

City of Kenmore, Washington
City Council Special Meeting Minutes
March 26, 2018

CALL MEETING TO ORDER — The Kenmore City Council special meeting was called to order by Mayor Baker at 6:15 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis (Absent – excused)
Councilmember Debra Srebnik
Councilmember Stacey Denuski
Councilmember Brent Smith

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

CITY COUNCIL TRAINING

Cityworks - Citizen Action Requests (CARS) Training
Richard Sawyer, Surface Water Manager

Manager Sawyer conducted a training with the City Council.

PROCLAMATION

Sexual Assault Awareness Month for April 2018

Mayor Baker read the proclamation aloud.

PRESENTATION

Introduce Terri Bielenberg, Civil Engineer
John Vicente, City Engineer

City Engineer Vicente introduced Terri Bielenberg to the Council.

CITIZEN COMMENTS

Rick Verlinda
19017 62nd Avenue NE
Kenmore, Washington 98028

Mr. Verlinda explained that he is a current Fire Commissioner and reported on unethical behavior by a current Fire Commissioner.

Jennifer Blasi
15926 82nd Avenue NE
Kenmore, Washington 98028

Ms. Blasi spoke as a Moorlands Elementary School parent. She has safety concerns about the new park at the school.

Quinn Wyatt
8523 NE 147th Place
Kenmore, Washington 98028

Mr. Wyatt spoke as a parent of the school. He shared the same safety concerns.

Matt Greff
14812 84th Avenue NE
Kenmore, Washington 98028

Mr. Gregg spoke to the same concerns and said he has witnessed several incidents.

Patty Byhre
18102 80th Avenue NE
Kenmore, Washington 98028

Ms. Byhre spoke about a parking problem on 84th and Simonds Road where she resides. She feels it has caused a dangerous situation.

Kari Graydon
8133 NE 158th Street
Kenmore, Washington 98028

Ms. Graydon spoke as a Moorlands Elementary School parent. She is also very concerned about security.

Jean Wedenig
16319 88th Avenue NE
Kenmore, Washington 98028

Ms. Wedenig also spoke as a parent with concerns.

Amy Booker
8702 NE 140th Street
Kirkland, Washington 98028

Ms. Booker also spoke as a parent with concerns.

Stephanie Marsh
15333 106th Avenue NE
Bothell, Washington 98011

Ms. Marsh also spoke as a parent with concerns.

Vicki Grayland
20308 73rd Avenue NE

Kenmore, Washington 98028

Ms. Grayland spoke about climate change. She also spoke about the 4th of July fireworks event.

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley spoke about the St. Edward ballfields.

CONSENT AGENDA

MOTION: Mayor Baker made a motion to approve the consent agenda, Councilmember Denuski seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Authorize the City Manager to Execute Contract 18-C1841 SR 522 Irrigation Retrofit Project - Kent Vaughan, Senior Engineer

Cancel April 9, 2018 Regular Council Meeting

BUSINESS AGENDA

2017 Annual Police Report - Pete Horvath, Police Chief

Chief Horvath gave the department's report to the Council. Council and staff engaged in a discussion.

City of Kenmore Local Road Safety Plan - Brett Schock, Traffic Engineer

Traffic Engineer Schock explained that Local Road Safety Plan (LRSP) is a data-based analysis plan to address collision risk factors on City roadways. The two goals of the LRSP are:

1. Address historical collision factors
2. Proactively address locations and roadway conditions which may be risk factors for future collisions.

The LRSP was developed in response to a WSDOT grant program seeking proposals for system-wide improvements based on a data analysis and LRSP. In compiling the LRSP, City staff have recognized the opportunity to use this tool for safety improvements across the City beyond the scope of the WSDOT grant program. The LRSP will be part of the Traffic Engineer's continuing work program and goals. Proactive mitigation of collision risk factors, through implementation of engineering solutions, education (working together with the Target Zero program) and enforcement (in coordination with the Kenmore Police) is a significant benefit to the public and aligned with the City's Target Zero resolution and Council Goal #1. The LRSP does not include collision data from SR 522. A SR 522 collision data and safety analysis will be compiled under a separate cover in the coming months.

