
- \* \* \* Lemolo Siphon Project Update

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

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

#### 2. AGENDA APPROVAL

Mayor Erickson noted that for business item 6b she will recuse herself from any influence or decision regarding this action.

**Motion:** Move to approve the agenda as it stands.

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

#### 3. COMMENTS FROM CITIZENS

City Clerk Fernandez read the following emailed citizen comments into the record, which are summarized below:

Tyler Lones wrote regarding the July 3 incident and disagrees with Prosecuting Attorney Enright's decision to not prosecute and wants the City to do a "better" job during their internal review process.

Danielle Gordon wrote demanding justice for Stonechild Chiefstick and for the City of Poulsbo to take action to hold police accountable, and specifically fire and hold Officer Keller accountable to repair the damage and trauma caused by the July 3 tragedy.

Jenn Hyla wrote about her concerns of the level of force the Seattle PD has displayed, and the unacceptable level of force used on July 3. She urged the City to review the 8 Can't Wait website and implement the Use of Force policies laid out in its campaign as a start to keeping citizens and tribal members safe.

Lucy Bowers-Wildblood wrote demanding justice for Stonechild Chiefstick and asked that Officer Keller be held accountable and fired for the July 3 incident.

Dr. Jessica Tartaro wrote to demand justice for Stonechild Chiefstick and for Office Keller to be held accountable for the July 3 incident by being fired, and not go down the same path that Minneapolis governance is facing today.

Georgia Chehade wrote to share what it means to defund a police department (reallocating funds to social service programs) and asked that the Poulsbo City Council follow in Bainbridge Island's footsteps and form a Race Equity Task Force.

Thomas Wilson wrote expressing his frustrations with the Mayor and Council regarding the July 3 incident, and said the whole situation will not end until action is taken and Officer Keller faces murder charges.

Dan Sluys wrote to thank the Mayor for going to bat for the downtown businesses and presenting the idea of putting seating in the downtown waterfront park to the council. The merchants don't want the street closure of King Harold Vei, and they were hoping to receive the list of proposed expenditures for the CARES funding.

Michael Klinger wrote about Fjord Drive being unsafe. He noted 6<sup>th</sup> Street was designed to handle more traffic, but people use the scenic route of Fjord instead. He asked the Council to consider dead-ending Fjord at Lions Park to solve all existing problems on Fjord north of 6<sup>th</sup>.

Douglass DeCandia called for justice for Stonechild Chiefstick and for Officer Keller to be arrested.

Adabelle demanded justice for Stonechild Chiefstick and for Officer Keller to be fired, as well as all other responding officers for not interceding.

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

Councilmember Livdahl stated that as a continuation of what she said last week, and to respond to everyone's comments, emails, and phone calls this week, she encourages everyone to read to prosecutor's report. That should be the foundation to engage in the conversation. She doesn't want to hear that the investigation is too long or that the 25 people involved are not on the side of justice. This is an important conversation they should be having now, and she does not want to miss an opportunity. We all know that we need to do better. It is not one officer or four officers in our department, it's not officers alone – it's everyone. This is based on a system that is in place, which is what needs to be addressed. This investigation is based on the laws of Washington State. If you have a problem with the laws, that is another area we need to address. If your complaint is that the investigation was not independent enough, maybe we need to contact the Attorney General and have them take it over. She read all the emails, but it's easy to copy and paste a message and send it as an email. You read it a few times, then you don't read it anymore. That's not really effort. Generalizing that the Council and town are racist is not a way to maintain a conversation.

Before COVID-19, Councilmember Livdahl was working with Housing, Health, and Human Services Director Hendrickson to have a seminar for Council and city staff. COVID-19 interrupted that work. She is interested in getting the conversation started again and wants feedback from the Council. She said from a personal accountability standpoint, we all need to be seeking out the resources. A local librarian is putting together a group for folks to begin or continue their education journey.

Councilmember Lord welcomed everyone who is listening in. She wants everyone to search their hearts, have empathy and compassion. This is real soul searching, how each of them can help mitigate any latent prejudices or biases they may not think they have.

