

POULSBO CITY COUNCIL MEETING OF JANUARY 20, 2016

MINUTES

PRESENT: Mayor Erickson; Councilmembers Henry, Lord, McGinty, Musgrove, Stern, Thomas.

Mayor Erickson and Councilmember Stern arrived at 7:38PM

Staff: Finance Director Booher, Senior Planner Boughton, Office Clerk II Diehl, Risk Manager Purves, Engineering Technician Roberts, IT Manger Stenstrom, Police Chief Townsend.

ABSENT: Nystul.

MAJOR BUSINESS ITEMS

- * * * Payable Disbursements for November 2015
- * * * Kitsap County Juvenile Detention Interlocal Agreement Renewal
- * * * Board and Commission Reappointments
- * * * Ordinance No. 2016-02, Emergency Fireworks Ban
- * * * Ordinance No. 2016-03, Updates to Animal Control 6.02
- * * * Comcast Right of Way Night Work
- * * * Poulsbo Place Master Plan Extension Consent
- * * * Draft Title 19 Workshop

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Deputy Mayor McGinty called the meeting to order in the Council Chambers at 7:02 PM and led the Pledge of Allegiance.

2. AGENDA APPROVAL

Deputy Mayor McGinty announced there will be an Executive Session added to the end of the meeting to discuss Qualifications of an Applicant for Employment and Business Item 6a will be moved to the end of business section.

Motion: Move to approve the agenda as amended.

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

Motion passed unanimously.

3. COMMENTS FROM CITIZENS

Deputy Mayor McGinty asked for citizen comments; no comments were received.

4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Thomas noted he attended the Noll Road Improvements open house last night and found the citizen involvement to be incredible.

5. CONSENT AGENDA

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

The items listed are:

- a. Payable Disbursements for November 2015
- b. Kitsap County Juvenile Detention Interlocal Agreement Renewal

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

6. BUSINESS AGENDA

a. Board and Commission Re-Appointments

Moved to end of Business Agenda.

b. Ordinance No. 2016-02, Emergency Fireworks Ban

Risk Manager Purves explained: this item had been discussed in the Public Safety/Legal Committee a few times; current legislation would make this law effective one year from time of adoption of the ordinance; this ordinance would not be in effect until 2017; this ordinance was triggered by the dry summer we had in 2015; Bainbridge Island currently has an ordinance like this one which allows them to ban fireworks on certain years when the fire danger is considered high; different options were discussed such as the Emergency Fireworks Ban or restricting hours of fireworks; the Public/Safety Legal Committee choose the Emergency Fireworks Ban; the Fire Chief would be the one responsible for declaring the extreme fire danger.

Fire Chief Jeff Griffin reported: a series of triggers must happen before an extreme fire danger would be declared; the series of triggers include a drop in fuel moistures and the county fire marshal would have to declare a burn ban with a red flag warning; this ban would never apply to large public community displays; this would only effect fireworks in the city limits of Poulsbo and not the county; he has heard the county is also discussing creating an ordinance similar to this one, but nothing

has been solidified; there are seventy-two cities in Washington that currently have enacted an ordinance like this.

Councilmember Thomas recommended adding an amendment to Section 2 of the ordinance. The amendment is to read as follows:

The Kitsap County Fire Marshal's Burn Ban, based upon fuel moisture measurements, must be declared and in place prior to this determination as a minimum.

Motion: Move to approve Ordinance No. 2016-02, an ordinance of the City of Poulsbo, Washington, amending Chapter 8.20 of the Poulsbo Municipal Code in order to add a section which allows the Fire Department to prohibit the discharge of fireworks during periods of extreme fire danger; providing for severability and establishing an effective date as amended

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

c. Ordinance No. 2016-03, Updates to Animal Control 6.02

Risk Manger Purves explained: the Kitsap Humane Society serves as animal control for all cities and the county; all which have different rules and regulations; these additions to our code would help to standardize the enforcement with the Kitsap County Codes; the Kitsap Humane Society suggested adding two codes that currently do not appear within our code; the two codes to be added to our code are regarding animal neglect and animals being confined to wheeled vehicles; the Kitsap Humane Society would create a report and send it to the City Prosecutor for prosecution.

Chase Connelly, animal control officer for the Kitsap Humane Society, explained: currently in Poulsbo there is law on the books for animal neglect which is a criminal offense and has strict guidelines; in a case where the strict guidelines are not met, having this new ordinance on the books will allow animal control to still provide enforcement; with the animal confined to a vehicle law, it would apply to situations of extreme hot or cold; Kitsap Humane Society has ways to measure temperature such as thermometers at go in a car's window and looking for signs within the animals behavior; when one of these condition's fall within the parameters they have set up then action can be taken; if an animal has been found to be in distress while confined to a vehicle, all avenues will be exhausted to find the owner but if the owner is unable to be located the window will be broken to remove the pet; if a pet is removed from a vehicle it will be taken to receive veterinary care and then turned over to the Kitsap Humane Society.