City staff is presenting the LRSP to the Council for general feedback and input on the proposed projects. Four projects are highlighted for Council feedback prior to advertising projects to the public.

1. **NE 170th Street (westbound) at 68th Avenue NE – No Turn on Red**

Project description: This project would use existing video detection at the NE 170th Street and 68th Avenue NE signal to only activate the “No Turn on Red” right turn restriction if northbound queues on 68th Avenue NE are past a certain point (near Rhododendron Park). This will balance the congestion between all intersection legs, while maintaining some space for northbound 68th Avenue NE and Inglewood Road traffic during periods of long queues. The project is operational in nature and if, after monitoring for a few weeks, the desired impact on traffic is not observed, the signal can be restored to the current operation with a No Turn on Red from 4:00 – 7:00pm on weekdays.

2. **68th Avenue NE (northbound) at State Route 522 – Right Turn Lane**

Project description: At the intersection with SR 522, 68th Avenue NE currently has two left turn lanes, a straight lane and a straight/right turn lane. This project would convert the right lane to right turn only. This would allow for a right turn overlap (right arrow) at the signal. The project would increase the available queue space and signal time for right turns onto SR 522 eastbound and better balance lane usage for northbound traffic on 68th Avenue NE. The project is generally operational and will be monitored after implementation. If the desired impact on traffic is not observed, it can be restored to the existing condition.

3. **73rd Avenue NE Bike Lanes**

Project description: This project would narrow vehicle lanes, remove on-street parking from the west side of the street and relocate lanes between the curbs to create bike lanes in the north and south direction. On-street parking would be retained on the east side of the street. All work would be within the existing curbs, consisting of marking removal and revised markings.

4. **80th Avenue NE Bike Lanes**

Project description: This project would restrict parking on existing wide shoulders and designate those shoulders (with new striping, symbols and signage) as bike lanes. No pavement modifications are proposed as part of the project.

Many of the proposed projects in the LRSP, including the four highlighted projects, would include a significant citizen notification, outreach and public input process prior to final implementation. Each project will have a documented Public Outreach & Participation Plan tailored to each project and approved in advance by the City Manager. Remote access during public meetings will be provided when possible and practical. Appendix F in the Council packet outlines the proposed communication plan for typical public works projects and also includes a sample of the project specific communication plan form. The communication plan proposes a typical outreach approach for each type of project, though each project will be individually evaluated and a communication plan tailored to each project.

Based on public feedback and other information, projects may be modified, delayed or cancelled. However, safety is the top priority and City staff will seek to balance retaining the project safety goals with addressing public concerns in making modifications to projects during the public comment period.

Council and staff discussed the plan. These items will come back to the Council at a future meeting.

Municipal Code Amendments Related to School Impact Fees - Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Director Bent and Senior Planner Anderson explained to the Council that at the January 22, 2018 City Council meeting, Council directed staff to pursue Municipal Code amendments related to school impact fees. Staff anticipates that changes will be made to the existing Municipal Code Chapter addressing transportation and park impact fees.

Council and staff engaged in a discussion on the following:

1. **Is the amount of the proposed impact fee appropriate for Kenmore?** The requested school impact fees based on the 2017 Northshore Capital Facilities Plan are:

Single-family: \$10,573
Multifamily: \$0

These fees include a 50% reduction from the calculated amount. The 50% reduction is included in the King County and Snohomish County codes, but appears to be an arbitrary amount. Attachment 2 is a chart provided by MRSC comparing school impact fees in other school districts.

The City's current transportation impact fee for single-family residences is \$9,600.04. Current park impact fees for single-family residences are \$2,642. Transportation and park impact fees also are assessed for multifamily development. The School District has stated that they are reevaluating the impact fee charge for multifamily development. Timing for this review is with the 2018 Capital Facilities Plan (CFP) update that commences this spring. The draft CFP will be available in April/May, with School Board adoption in the summer of 2018.

New construction to be funded by the requested school impact fees is located at the northeast corner of the district in Snohomish County. The Maltby school site is, in fact, outside of the urban growth area. Although Kenmore children will not attend the new facilities, use of impact fees for this new construction would, presumably, free up capital funds for more local improvements. Too, it is possible that in the future the school impact fee fund could be used for new construction or installation of relocatable facilities in Kenmore.

