

POULSBO CITY COUNCIL MEETING OF AUGUST 17, 2022

MINUTES

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

Staff: Administrative Services Manager/City Clerk Fernandez, Assistant City Administrator Booher, Public Works Director Lenius, Senior Contracts Administrator Zieman, City Engineer Raney

ABSENT: Councilmember McVey, Phillips

MAJOR BUSINESS ITEMS

- * * * Payable Disbursements for July 2022
- * * * Approval of Council Meeting Minutes for July 6, 2022
- * * * Board and Commission Appointments
- * * * City of Poulsbo Updated Right of Way Procedures Approval
- * * * ADA Ramp Replacement Project – Budget Amendment and Grant Acceptance
- * * * Opioid Litigation Settlement
- * * * Council Committee Restructuring

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

Motion: Move to approve the agenda as presented.

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

Motion carried unanimously.

3. COMMENTS FROM CITIZENS

Shannon Turner said he and his family have moved to Bremerton and came to say goodbye. He thanked them for standing with him, hearing him, and wanting to take that next step. He urged them to continue to grow and reach out to their community to get that understanding. As a black community here, it is important for them to feel safe, accepted and have their voices be heard.

Mayor Erickson said she worked with Danielle on Housing Kitsap for many years, and said she has a wonderful husband and a beautiful family, and they will be missed.

Carollynn Zimmers said regarding the Public Safety/Legal committee and the offensive term used on the agenda item. She requested the councilmember who used the term to use the GARE training available to them. She said workshops should continue to allow citizen comments and didn't like the dialogue she heard regarding citizen comments.

Pam Keely expressed concerns about the Public Safety/Legal committee meeting this afternoon. She has been in correspondence since that meeting with the Council and Mayor and Mayor responded this is why the council should move from committees to full council meetings. She needed more explanation of this rationale. She would like them to work together to meet issues of bias and discrimination and inequity together. She knows the City has tools, and now it is a matter of will to implement them. She asked that they reconsider eliminating the committee meetings where there is genuine engagement.

4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Livdahl said she would appreciate when questions and concerns come up about something new that is being proposed, that instead of going directly to social media and making posts full of inaccuracies that you come to us first. The workshop happened on Saturday August 6, and by Sunday there was a post, but the video wasn't even put up yet, so there was no way to reference the words that were spoken accurately. It is untrue that the workshops will not involve others. Our committees are run at the discretion of each chair and lack consistency. When you want to talk about equity, it is not equitable to have every chair doing something a little bit different. It is true that at times members of the public have been invited to speak and dialogue and sometimes that works, and sometimes with the amount that is on the agenda, it doesn't really work that well. If there were more than a couple people involved, that would be really challenging to get through the entirety of the agenda. It is not right; we are in a representative democracy. We have been elected to represent you and there have to be some procedures and limitations on how we run these meetings, and they are not an ideal format for open back and forth dialogue. That is how it is unfortunately. As councilmembers, they make themselves very available. Her personal cell phone number is on the bottom of every email. All of us have offered to meet with constituents face-to-face, and it is frustrating to go to social media and find misinformation about what we said.

Councilmember Musgrove appreciated the comments that were made. He did mention the state law, and his concern was configuring comments in a way that everyone would get their shot without overly burdening the back-to-back meetings in an efficient manner. If we are having a council of the whole and trying to have 5-6 different committees put into a committee of the whole, it can get chaotic. His point was they do not wish to stifle communication, but we have to know what our limits are and how to make the meetings efficient.

Councilmember Lord thanked Shannon for his heartfelt comments. He touches their hearts and they are committed to being as receptive and engaging and proactive as they possibly

can, and they are all on a learning curve. She agreed with Councilmember Livdahl's comments. The committee meetings were originally designed to allow the council to dig deep into a topic and get clarity and bring it back to the rest of the council, so they wouldn't spend a ton of time going into the weeds at the Council table when it wasn't necessary. However, the committees did evolve and followed the lead of the council meeting and accommodate having citizen comments during committee meetings. There isn't consistency though throughout the meetings because it wasn't designed for a formal citizen comment period. They are trying to adjust themselves and see if they committees need to be replaced.