Motion: Move to approve Ordinance No. 2016-03, an ordinance of the City of Poulsbo, Washington, relating to animals; and adding new sections 6.02.095

Confinement of an Animal in a wheeled vehicle and 6.02.145 Failure to provide adequate care; and providing severability and establishing an effective date.

Action: Approve, **Moved by** Henry, **Seconded by** Thomas.

Motion passed unanimously.

d. Comcast Right of Way Night Work

Engineering Technician Roberts reported: the city received a request from Comcast to bring some fiber lines across Lindvig Way from Viking Avenue to the Cenex Building; due to this being one of the busier intersections in Poulsbo, the Engineering Department felt this would work be better done at night to lessen the impact to vehicular traffic; they are requesting a single lane closure and will provide a flagger; it will be 1 to 2 hours of work; work hours will be 9pm to 5am.

Councilmember McGinty noted the Public Works Committee recommended approval of the night work.

Motion: Move to approve the Comcast night work Right of Way request.

Action: Approve, **Moved by** Thomas, **Seconded by** Henry.

Motion passed unanimously.

e. Poulsbo Place Master Plan Extension Consent

Senior Planner Boughton reported: a request was received by the owners of Poulsbo Place Division 8 for an extension of the Master Plan; the Poulsbo Place Master Plan was approved 20 years ago; there was a provision in the Master Plan that required completion of the project within 20 years and an extension of that time could be granted by the City Council; the owners have requested a 5 year extension to keep what is in place now to allow them time to go thru the Master Plan Amendment and Site Plan processes; the parcel is 1.14 acres and was approved for a commercial building; they recently submitted a Master Plan Amendment and Site Plan which contains an amendment for an assisted living facility; if an extension is not granted the zoning districts would revert to the current zoning of commercial and residential high.

Mayor Erickson and Councilmember Stern arrived to the meeting at 7:38pm

Motion: Move to approve the requested extension for the validity of the approved Poulsbo Place Redevelopment Master Plan for an additional five years, and thereby extending the PPRMP approval until January 24, 2021.

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

Motion passed unanimously.

a. Board and Commission Reappointments

Mayor Erickson asked for council concurrence of the reappointments as follows: Kate Nunes to the Planning Commission, Norm Hersman to the Park & Recreation Commission, & Janet Brown, Bess Bronstein, Jenise Bauman to the Tree Board. Erickson mentioned how important volunteers are to the city.

Motion: Move to concur with the Mayor's recommendations for reappointments as follows: Planning Commission: Kate Nunes – term expiration 12/21/2021; Parks and Recreation Commission: Norm Hersman – term expiration 12/21/2018; Tree Board: Janet Brown – term expiration 12/31/2018, Bess Bronstein – term expiration 12/31/2018, & Jenise Bauman – term expiration 12/31/2018.

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

f. Draft Title 19 Workshop

Senior Planner Boughton gave a presentation on Title 19 update which included: Title 19 is the last chapter of the Poulsbo Municipal Code; it is the response to the State Legislatures Regulatory Reform Act which was adopted in 1995; all jurisdictions were required to establish a procedural ordinance to outline the parameters and procedures for Land Use Permits; it is tied into the Growth Management Act; it sets uniform parameters and general procedures on how local jurisdictions will process and consolidate land use permits; the City adopted an interim ordinance in 1996 and finalized Title 19 in 1997; there has been some select amendments since 1997 such as establishing the hearing examiner process; there was an opportunity to update and reformat Title 19 for the ease of administration and other revisions.

Boughton explained the organization of Draft Title 19 as:

Section 19.10 General Provisions - establishes the authority of Title 19.

Section 19.20 Application Classification - defines the five types of permits.

Section 19.30 Application Submittal Requirements - explains the pre application process.

Section 19.40 Application Review Procedures – defines the timeframe the City has to complete a review.

Section 19.50 Public Notices - new section that consolidates all the public notice requirements into one section.

Section 19.60 Neighborhood Meetings – required for all Type III projects.

Section 19.70 Decision Appeal Procedures - sets forth the procedures for the appeal process.

Section 19.80 Time Frames for Review – defines the timeframe the City has to finish a review and the new section will cover the timeframe an applicant has to submit requested documentation.

Section 19.90 Post Decision Procedures - how to complete a post decision review.