Councilmember McGinty said there's good conversation going on. He quoted from Stephen Covey's book, *The Seven Habits of Highly Effective People*, "Seek to understand, then seek to be understood." We have to work together in both directions to get a joint understanding.

Councilmember Musgrove reminded everyone that they have gone through tough stuff before and came out stronger. He looks forward to that. He enjoys watching Americans exercising their free speech rights.

Councilmember Phillips agreed with what Councilmember Livdahl said, and he encouraged everyone to read the report. He researched the "8 can't wait" campaign for six hours. He won't stand for the template emails. If you've got problems, he suggested helping come up with solutions. He stands behind the Poulsbo Police department, and he wouldn't consider defunding the police. He thanked Police Chief Schoonmaker and all the officers for standing strong.

Councilmember Stern responded to a comment that the City of Poulsbo is avoiding a reckoning because of COVID-19. He stated that it is quite the opposite. They are working on community conversations and finding a fair, credentialed mediator from outside the community to help conduct those conversations. He is waiting patiently to get into the proper phase of opening to start those conversations, and they are limited with the online gatherings. He thanked Councilmember Livdahl and Housing, Health, and Human Services Director Hendrickson for working on the community conversations.

Mayor Erickson responded to the gentleman who said she did not return her phone calls, stating that she still has 110 unanswered voicemails. A phone protest occurred on Monday, and the Mayor was in Zoom meetings for about 7 hours that day, and she could not take the calls. Many of them were repetitive, like they were reading a script. She is going to try to call everyone back who left messages. She thinks this is a listening moment, but it goes two ways. Growth comes through mutual sharing of information with one another, so reading the prosecutor's report is imperative to having the conversations. A link to the prosecutor's report is on the city website on the Police page.

Mayor Erickson stated that we learn from one another. About four years ago the city had a police officer who was the number one crisis intervention officer in the state. He pioneered crisis intervention in Washington state. They have worked for four years to put together their mental health team. The City of Poulsbo employs mental health workers in police departments. She calls it a 360-degree tragedy because it is a tragedy for the community, a tragedy for Mr. Chiefstick and his family, a tragedy for Officer Keller; it is a tragedy across the board. As elected officials, what do they do? They look for solutions, for changes they can make. A lot of the things they are doing right now are governed by state law. Things Mayor Erickson would like fixed include having a 1:1 detective to mental health worker ratio; police officers should get licenses each year or two that proves that they've kept up on their training; and lethal force cases need to go to the Attorney's General office to be investigated. There are a lot of changes that need to be made. But first they need to listen to one another.

Mayor Erickson shared the City had two protests, and both were very peaceful. The second was led by high schoolers. It started at Safeway and they walked to downtown. Sluy's handed out doughnuts to the protesters. There are moments when Poulsbo can come together.

**a. Department Head Comments**

Police Chief Schoonmaker agreed that both demonstrations were great, thanking Airen Lydick and Karen Vargas from the Kitsap ERACE Coalition. They had great communication before the event, and they put on a fantastic event. On Friday he met a great young man at Safeway who asked him to help him out. He gave shout out to Dan Sluy's for handing out doughnuts during the march.



Police Chief Schoonmaker noted that he coaches at the high school, and many of Friday's marchers were high school students. He showed a picture of Cobie, the organizer, and him in a photo. It is one of his favorite pictures in his 31 years of law enforcement.

Police Chief Schoonmaker has been getting a lot of phone calls and emails. He is reading every email and listening to every message that is left. For the people who leave phone numbers, he has gotten back to most of them, and playing phone tag with a few others. Some of the conversations are five minutes long. One last night was an hour and a half long. The Police are here to listen. Conversation is important. County-wide, all of law enforcement is listening and paying attention. Like Councilmember Phillips said, they are researching "8 can't wait." He appreciates that NAACP President Tracy Flood and Pastor Johnson from PACT for meeting with law enforcement and having tough conversations.

