

City of Kenmore, Washington
City Council Regular Meeting
Minutes
March 16, 2015

CALL TO ORDER – The regular meeting of the Kenmore City Council was called to order by Mayor David Baker at 7:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Allan Van Ness and Councilmembers Brent Smith, Laurie Sperry, Milton Curtis, Nigel Herbig and Stacey Denuski

Staff present: Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Zack Richardson, Civil Engineer; Greg Lum, Building & Code Inspector; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

CITIZEN COMMENTS

James McNeal, 16314 Valhalla Drive, Bothell, was present on behalf of 1,300 people who have signed a petition on the One Bothell website asking for Council support for the purchase of the Wayne Golf Course along the Sammamish River in Bothell as a recreational restoration habitat for fish and wildlife and an education outreach regarding the Puget Sound, rather than allowing the site to become a housing development.

Andy Rehaun, 19621 109th Place, Bothell, Vice Chair for WRIA 8 Salmon Recovery Council, was present as a citizen to request support for a \$5M State legislature ask that the City of Bothell has placed in the Senate and the House budgets for the purchase of the Wayne Golf Course.

Sara Hayashi, 14615 81st Avenue NE, Kenmore, and Karissa Webster, 15325 75th Avenue NE, Kenmore, were present as board members of the Northshore Schools Foundation to invite the City Council, City Manager and Assistant City Manager to the Northshore Schools Foundation “All in for Kids” luncheon on April 7th at the Lynnwood Convention Center.

Pete Stoltz, 6423 NE 175th Street, Kenmore, was present to state that he is interested in working with the City to resolve complaints by citizens. He also detailed some of Cal Portland’s operations and their importance to the City and the region.

Patrick O’Brien, 6330 NE 181st Street, Kenmore, was present to state his concerns about staff reports which do not have hard facts and evidence as well as his concerns about noise violations and violations of business hours of operation.

Kate Donaldson, 6401 NE 181st Street, Kenmore, was present to state her concerns regarding high capacity transit on SR 522 and the industrial area of Kenmore.

Janet Hays, 6303 NE 181st Street, Kenmore, was present to state her concern that Citizen Comments comes at the beginning of the meeting and there is no opportunity for rebuttal of agenda items. She also stated her concerns about the Industrial Uses item of the agenda and the King County Legislative Agenda item.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Consent Agenda Item B, "Approve Contract No. 15-C1381, Open Space Agreement for Lake Forest Park Plat, Lot 9," was pulled by Councilmember Curtis for separate consideration.

Development Services Director Bryan Hampson and Civil Engineer Zack Richardson came forward to answer any questions regarding Contract No. 15-C1381.

Councilmember Curtis moved to Approve Contract No. 15-C1381, Open Space Agreement for Lake Forest Park Plat, Lot 9. Mayor Baker seconded the motion. The motion passed unanimously.

Councilmember Denuski moved to approve Items A and C of the Consent Agenda. Councilmember Van Ness seconded the motion to Approve Check Nos. 31646-31710 in the Amount of \$218,424.56 and Electronically Transferred Payroll Funds Totaling \$67,915.33 for the Period Ending February 27, 2015; and Approve Personnel Policy Amendments. The motion passed unanimously.

BUSINESS AGENDA

Approval of High Deductible Health Plan Savings Account - Joanne Gregory, Finance & Administration Director, was present to give a brief report. She was also available to answer any questions. Director Gregory stated that a City Benefit Review Team has examined strategies for employee health coverage which would hold down City paid costs while still ensuring that employees receive the best value for their dollar. Last November the team concluded that offering a high deductible health plan as an option to employees, in addition to the current health plans offered, would provide the most potential for savings by the City, and by employees as well. She detailed the Health Savings Account which would be provided to employees who choose the high deductible health plan option.

Councilmember Smith moved to Approve the High Deductible Health Plan as an option beginning July 1, 2015, and fund the associated Health Savings Accounts according to the schedule outlined on the agenda bill. Councilmember Curtis seconded the motion. The motion passed 7-0.

King County Legislative Agenda - Nancy Ousley, Assistant City Manager, was present to give a brief report. She was also available to answer any questions. She stated that having a list of legislative priorities for King County issues can help direct our resources and efforts in working with the County.

Industrial Uses - Bryan Hampson, Development Services Director, and Greg Lum, Building & Code Inspector, were present to give a brief report. They were also available to answer any questions. Director Hampson stated that the purpose of this discussion is to provide Council with information necessary to consider an ordinance for the purpose of regulating heavy industry

and heavy manufacturing activities within the City which may negatively impact City residents, as directed by Council at their January 2015 Retreat. He noted that staff had reached out to any local businesses that might be affected to let them know that this discussion was coming up before Council. Staff divided the possible regulations into five sections -- public roads, fees & licenses, code enforcement issues, development regulations, and other issues.