She said the Arts by the Bay event is this weekend on the waterfront park and on August 27 is Liberty Bay Festival.

Councilmember McGinty thanked Shannon for his positive comments. It is encouraging, typically all they hear are negative comments and complaining.

Councilmember Stern said they will miss Shannon and Danielle. As far as the discussion of the committee and workshops, he has remained silent and is wanting to hear everyone's thoughts. He helped create the committees and will remain open. He said they were designed for informality and flexibility. But he feels the OPMA and all its requirements takes that format away.

Mayor Erickson said she a councilmember submitted an idea to put on the PS/L meeting agenda, and she was inadvertently left off the email. The staff member came to her and asked if she wanted it on the agenda, and she didn't think it would be a constructive conversation and told her no. She also noted this staff member doesn't even work for her, she works for the Judge. There was a clerical error and the item appeared back on the agenda, much to many people's consternation. She didn't look at the agenda when it was published but saw it this morning. It was an honest mistake made by a well-intended person. This whole convoluted process happened with one committee, and it is a classic example of how it can get sideways. She said it will be talked about later on tonight.

Mayor Erickson said she is beginning to craft this parking committee and asked them about people they think should be on the committee. The committee will discuss what they can do to mitigate their downtown parking issues.

a. Department Head Reports

Police Chief Harding offered for anyone concerned about the agenda item, he asked that they send him an email and they can share their policies on responding to undocumented people. We have no contingency plan, or any kind of expectation of any emergencies.

Public Works Director Lenius said Josh Ranes has been promoted to the City Engineer

position. He brings a great deal of experience, and the team is happy to work with him and for him and support him. On Friday, they anticipate the detour on Front Street will be fully removed. On Monday, the Sophie will be paving in front of the building. The contractor has met with all of the businesses in the vicinity of the building, and on Tuesday they will pave the alley. There will be flaggers out and one lane of traffic open at all times.

City Engineer Raney thanked Diane for the kinds works. They are finishing up the safety project. Next Wednesday they will be doing some paving at the Fish Park entrance.

5. CONSENT AGENDA

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

The items listed are:

- a. Payable Disbursements for July 2022
- b. Approval of Council Meeting Minutes for July 6, 2022

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

6. BUSINESS AGENDA

a. Board and Commission Appointments

Administrative Services Manager/City Clerk Fernandez presented two applications and relayed that Mayor Erickson has appointed the following respective board and commission members to fill unfinished terms and seeks Council concurrence:

BKAT Advisory Board (term expiring 12/31/2023): Scott Wistrand

Civil Service Commission (term expiring 12/31/2026): Erik Hovey

Mr. Wistrand said he was honored and excited for the appointment and eager to learn more about the public access station in the County.

Councilmember Lord said both candidates are excellent, and they have appropriate backgrounds for the positions.

Motion: Move to confirm the Mayor's recommendation for appointment to the BKAT Advisory Board and Civil Service Commission as presented.

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

Motion carried unanimously.

b. City of Poulsbo Updated Right of Way Procedures Approval

Senior Contracts Administrator Zieman noted that as part of the WSDOT Right of Way process for federally funded projects, it is necessary for the City to update its Right of Way Procedures document. She shared the updated ROW Procedures and requested the City Council's approval.

Councilmember Stern said the whole Noll Road process went very well. His question is when the city has right of way that has been encumbered by private enjoyment of property owners over 50 to 100 years. Does this apply to a project like 3rd Avenue. Senior Contracts Administrator Zieman said the encumbrances would be removed before moving forward.

Councilmember Musgrove said it this appears to be mostly housekeeping, minor updates, and nothing of substance other than what was clearly outlined in the presentation. Senior Contracts Administrator Zieman said this is correct, and this particular format is the WSDOT format, and we are following it.