Police Chief Schoonmaker said the prosecutor's investigation is done, and the report is on the website. The City's investigation is not over. They have an outside investigator finding facts and reporting administratively that will go to a second "use of force" review board, which will be made up of different representatives to provide a recommendation. He expects the report should be done by August 1. They are not brushing this under the rug. This is serious.

City Engineer Lenius reported the Building and Engineering departments can now issue building permits, the largest they have issued is the Fairfield hotel, a 100-unit building in Olhava.

**b. CARES Act Proposed Expenditures**

Finance Director Booher presented proposed CARES/FEMA spending to the Finance Administration Committee, and the Committee recommended this presentation be shared with Council to get feedback.

Booher reviewed the eligibility requirements for reimbursement, the process for being reimbursed, and the amount of funding being allocated to the City of Poulsbo (\$335,400).

Finance Director Booher and Mayor Erickson proposed spending CARES money on the following items:

- PPE City equipment/overtime
- City building counter shields
- PPE equipment for distribution
- Re-open video
- Web design
- Poulsbo Cares signage

- Navigator Manager spending substantial amount of time to help with COVID
- Emergency leave
- Fjord Drive sidewalk improvements
- Business grants
- Utility grants
- Summer fair – expanding sidewalks, spaced seating in downtown park

Councilmember Livdahl asked if they were still going to set aside money for emergency food. Mayor Erickson responded that it might not be needed.

Councilmember Livdahl is all for business grants and utility grants.

Councilmember Lord fully supports increasing the amount of business grants. She understands there would be an application process, but how will they be divvied out and would it be a grant or a loan? Mayor Erickson clarified that it would be a grant. Depending on how they structure it, applicants would be required to provide supporting documentation showing revenue figures to prove their losses. There's a whole set of criteria, which she'll send out in a couple days for Council review. The City of Lacey's done it, and Port Orchard and Bainbridge Island are looking into it.

Councilmember Lord suggested a ceiling amount for the grants so they can share the grants with businesses.

Councilmember McGinty asked if emergency leave could be moved to FEMA. Finance Director Booher responded that emergency leave is not FEMA eligible; however, she is working with MRSC and the state auditor to see if it is CARES reimbursable. Many of the wages are already in the budget and do not qualify.

Councilmember Phillips also wants to increase utility grants to help people out.

Councilmember Musgrove agrees on using the money for citizen support, as emergency money ends next month. He believes as much CARES funding as possible should go to people to energize the economy. He thinks people are going to have a tough time paying bills soon.

Finance Director Booher will connect with Housing, Health, and Human Services Director Hendrickson regarding the food. There are many steps they need to do for the application, and time is of the essence.

Councilmember Lord reminded everyone that some business owners are pushing back about spending money on Fjord instead of the businesses. If \$60,000 out of the \$335,000 is going to be used to give them safe walking on Fjord during

COVID virus, she wants to balance it out for struggling businesses. She wants to increase the business grant line items.

Mayor Erickson stated that it will be a standing agenda item for the foreseeable future.

## **5. CONSENT AGENDA**

None.

## **6. BUSINESS AGENDA**

### **a. Brown-Alacron Utility Extension Agreement**

Associate Planner Berghoff presented the agenda summary, noting a Utility Extension Agreement (UEA) for one water and one sewer connection is requested for a property located on Karkainen Lane. The applicant anticipates construction of a single-family home.

A UEA requires approval by City Council. Per PMC 12.14.010.B, annexation feasibility determination is necessary prior to a UEA decision. Authority to annex territory and provision of utility services is at the sole discretion of City Council, and there is no appeal. Staff concluded that annexation is not feasible at this time. They respectfully request the utility extension agreement for a single-family home.

City Clerk Fernandez read a comment into the record from the applicant Luis Alarcon. He supports annexation into the City and asked the Council to consider the utility extension agreement for this parcel. He thanked staff for their professionalism during the process.

Councilmember Lord reported Public Works Committee discussed this agenda item, understanding this is for one parcel, and recommended approval of the utility extension to the Council.