Boughton noted the significant new provisions to Draft Title 19 as:

- Binding Site Plans have been changed from Type III to Type II
- Include preliminary substantive review during technically complete review
- Establish maximum timeframe to turn in all materials necessary for a technically complete application
- Extend the review timeline from 14 days to 18 days for Type I permits
- Add to Type III permits, continuing the public hearing and remanding for additional information, analysis revisions or materials as one of the Review Authority's expressed options
- Created a new Section 19.50 Public Notices, where all requirements for noticing is located
- Require Type II NOAs to be published in newspaper
- Include public meeting notices for Planning Commission Meetings
- Require the applicant to complete the public hearing board posting
- Appeals of Hearing Examiners Type III and Type I/II decisions are all made to the Kitsap County Superior Court
- New Section 19.80 establishing maximum timeframes for review by the City and maximum timeframes for the applicant to provide revisions, corrections, studies or information required by the City
- Revised Post Decision Review to provide more details for permit extensions, modifications to final permit approvals, modifications and revocation of permits

After City Council discussion, the councilmember's wished to keep the appeals of the Hearing Examiner in house as opposed to sending them to Kitsap County Superior Court.

Boughton stated the steps which have been taken so far as: the draft was publicly released on November 16th; the packet was provided to State & Local Agencies, Local Development Community Members, Homebuilders, & interested parties on the e-notice list; Notice of Application was issued on November 20th; Planning Commission held three workshops in December; at the conclusion of the 3rd workshop the Planning Commission prepared a modified Draft Title 19; a public hearing was held on January 12th; the planning commission forwarded their recommendation to the City Council at the conclusion of the public hearing.

Councilmember Lord expressed the following concerns: she questioned the term Liberal Construction; requested the term “permit intake appointment” found in section 19.30.020.A, be placed in the definition list in section 19.10.030; in section 19.40.050.A.6 the term “this shall not apply to City initiated amendments”, was removed and wanted to know the reasoning behind that.

Boughton explained the concerns addressed by councilmember Lord as: the term Liberal Construction is a legal term which our City Attorney has requested she use in numerous land use documents that basically ensures the whole packet gets reviewed not just pieces when something come into question; she stated the definition for permit intake appointment could easily be added to the definitions section; she explained the Planning Commission requested this change since they felt the City should be on the same playing field as other applicants.

Boughton questioned if the Council felt they needed another workshop on February 3rd. The Council agreed they felt comfortable with the information presented and did not see the need for an additional workshop. Boughton noted the City Council Public Hearing is tentatively set for February 10th.

7. COUNCIL COMMITTEE REPORTS

Public Safety/Legal Committee Meeting: Councilmember McGinty reported they discussed different scenarios on the handling of the Porter incident in which they agreed on three major areas for review – body camera policy, handling of outside jurisdiction calls, & physical control of vehicles. McGinty noted he was elected chair of the committee.

Finance/ Administration Committee: Councilmember Thomas reported they are postponing the chair election until the full committee is present and they reviewed the proposed resolution regarding mayor signature authority.

8. DEPARTMENT HEAD COMMENTS

None.

9. CONTINUED COMMENTS FROM CITIZENS

Barbie Vanhorn, a county resident, asked for collaboration on a project with Kitsap County Public Works that was started in 2003. Vanhorn explained in 2003 the KC Public Works widen Finn Hill Road and took a portion of her property which she was compensated for and it was also agree upon to connecting the two homes on the property to the sewer system. KC Public Works has connected one home, but not the

other. The septic system on the home that is not hooked up has failed and KC Public Works is suggesting she spend \$20,000 to connect to sewer when she has it in writing they had agreed to hook it up back in 2003. Ms. Vanhorn has had no resolution with the KC Public Works and they have stated she needs to talk to the City of Poulsbo since she would be connecting to their sewer system. Mayor Erickson suggested Ms. Vanhorn make an appointment to come see her and they will go over her documentation to see what the City can do.

10. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

Councilmember Stern commented on an article that appeared in the Seattle Times regarding backyard cottages, mother in-law apartments, accessory dwelling units, in which he finds it to be very encouraging and a real alternative.

Mayor Erickson congratulated the Poulsbo Chamber of Commerce for the Gala they held last Saturday. Erickson noted Ardis Morrow was named person of the year, Tim Ryan Construction was name company of the year, Martha & Mary was named organization of the year, Kathi Foresee was named volunteer of the year, & Eric Mahler was named emerging young business owner.

Councilmember Henry noted he made a trip to Olympia last Thursday to testify on the body cam bill and noticed today it passed in house judiciary committee.

11. EXECUTIVE SESSION – QUALIFICATIONS OF AN APPLICANT FOR PUBLIC EMPLOYMENT PURSUANT TO RCW 42.30.110(1)(g)

Motion: Move to adjourn from Executive Session.

Action: Adjourn, **Moved by** Henry, **Seconded by** McGinty.

Motion carried unanimously.

At 8:59 PM, Mayor Erickson recessed the meeting into a 30-minute Executive Session for the purpose of discussing qualifications of an applicant for public employment pursuant to RCW 42.30.110(1)(g).

12. ADJOURNMENT

Meeting adjourned at 9:30PM.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, CMC, City Clerk

Respectfully prepared and submitted by Kati Diehl