While the City cannot charge a school impact fee greater than that resulting from the impact fee calculation, the City does have the ability to lower the fee. The three jurisdictions in the Northshore School District that have adopted school impact fees have taken different approaches. King County adopted the requested 2016 fee of \$10,563. The City of Bothell has adopted a \$7,000 fee. Snohomish County adopted \$7,000 in 2016, but has approved an increase to \$10,563 that will take effect on April 1, 2018. According to Snohomish County staff, the initial reduced amount was to avoid the quick rise in fees (\$0 to \$10,563) that concerned a number of stakeholders. The City of Woodinville has not yet adopted school impact fees. The City of Kirkland, while technically within the District's boundaries, has no undeveloped residential land that sits within the District's boundaries and no school impact fees are proposed.

2. **Should the City take on the administrative task of receiving the fees?** King County and Snohomish County receive school impact fees directly from building permit applicants and then transfer those fees to the School District. City of Bothell has the School District collect the fees.

The 1998 Interlocal Agreement between Kenmore and the District required the District to collect fees directly from building permit applicants, providing a certificate to be used by the City before issuing permits. Although collecting fees at a single location at City Hall is helpful for applicants, it adds an administrative burden to the City, including the need to transfer funds to the School District on a regular (likely monthly) basis and maintain accounting records. The Finance Director does not believe these responsibilities would have a significant workload impact. Attachment 4 is the draft interlocal agreement provided by the School District that has the City collect the fees.

3. **Are the exemptions identified by the School District in their draft ordinance appropriate?** Kenmore's park and transportation impact fee rules exempt the following related to residential permits:

- a. Alteration, expansion or replacement of an existing residential structure that does not add any dwelling units;
- b. Demolition or moving of a structure;
- c. Expansion or replacement of an existing single-family residential structure that maintains its single-family character;
- d. Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes. The impact fee amounts waived in excess of 80 percent for low-income housing pursuant to RCW 82.02.060(3) will be paid for through the City's other funding sources;
- e. Accessory dwelling units; provided, that impact fees would be assessed if at any time the accessory dwelling unit was converted to another land use or dwelling unit based on the fees in effect at the time of conversion.

The draft ordinance provided by the School District includes related exemptions from school impact fees for the following:

- a. Shelters or dwelling units for temporary placement, which provide housing to persons on a temporary basis for not more than four weeks;
- b. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to persons on a temporary basis for not more than twenty-four (24) months, in connection with job training, self-sufficiency training and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing; and
- c. Any form of housing for the elderly, including nursing homes, retirement centers, and any type of housing units for persons age 55 and over, which have recorded covenants or recorded declaration of restrictions precluding school-aged children as residents in those units.
- d. Rebuilding of legally established dwelling unit(s) destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe, or remodeling of existing legally established dwelling unit(s), provided that such rebuilding takes place within a period of one (1) year after destruction, and so long as no additional dwelling units are created.

- e. Condominium projects in which existing dwelling units are converted into condominium ownership and where no new dwelling units are created.

The Kenmore exemptions allow any amount of residential remodeling or reconstruction as long as the single-family character of the residence is maintained (a. and c.). The exemption recommended by the School District also takes this approach, but appears to apply only in the event of damage or destruction. Kenmore's exemptions also address house moving, low-income housing and other development activities with broad public purposes (for example, the incentive zoning along NE 175th Street), and accessory dwelling units. Staff recommends that the City's existing incentives be retained and that the District incentives "a" through "c" and "e" be added to the school impact fee exemptions for the City. The exemption for low-income housing must be approved by the School District.

