

POULSBO CITY COUNCIL MEETING OF JANUARY 18, 2023

MINUTES

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

Staff: City Clerk Fernandez, Police Chief Harding, Utility Engineer Roberts,
IT Manager Williamson, Housing, Assistant City Administrator Booher, Public
Works Director Lenius

ABSENT: Councilmember Stern and Phillips

MAJOR BUSINESS ITEMS

- * * * Workshop - Fireworks Ordinance Continued Discussion
- * * * Workshop - Alasund Meadows Pump Station Consultant Contract
- * * * Workshop - Budget Amendment for Dual Factor Authentication
- * * * Workshop - Council Liaisons Continued Discussion
- * * * Workshop - Future Agenda Items Discussion
- * * Agreement with Kitsap County to Support Poulsbo Fire Cares
- * * * Payable Disbursements for November 2022
- * * * October 12, 2022, Council Meeting Minutes
- * * * October 19, 2022, Council Meeting Minutes
- * * * Kitsap County Sewer Interlocal Agreement

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

Councilmember Livdahl asked to add an item to the top of the workshop agenda.

Motion: Move to approve the agenda as revised

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

Motion carried unanimously.

3. COMMENTS FROM CITIZENS

Carolynn Zimmers commented on the article in the Kitsap Sun regarding former City Prosecutor Foster.

4. WORKSHOP AGENDA

a. Questions & Concerns of the Council

Councilmember Livdahl read a statement in response to disturbing event of homophobic hate speech by individual with a bull horn on Front Street and invited Councilmembers to sign onto the statement with her. The Council and Mayor supported the letter and agreed to sign on.

Councilmember Musgrove suggested solar powered flashing stop signs could be something to look into and discuss in the future.

Councilmember McVey suggested an information session for prospective councilmembers to learn the process for running for office and learn what the Council does. The Council supported doing this event again on the last Saturday of March.

b. Department Head Reports

Mayor Erickson responded to Dr. Zimmers' comments.

c. Board, Commission, and Outside Agency Reports

None.

d. Fireworks Ordinance Continued Discussion

Police Chief Harding presented two versions of draft ordinances noting that at the October 18, 2022, Council Workshop, the council discussed two options for amending the Fireworks code: 1) one changing the days that fireworks can be discharged to be in alignment with Kitsap County, and 2) a full fireworks ban.

Chief Harding noted enforcement is challenging because it is a civil penalty, and it requires officers to see the offense. The other subtle consideration is if there is any level of non-cooperation from users, they would not use force to gain compliance for a fireworks violation. He had a good conversation with Bainbridge Island Police Chief and learned from them the approach they have taken with a complete ban. They have gathered more data on the offense and campaigned through an education program to raise community awareness on the issue. They have not enforced yet, and gone with an educational approach and issued warnings, and increased their presence during the holiday. Reflecting on conversations the Council has had, there are two paths in either mirroring the County and restricting usage times and emphasize with an increased level of enforcement/education or go with a ban and give themselves a two-year lead time for community education. Another option would be to survey the community to see which course they would like to do.

Fire Chief Gillard said they are here to support Chief Harding with the education component of this. They have looked at their metrics for fireworks-related incidents and they don't see a statistically significant increase for risk in public safety for fireworks use.

Councilmember Musgrove agreed education is the backbone of anything moving forward. He asked if there could be an opportunity to work with the Tribe to disseminate which fireworks are permissible in the City.

Councilmember McGinty said maybe they could create informational flyers and ask if they could hand them out to people purchasing fireworks.

Councilmember Lord said they need to do something. She is concerned about putting an ordinance together and having no way to enforce it. However, she thinks how they have it right now is excessive for the number of days it is allowed to discharge fireworks. The City needs to mirror the County at a minimum. She prefers to start with a two-year education window by mirroring the County's timeframe to begin with.

Councilmember McGinty agreed with mirroring the County, a total ban is tough to do.

Councilmember McVey said this issue has gotten out of hand, because they currently allow fireworks for eight days, which is too long. Citizens complain about it disturbing pets, individuals who suffer from PTSD, and now climate change/forest fires. He has been leaning towards a complete ban but wanted to hear from the Chief on what it meant from an enforcement perspective.

Chief Harding said it would be good to start with reducing the days, to staff up and measure what affect a task force would have in the reduction in complaints. He would like to measure that.

Councilmember Musgrove supports compromise and tolerance to find a happy ground between both ends of the spectrum. He recounted how Pasco reversed their decision from banning fireworks to allowing fireworks. He wants to educate the public and give the police department the best options for enforcement, which would take time. He supports the simple modification of the code to match the County.

Councilmember Livdahl supports a total ban, while recognizing we won't get there in a single step. Other areas that affect her decision are people who are neurodivergent or have sensory processing issues. It also affects wildlife and small children who need to sleep at night and people who have to work during the holiday or the day after. It makes practical sense to move towards matching the County, but she would like to reach out to the community and see what they want. If they want a total ban, they could work towards that in the next couple years.