Councilmember Musgrove asked what is the anticipated method of annexation that we are moving towards, and what percentage of automatic yesses does this put us at if it is approved. Associate Planner Berghoff answered it would put us at about 45-46% at most. It allows someone to build a home and join the community. Mayor Erickson clarified 60% is required. Associate Planner Berghoff confirmed when it is community sponsored, it must be 60% approval. The City will wait and see what will

happen next regarding future annexations in that area, the City does not go out and canvas an area for annexation.

**Motion:** Move to approve circulation of an annexation petition for property located in the vicinity of Finn Hill Road intersections with Karkainen Lane and Rasmussen Court, Planning File P-04-14-20-02.

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

**Motion:** Move to approve the Brown-Alacron Utility Extension Agreement, Engineering files E-04-14-20-01.

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

Councilmember McGinty questioned why they're approving a petition if they know it won't get 60%? Mayor Erickson answered that they already did the petition and didn't get it.

Councilmember Lord stated that she made a motion to approve the circulation of an annexation petition, so she thinks they need to redo the motion.

Associate Planner Berghoff clarified that the Council must determine it's unfeasible for an annexation to move ahead with a utility extension agreement.

**Motion:** Move to withdraw both motions.

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

**Motion:** Move to determine it is unfeasible at this time for a circulation of an annexation petition for property located in the vicinity of Finn Hill Road intersections with Karkainen Lane and Rasmussen Court, Planning File P-04-14-20-02.

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

**Motion:** Move to approve the Brown-Alacron Utility Extension Agreement, Engineering files E-04-14-20-01.

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

**b. Johnson Parkway/SR305 Roundabout Construction Contract Award**

Mayor Erickson noted she is not making any decisions or influencing the conversation regarding this topic.

City Engineer Lenius presented the agenda summary, noting on May 22, 2020 the City opened bids for construction of the Johnson Parkway/SR-305 Roundabout project CN2020-06, which will provide safer access to SR-305 with the construction of a roundabout at the new intersection of Johnson Road and a non-motorized crossing at SR-305. The project will include roadway, illumination, sidewalk, and shared use path improvements:

- The engineer's estimate on the project was \$16M - \$19M
- The lowest responsive bidder on the project is Active Construction, Inc in the amount of \$15,323,323
- WSDOT granted concurrence to award the contract on June 2, 2020
- The bid for construction is within the existing project budget

Councilmember Stern complimented the Engineering staff for all the work they have done on this project.

Councilmember Musgrove praised staff on all their hard work on this project.

**Motion:** Move to approve the construction contract with Active Construction, Inc. for the Johnson Parkway/SR-305 Roundabout project in the amount of \$15,323,323, and authorize the Deputy Mayor to sign the contract on behalf of the City and also authorize the Deputy Mayor to sign change orders up to 10% of the contract value.

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

Deputy Mayor McGinty did the roll call for votes.

Motion carried.

**c. Lemolo Siphon Project Update**

Director of Engineering Kasiniak gave an update on the Lemolo Siphon Project noting that this is going to be one of the most challenging projects that the Engineering Department faces within the next 20 years. Presentation highlights include: project background, review of the existing sewer collection and transmission systems, proposed siphon location, growth projections, sewer flow projections, system capacity, siphon study/planning assumptions, siphon alternatives, and total cost (between \$34.1MM and \$42.05MM).

The Poulsbo sewer system will achieve capacity between 2028 and 2030, the costs of improvements to increase capacity may exceed \$40,000,000, and the anticipated sewer project(s) will take several years to plan, finance, permit, and construct.

Director of Engineering Kasiniak proposed the next steps:

- 1) Develop a Comprehensive Sewer Plan
  - a) Establish citizen's/stakeholders' advisory committee
  - b) Develop a dynamic hydraulic model to confirm existing capacity
  - c) Identify system deficiencies at the 6, 20, and 50-year timeline
  - d) Assess visibility of MBRs
  - e) Develop several different CIP alternatives and opinions of CIP probable cost
  - f) Select a preferred CIP alternative
  - g) Develop a financial plan; possible funding sources: user fees/connection fees/revenue bonds
- 2) Project schedule:
  - Start date: May 2020
  - End date: May 2022
  - DOE approval and City Council adoption: 2023

Councilmember Musgrove asked if the City would look to stage the project incrementally so that growth will pay for the upgrades, rather than doing large chunks that will be a greater burden on the current population. Director of Engineering Kasiniak said the entire system has the capacity of 3.5 mgd. Once we hit this number, several elements have the same maximum capacity, and must be obligated at the same time. The question remains if we can phase the project. Right now, they need to begin their planning and develop alternatives and more precise costs.