Councilmember Musgrove said this was also important to reduce risk to any of our grants that apply to our right-of-way projects.

Councilmember McGinty thanked Diane and April for the great work they did on the first part of Noll Road. Each property has their own opinions and thoughts about their properties. It is a lot of challenging work with a lot of personalities involved.

Motion: Move to approve the City of Poulsbo Right of Way Procedures and authorize the Mayor to sign the Right of Way Procedures document on behalf of the City.

Action: Approved. **Moved by** McGinty, **Seconded by** Musgrove.

Motion carried unanimously.

c. ADA Ramp Replacement Project – Budget Amendment and Grant Acceptance

City Engineer Raney presented the agenda summary, noting the City was recommended for a TIB Complete Streets grant by the Dept. of Health. The City submitted 2 different projects and was awarded a grant by TIB to make ADA Improvements in the City. The grant is for \$600,000 and has a \$0 City match. A budget amendment in the amount of \$600,000 is presented for approval to establish the ADA Ramp Replacement project in the City's CIP. The Engineering Department will also request acceptance of the \$600,000 TIB grant from City Council.

Councilmember Lord said Public Works Committee reviewed this last week and recommend approval.

Councilmember Stern asked how long we are given to obligate and spend and engineer where we are going to be doing substantial work on 3rd Avenue. City Engineer Raney said this is state funded and it is something we look at during our selection process. That is not within the scope of this project right now. If we were to do 3rd, that would be a different story.

Motion: Move to approve a budget amendment in the amount of \$600,000 with 100% grant funding, to establish the ADA Ramp Replacement project in the City's CIP.

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

Motion carried unanimously.

Motion: Move to accept the TIB Complete Streets grant in the amount of \$600,000 with a \$0 City match and authorize the Mayor to sign the grant agreement on behalf of the City.

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

Motion carried unanimously.

d. Opioid Litigation Settlement

Mayor Erickson presented the agenda summary, noting in May 2022, the City of Poulsbo signed the One Washington MOU, which provided for the allocation among local governments of a potential settlement with opioid distributors AmerisourceBergen, McKesson, and Cardinal Health. That MOU provided that if a settlement was reached between the state, the distributors, and the litigating local governments, the local government share would be distributed according to a formula set out in the MOU. A settlement has now been reached with the state, the distributors, and the litigating local governments. The settlement amount is \$518 million, \$430 million of which is to be spent in Washington on opioid issues. The proposal is for the state and the local governments with populations in excess of 10,000 to split the \$430 million 50/50, i.e., for the state to get \$215 million and the local governments to get \$215 million. In order to participate in that \$215 million, it is necessary for the City to sign two additional documents – an allocation agreement, which agrees to the 50/50 split between the states and the local governments, and a participation form, in which the signing city agrees to accept its share of the settlement proceeds and waives any further claims against the three distributors who are parties to the settlement. The allocation agreement needs to be signed and the participation form needs to be signed & submitted no later than September 23, 2022. The total amount will be paid out over 17 years. When the payments start coming in on December 1, the money will be allocated according to the 50/50 split in the allocation agreement and then the formula in the One Washington MOU.

Motion: Move to approve the participation form and allocation agreement governing the allocation of funds paid by the settling opioid distributors in Washington State and authorize the Mayor to execute the agreements.

Action: Moved by McGinty, Seconded by Lord.

Motion carried unanimously.

e. Council Committee Restructuring

Mayor Erickson presented the agenda summary, noting at the August 6, 2022, Council Retreat, the Council discussed changing the format of council committees to a workshop of the whole Council.

It was proposed that the workshops would begin at 5:00 p.m. on the 1st, 2nd, and 3rd Wednesday of each month in the Council Chambers.

After discussing with staff, Mayor Erickson presented an alternative format, that would have all meetings beginning at 5:00 p.m., and either be a full workshop, a full council business meeting, or a double meeting (part workshop/part council business). She recommends having citizen comment at the beginning and end of every meeting, and a 30 minute break during the meeting for consistency.