Mayor Erickson said she is hearing a consensus to matching the County code, and then they could put a poll together to hear from citizens.

Councilmember McGinty supports matching the County and see how it goes. If it is still terrible, they can revisit it.

Councilmember McVey says reducing the days/hours is a step in the right direction as a first step, continue to study it and educate people, and then see if people are interested in a total ban.

Councilmember Lord agrees with McGinty and McVey's comments. A poll is a valid thing to do, but not at this point. She would prefer doing the education process first. She asked what the penalty was. City Clerk Fernandez said our current penalty is a misdemeanor, so it would remain a misdemeanor (no changes were made to the penalty portion of the ordinance, just the days/hours).

Councilmember McGinty asked about the option of tiering penalties for first offense, second offense, etc. City Clerk Fernandez said that was discussed with the City Attorney, we can change the infraction to be a civil penalty with tiered fines, but staff needs to know what the Council would like as far as penalties, and the ordinance could be revised.

Councilmember Musgrove said at this point he supports taking the first step in making a commitment to do the studies, surveys, planning, and see how enforcement goes and giving it a timeline for two years, and make it work.

Councilmember Livdahl asked how long it takes for the change to take effect. City Clerk Fernandez said because we are making our regulations stricter than the state law, then it takes a year to take effect from the ordinance adoption date. Councilmember Livdahl would like to start with the surveys sooner than later if the changes will not be in effect until 2024. Councilmember McVey concurred.

Mayor Erickson said the ordinance to mirror the County code will come back to a future agenda for a vote, and she suggested doing a survey on July 10.

e. Alasund Meadows Pump Station Consultant Contract

Utility Engineer Roberts provided a presentation, scope of work, and budget from on-call surveyor KPG Psomas to complete work outlined in the scope. This survey is for the Alasund Meadows pump station gravity sewer connection project, which will extend gravity sewer up Noll Road allowing the Alasund Meadows pump station to be converted to gravity flow. The project is in the 2023 Sewer CIP and intent is for City to design in-house with assistance from on-call services. The scope and budget are for a

survey consultant contract in the amount of \$18,530 which is within the overall budget for the project.

Councilmember Musgrove asked if this isn't just about getting rid of the pump or providing feed capability. Roberts said the neighborhoods are swapping sewer basins because they are being pumped from one basin to another. This project will put those houses back in the appropriate basin, and whenever you can take something off a pump station and onto gravity it is a good thing.

Mayor Erickson asked about the big property at Noll & Mesford and asked about latecomers' agreement. Roberts said that is a Mountain Aire Latecomer for undeveloped properties. The two neighborhoods connecting are not subject to the latecomer, because they already had sewer service. Mayor Erickson asked if we could do latecomers to properties in the County (all the way up Noll). Roberts said he is not sure the City could do a latecomer agreement because we are already collecting money as part of our capital program. He knows we cannot offer sewer service to the County; they would have to have a failing septic, and a process they would have to go through.

Mayor Erickson thanked Quadrant Homes for putting the gravity sewer on Noll; they saved Poulsbo citizens millions of dollars over its lifetime.

Councilmember Musgrove asked based on projects getting very expensive, will the fees continue to cover the costs of the projects moving forward. Roberts said prior to the County's \$4MM project that happened last month, they had done that analysis, and we were fine. We could raise the connection fees; we are currently in the middle of the high and low method of calculation. But they decided to keep them consistent. But they will bring forward another consultant contract with BHC to look at their financial model for our sewer utility.

Mayor Erickson said the consultant contract will be placed on consent agenda for the February 1st meeting.

f. Budget Amendment for Dual Factor Authentication

IT Manager Williamson presented a budget amendment and quote, noting that the IT Department is requesting approval to purchase and install Cisco DUO Multi-Factor Authentication to the City's network. This will greatly enhance network security by requiring unique username/password combinations, as well as a randomly generated code sent to users at time of login. The total budget amendment is for an annual subscription service for \$4,500, and a one-time purchase of the Duo On-Prem Virtual Server for \$1,180.

Councilmember McGinty asked if this is internal and external to the firewall. Williamson said it will be for everyone inside and outside of City Hall.

Councilmember Musgrove asked when they would be required to authenticate. Williamson said it will be required for network access and email access. It will be a single sign-on.

Councilmember Musgrove asked if he will continue to be the only one with access to his password. Williamson said it will not affect the network password policy.

Councilmember Musgrove asked if the app is put on a personal device, would this make their personal device open to records searches. Williamson said it would not, the app does not generate data, just a one-time code that lasts for 30 minutes.

The Council recommended moving this item to the February 1, 2023, consent agenda.