Councilmember Lord said this information has been presented to PWC over the last couple of years. The big picture has started emerging during these meetings. She thanked him for the good presentation and simplifying a complicated project.

Councilmember Musgrove asked about replacing the corroded pipe on the western side, and asked if that was a separate expense, or if they were combined. Director of Engineering Kasiniak responded that they are separate projects and he did not include the costs of the corroded pipe, which goes from Bangor to the treatment plant.

## **7. COUNCIL COMMITTEE REPORTS**

Public Works Committee: Councilmember Lord reported that the Liberty Bay Bioretention Project Public Outreach and Change Order will be presented at Council next week. They had a presentation about a second mechanic for Public Works, which is coming to Council on June 17. They received updates on COVID-19 impacts to the department, and Public Works Superintendent Lund mentioned a proposal to get memorial signage around town. The Finn Hill project is going well now that the utility poles have been relocated.

Community Services Committee: Councilmember Livdahl reported they got an update about Parks & Recreation. Some programs can start in Phase 3, but not all. They are getting things reorganized, putting up stanchions to create lanes of traffic in their building, and they have plexiglass at the desks. They'll have social distancing stickers on the floor in the fitness room. They have also updated their waiver to reflect COVID-19, and unfortunately, the sports court will not be able to remain open through the summer. Parks & Recreation put out a survey, and out of 610 respondents, 80% are interested in summer programs. They are still waiting for a decision from the school district about certain camps that would take place at the tennis courts, the Poulsbo Middle School gym, the Vinland gym, and a couple different fields. At this point, there will not be a bus for senior trips.

Councilmember Livdahl stated that the Fish Park project is out to bid. They received an \$800 grant for non-slip roofing for part of boardwalk at Fish Park. Rotary will be building a platform on the lower portion of Fish Park with \$3,391, which includes labor and materials. Kitsap Audubon is installing another interpretive sign.

She talked about the Tuesday concert series, and they may be able to have three concerts planned if phasing continues going the way it's going, and they get to Phase 4 by August. They still have musicians and sponsors scheduled for August 4, 11, and 18.

## **8. BOARD/COMMISSION REPORTS**

Councilmember Phillips stated that if you see kids in schools, they're cleaning out their lockers.

Councilmember Stern asked about the high school graduation, and Councilmember Phillips stated that there is a virtual graduation on June 14 at 7:00 pm. There was a proposed procession, but the City will not support it due to liability reasons.

## **9. CONTINUED COMMENTS FROM CITIZENS**

Molly Lee thanked Councilmember McGinty for the correction of the motion of the UEA application.

Rick Eckert from North Kitsap School District replied about the request for a parade. The school board had to look at it from an equity and liability issue, considering the entire study body. If the event could not be equitable for every kid, they could not endorse the event.

#### **10. MAYOR & COUNCILMEMBER COMMENTS**

Councilmember Lord reminded everyone to stay positive.

Councilmember Phillips congratulated seniors and said good job to Cobie.

Mayor Erickson apologized about the annexation goof, that was her fault.

Councilmember Stern hopes Kitsap County can get to Phase 3 then Phase 4 to have the concerts in August, but there was a recent nationwide report that showed a spike in COVID-19. Texas, Arkansas, South Carolina, Nevada, Arizona, North Carolina, Oregon, Florida, and Utah reported all-time seven-day highs in cases.

#### **11. ADJOURNMENT**

**Motion:** Move to adjourn at 9:40 p.m.,

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

Motion carried unanimously.

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Rebecca Erickson, Mayor

ATTEST:

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Rhiannon Fernandez, CMC, City Clerk