Councilmember Stern said before the formal adoption of the committee system in the PMC, there was one standing committee, and it was the Finance Committee due to the complexity of the budget.

Councilmember Lord said there is a fourth Wednesday for special workshops, and they should continue to use that. Her thinking was taking the "ordinary" topics they cover in committee and bring into a workshop of the whole. She still wants to preserve the special workshop as needed for extraordinary topics that will take a lot of time.

Councilmember McGinty said they need to think about what they want to accomplish. He gave the example of the Public Safety/Legal committee meeting tonight, and a lot of it was staff reports, which could be done via email. They had the meeting cause it was scheduled, but those types of items could be condensed or done away with to become more efficient. We need to figure out what will be in the workshop format.

Councilmember Livdahl said some flexibility would be nice, considering at last week's council meeting there was one agenda item. She agreed there was a lot of redundancy in the former process. She said the fourth Wednesday would be fair game to use as needed. She said they will always know they have meetings scheduled for Wednesdays at specific times, it is just the format that will vary from week to week. She confirmed it will be noticed.

Councilmember Lord asked how the fourth Wednesday would be pulled in. Mayor Erickson said the next two meetings would be regarding budget, and have them be full workshops. She asked if she had the flexibility. Councilmember Lord asked how we would be legal on the fourth meeting. It is codified we have a Council meeting. City Clerk Fernandez said after consulting with the City Attorney, she will be noticing every meeting as a "special meeting." Then in January, if we want to continue with the new format, it will be codified.

Councilmember Livdahl said none of them have it all figured it, there will be trial and error. A few key points for our community members is that consolidating the time makes it more accessible. Accessibility and engagement is more people being able to come, listen, and engage. It is hard to attend all the committee meetings and they overlap. This will also help the Council. They cannot be the best representatives if they are not informed. She used to attend Public Works Committee, and felt really in the know and now she is not. It is frustrating.

Mayor Erickson said she is hearing she has consensus to move forward with the new proposed structure, with the flexibility to change the format (workshop only, business meeting only, or a double meeting – both workshop and business) based on the what needs to be presented.

Councilmember Musgrove said as they move through this new process, they should expect to spend as much time, if not more initially, while they work through this. In a general sense he agreed with the Mayor for an option for any meetings necessary, cause they don't have the option to not do the work. He asked if they need a resolution to suspend the committee rules.

City Clerk Fernandez said a motion should be made tonight on how they want to move forward.

Councilmember Livdahl referenced when Councilmember Stern said the committees use to be informal, but OPMA has changed that. In committee they are accustomed to be able to take a topic and ask for it to be added to the agenda.

Mayor Erickson said they should bring up topics that they want to discuss.

Councilmember Stern said the Mayor does not approve the council agendas, she reviews them. These are the council's committees. Originally it was the council doing it, separate from staff, to pursue their own goals and objectives. His fear is in overlapping if the mayor, council and city pretend to be one thing. How do they maintain their independence? They get to drive the bus on policy and budget. In the workshop format, it could get easily confused.

Mayor Erickson said she acknowledges and respects those rules. The workshops are the Councils – if there are topics they want to discuss, the Council needs to let her know so they can be added.

Councilmember Stern mentioned the Finance Committee was the one standing committee in the past to wrestle the various policies and priority the budget is to reflect. Most times things are worked out early, but there are times it came down to the December vote with three columns of figures.

Councilmember McGinty said perhaps if there are a number of councilmembers who are interested in adding a topic, it can be added, but if it just one councilmember, maybe they have a one-on-one with the staff, in order to not make it complicated.

Councilmember Lord is concerned about treating this with the lens of open public meeting and when the public could weigh in. Mayor Erickson said there would be public comment on each type of format of meeting.

Councilmember Lord asked if the Mayor had a chance to talk with the department heads on how the agendas would be formed. Mayor Erickson said she meet with all the department heads and said we need to be on our A-game. We are now taking this to all councilmembers, we need the presentations to be more precise. Instead of spending 45 minutes about the conversation of one sewer pipe, it will be three minutes and we will have to move on.