At 6:00 p.m., the entire Police Department staff joined the meeting to introduce themselves prior to their all-hands meeting.

g. Council Liaisons Continued Discussion

Mayor Erickson and City Clerk Fernandez provided feedback received from Council dated 01/12/2023, noting that at the 01/04/2023 Council Meeting, the Council reviewed the list of liaisons and thought the list could be updated. Council was asked to send feedback to the City Clerk for discussion at a future council meeting.

Discussion was held and liaison were assigned as follows:

- KRCC Transpol – McGinty
- SR-305 – Stern
- SR-3-307-104 – Mayor Erickson will let them know when the meetings are.
- WSPER Alt – will email Council when needed
- Poulsbo Fire – can invite bi-annual (more often if they want)
- Fishline – can invite bi-annual (more often if they want)
- Health District Alt – Stern
- P&R Commission/Tree Board/Trail Committee – Delete, they can come when they need, possibly an annual joint meeting
- NKSD – Phillips
- Historical Society – can invite bi-annual (more often if they want)
- Kitsap 911 Alt – will email Council when needed
- Chamber of Commerce – Livdahl
- HDPA – Livdahl
- Port of Poulsbo – Musgrove, and attend bi-annual (more often if they want)
- Colleges – Stern, Musgrove happy to help if needed

Mayor Erickson said she will be attending meetings to discuss health care services. Councilmember McVey would like to participate with her.

h. Future Agenda Items Discussion

The Council reviewed the future agenda items and made changes. The new Parks & Recreation Director will be coming to a future meeting to introduce himself.

At 6:24 p.m., Mayor Erickson recessed the meeting for a break.

At 6:31 p.m., Mayor Erickson reconvened the meeting.

5. CONSENT AGENDA

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

The items listed are:

- a.** Agreement with Kitsap County to Support Poulsbo Fire Cares
- b.** Payable Disbursements for November 2022
- c.** October 12, 2022, Council Meeting Minutes
- d.** October 19, 2022, Council Meeting Minutes

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

6. BUSINESS AGENDA ITEMS

a. Kitsap County Sewer Interlocal Agreement

Public Works Director Lenius provided KC-551-22, and informed that City and County staff have worked and negotiated on the Kitsap County Sewer ILA between City of Poulsbo and Kitsap County. The Agreement includes provisions for the City to purchase additional capacity at the CK Treatment Plant. The City will increase from 0.95mgd to 1.2mgd for a capacity purchase price of \$2.60m. This increases Poulsbo's share of the CKTP to 20% (1.2mgd / 6mgd). The cost of this increase will be \$2.25 million present asset value + interest for a total of \$2.6 million. Agreement also includes provisions for quarterly billings for City portion of County projects, City will retain connection fees, clarified sections for consistency, updated variable flow percentages, allows for future capacity purchase and agreement term is 20 years. The draft agreement was previously presented at Council workshop, and it has been reviewed and accepted by both City and County attorneys.

Councilmember McGinty said currently we can meet with the County during the planning process and contest charges and look at projects. He asked if that is still in this new agreement. Lenius said there is a requirement to keep us informed. They have requested to meet quarterly. We have a voice, but a small voice. We are also invited to all the Commissioner's meetings, and they have a positive relationship with Kitsap County and their staff, but they are in a lead role. When it comes to a wastewater treatment plant, City staff does not have that expertise on staff. If we wanted to provide feedback, we would have to go to an outside consultant.

Councilmember Musgrove said he presumes we will retain the County's connection fees on a permanent basis and asked what the County felt about that and asked for some context to a dollar amount. Lenius said there is no change in payment, more about where the money is held. Booher said right now we send over to the County their portion of the collection fees, and we are keeping a record on the side of the amount that is going to the County because we are using that as part of the City's contribution towards the County project. We do not collect interest on those funds and have a tracking system where she is keeping track of it. We will bring it into the City, we'll pay excise tax, but we will gain interest on the funds and will have control of our funds.

Motion: Move to approve Agreement for Sanitary Sewer Service KC-551-22 and authorize the Mayor to sign the agreement on behalf of the City.

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

7. CONTINUED COMMENTS FROM CITIZENS

Rick Eckert suggested sharing the invitation to the NKSD Board who are not running for office to attend the information session for running for elected office.

Carolynn Zimmers continued her comments regarding the article written by the Kitsap Sun.

Pam Keeley spoke regarding the Kitsap Sun article and that the City has tools to change racism. The City signed up for GARE, a toolkit for city government to understand how we are in the world with each other. She asked them to activate the GARE resources.

8. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Musgrove asked everyone to be nice to each other.

Councilmember Lord suggested during citizen comments second portion to remind them they have three minutes.

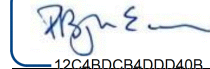
9. ADJOURNMENT

Motion: Move to adjourn at 6:49 p.m.,

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

Motion carried unanimously.

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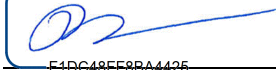


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Rebecca Erickson, Mayor

ATTEST:

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Rhiannon Fernandez, CMC, City Clerk