Hampson reviewed specific possible revisions to the Kenmore Municipal Code (KMC). He stated that the code enforcement complaints that we tend to receive most are hours of operation, lighting, noise and odor. City Attorney Rod Kaseguma stated that regulating hours of operation and noise would more appropriately go into a noise ordinance or a zoning regulation ordinance. He noted that if we limit hours of operation, that limitation should be reasonable. If the City was to do this, he recommended that we have some analysis and study as to what the noises are and be able to articulate how those noises are adversely impacting the surrounding community in order to show why we are limiting the hours of a particular business. With regard to odor enforcement, Kaseguma cautioned the Council that all the other cities rely on PSCAA to determine whether violations have occurred because they have the expertise to do so. He stated that we could request PSCAA to increase their fines for violations.

Hampson stated that the development regulations recommendation to revise the KMC to eliminate the statute of "existing legal use" for heavy industry uses and to designate heavy industry uses as general nonconforming uses has already been done as part of the Regional Business Zone code rewrite.

It was Council consensus that the following options be pursued further by staff:

- **Requiring all trucks to cover their loads in Kenmore.**
- **Instituting a business and occupations (B&O) tax on heavy industries within Kenmore, as regulated under RCW 35A.82.020.**
- **Establishing a regulatory business license on heavy industry in Kenmore, which would be revocable for numerous violations.**
- **Assessing Kenmore's nuisance code, including looking at other city's codes and discussing with our legal counsel what can be done and how.**
- **Encouraging the Department of Natural Resources to enforce limiting anchorage of barges in Lake Washington.**
- **Having code enforcement staff explore possible violations of the City's wetland or critical areas regulations.**

Town Green Design & Budget Update - Rob Karlinsey, City Manager; Debbie Bent, Community Development Director; Matt Porteous, Hewitt Architects; and Jim Baba, Graham Baba Architects, were present to give a brief report. They were also available to answer any questions.

Matt Porteous showed a brief video and some slides of the proposed Town Green. He detailed some of the features that are planned. Jim Baba detailed the plans for the inside of the Pavilion building, including a radiant floor system and gas fireplace. Porteous reviewed the project schedule, and stated that it might be finished by the end of June 2016. He discussed why the budget has increased from \$3.5M to \$4.2M. City Manager Karlinsey stated that he identified a couple of additional funding sources in the agenda bill.

Councilmember Van Ness moved to move forward with the construction of the Town Green as designed. Councilmember Curtis seconded the motion. The motion passed 7-0.

STAFF REPORT

WRIA 8 Representation - Rob Karlinsey, City Manager, was present to state that in the past Mayor Baker and Deputy Mayor Van Ness have represented the City at WRIA 8, but lately have not been available due to conflicts. He noted that it is important for the City to be represented at WRIA 8 by our elected officials. The meetings are on the third Thursdays of the month, from 3 to 5 p.m., usually in Bellevue. Deputy Mayor Van Ness stated that he will try to attend two out of three meetings each quarter.

Comprehensive Plan Update - Regional Transportation Policies - Debbie Bent, Community Development Director, was present to give a brief staff report. She and City Manager Karlinsey were also available to answer any questions. Karlinsey requested direction from Council on two points.

It was Council consensus to keep advocating for light rail in Kenmore and to direct the Planning Commission to strengthen our Transportation Element language accordingly.

It was Council consensus to direct the Planning Commission to include water-based transportation in the Transportation Element.

CITY COUNCILMEMBER REPORTS & COMMENTS

Councilmember Sperry thanked the City Manager for giving the State of the City report to the Bothell Chamber of Commerce and for recording it as well.

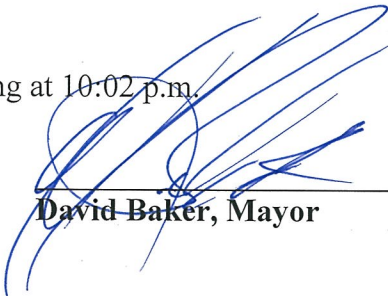
Councilmember Curtis stated that the Washington, DC, trip for the National League of Cities (NLC) meeting was worthwhile. He had the opportunity to speak with Army Corps of Engineers people and legislators.

Deputy Mayor Van Ness stated that the NLC meeting was excellent as usual, and it was an honor to hear President Obama speak about a new initiative called the Tech Hire initiative. He would like to explore whether the City could become a part of the initiative.

Mayor Baker stated that there were some very good programs at the NLC conference. He recently had the privilege of being part of the ribbon cutting ceremony for the new hangar at Kenmore Air. He will attend a WSDOT meeting in Kirkland Wednesday, where tolling will be discussed. He and City Manager Karlinsey will be there and will try to make sure there is money for mitigation. On March 24th he plans to attend a training session on open government and transparency provided by the State. Tomorrow he will be briefed on a new County program called Best Starts for Kids. He noted that City Engineer Overleese did a presentation at a recent Eastside Transportation Partnership (ETP) meeting.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 10:02 p.m.



David Baker, Mayor

ATTEST:



Patty Safrin, City Clerk