Councilmember Musgrove said what we have now works well in the committees, for example in PWC – staff will send out a list of things they need to discuss, and they come up with different lists and they could probably continue using that if everyone puts their lists up we can create the agendas. Regarding comments during the workshop, there was a suggestion for requesting citizen comments for items on the agenda for the workshop items.

Councilmember Livdahl said it would be the most useful to get comments at the end of the meeting. But she clarified at the committees it has been a privilege, not a right, to have the back and forth, casual dialogue. They are not trying to squelch engagement, but they have to keep the meeting rolling from a procedural standpoint, and it can quickly go off the rails if there is a lot of back and forth. She said at the business meetings citizens have their three minutes to talk about anything they want.

Councilmember Lord agreed with Councilmember Livdahl's and Musgrove's comments. In the workshop setting, it should be on the pertinent topics. She also agreed it is not meant to be a dialogue, and limit it to three minutes. It is like public testimony in a sense.

Councilmember Stern would like to maintain the “questions and concerns of the committee” on the future agendas.

Councilmember Musgrove said at some committees, they have had liaisons reporting from various agencies. Councilmember Livdahl said that was part of the redundancy, as the Council is reporting them out during the board and commission reports. Councilmember Lord said there may be times where an agency may want to come and speak to us outside of the reporting. Councilmember McGinty said they could ask to be added to the agenda during the workshop portion of the meeting.

Motion: Move to approve holding Council workshops from September 2022 to the end of December 2022, canceling committee meetings during the same time period, approving the start time of 5:00 p.m. for all council meetings/workshops including suggestions that were made at the table tonight

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

Motion to amend: add “and to end the meetings at 9:00 p.m.” to the motion.

Action: Moved by Musgrove, **Seconded by** Livdahl.

Motion to amend carried unanimously.

The amended motion carried unanimously.

7. COUNCIL COMMITTEE REPORTS

Public Safety/Legal Committee: Councilmember McGinty reported the status of fireworks restrictions would be moved to a meeting of the whole Council; municipal court jury trials are no longer back logged with one in the queue; on Monday the Fire Department is hosting a crisis intervention training (40 hours long); the Police Department noted calls have gone up.

Poulsbo/BI Ad-Hoc Joint Committee: Councilmember Stern reported they met on July 29 and items discussed were District Court for the north end (equity proposition); Olympic Discovery Trail; Tiger Grant applications; Community Source Aggregation (PSE); a shared home share program; medical deficiency in the north end; joint bidding opportunities with single contractor.

8. BOARD/COMMISSION REPORTS

Mayor Erickson reported on the Local Integrating Organization of the Puget Sound Partnership (PSP) meeting. The PSP was there, and they swept all of our money. PSP said they got direction from EPA Area 10 that none of the money was for physical projects, but was supposed to be used to form an information hub to help local jurisdictions plan and

put together projects, because local jurisdictions didn't have that level of expertise. The next day she attended the Ecosystems Coordination Board (big policy board for PSP). Part of the new infrastructure funding is talking about dividing up a billion dollars with no processes clearly established as to how it will be divided. Councilmember Stern recommended she contact Carl Schroeder regarding these entities and the history, and Kate Kruller from Tukwila.

9. CONTINUED COMMENTS FROM CITIZENS

Rick Eckert recommended looking at the school district's agendas, it is similar to what they are discussing moving towards.

10. MAYOR & COUNCILMEMBER COMMENTS

Councilmember Livdahl said she cannot wait for the ribbon cutting of the roundabout artwork.

Councilmember Musgrove thanked the IT department of the improved sound during meetings. He asked everyone to be kind, caring and considerate.

Councilmember Lord thanked her colleagues on a good conversation tonight. She thanked staff, who will be coordinating how to put it together. It will be a challenge, but she is sure they are all up to it.

11. ADJOURNMENT

Motion: Move to adjourn at 8:58 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