4. **When should school impact fees go into effect?** Development Services staff have been advising applicants at the preapplication stage of development about the potential for school impact fees for nearly a year. This notice is put in writing in the preapplication comments. Still, applicants have expressed concern about the fees and their potential to affect the feasibility of a project—particularly for older plats and short plats that were approved several years ago, but for which no building permits have been submitted. Options for the Council to consider if immediate implementation is not preferred include:

- Delayed implementation of the ordinance. The effective date of the ordinance could be moved into the future, allowing applicants to submit complete building permits and vest before the fees go into effect. The Municipal Code presently includes the following impact fee exemption: "Any permit application that has been submitted to the City before closing time on the business day before the effective date of an amendment to this chapter and subsequently determined to be a complete application, based on the information on file as of the effective date of this amendment."
- Gradual increase of the fees. This approach is similar to that taken by Snohomish County. The County started with a reduced fee and gradually is increasing it to the full \$10,563.
- Exemptions for previously approved zoning permits. Impact fees are assessed at the time of building permit issuance. This option would create an exemption for the construction of a single-family residence that is subject to an unexpired zoning permit approval (variance, reasonable use exception, shoreline permit, etc.). The exemption could be extended to also include those zoning permits for which a complete application has been filed prior to the effective date of the impact fee ordinance, as long as the zoning permit receives eventual approval. For legal reasons, the City Attorney recommends against an exemption for building permits on the basis of former plat or short plat approvals.

Any of these options would reduce the capital funds requested by the School District.

5. **Should townhomes be included in the definition of single-family for purposes of school impact fees?** Currently in the City's single-family zoning districts, townhomes are permitted on lots designed for townhouse units or approved through a conditional use permit. Townhomes are defined in the Zoning Code as multifamily development. If townhomes are

not assessed impact fees, a side effect could be that developers would choose to develop townhomes rather than single-family residences in the City's single-family zoning districts.

The Snohomish County Code defines townhomes as single-family dwelling units and the Northshore CFP includes townhomes in their fee chart for that reason. If the City Council does not wish to incentivize townhome development in the single-family zoning districts, school impact fee amendments to Title 20 could make townhomes "single-family dwelling units" for purposes of assessing school impact fees. Staff recommends no changes to definitions in the Zoning Code.

A Council public hearing will be set in May 2018.

Receive and File the December, 2017 Financial Report for the City of Kenmore - Joanne Gregory, Finance Director

Finance Director Gregory explained that the December 2017 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2017-2018 adopted biennial budget. The budget was adopted on December 12, 2016 and amended July 24, 2017 and November 27, 2017.

MOTION: Councilmember Smith made a motion to receive and file the December, 2017 Financial Report for the City of Kenmore, Councilmember Marshall seconded the motion. The motion passed unanimously.

Authorize the City Manager to Proceed with either Design Alternatives 1 or 2 for the NE 181st Street (65th-67th) Sidewalk Project - Kent Vaughan, Senior Engineer

Senior Engineer Vaughan explained that on January 22, 2018, staff gave a brief report on the NE 181st Street (65th to 67th Ave NE) sidewalk project. Preliminary design work for this project had been completed and staff recommended a preferred design (Alternative 1) that would maximize on-street parallel parking and meet the intent of the City's Transportation Improvement Board (TIB) secured grant. This design required the removal of the existing trees along the north side of NE 181st Street between 65th Avenue NE and 67th Avenue NE and included street trees of a similar species (Cleveland Pear) as those recently installed in the NE 181st Street sidewalk projects between 68th Avenue NE and 73rd Avenue NE. At the meeting, several councilmembers expressed an interest in staff considering saving the large Sycamore tree (46" caliper). There was also discussion from Council if angled parking could be provided.

MOTION: Deputy Mayor Herbig made a motion to adopt Alternative 2 squeezing a couple more angled parking spots west of the tree, Councilmember Smith seconded the motion. The motion passed unanimously.

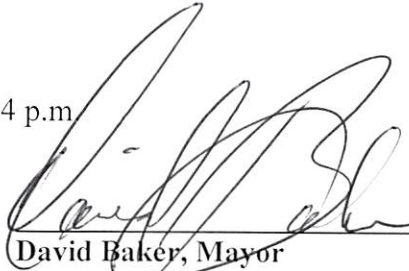
COUNCIL REPORTS

City Manager Karlinsey reminded the Council about the City's volunteer appreciation night.

Mayor Baker spoke about the Census for 2020. Council has been asked to endorse a letter that supports eliminating the question about citizenship. Council agreed to send this letter.

ADJOURNMENT

Mayor Baker adjourned the meeting at 10:04 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Cholin, City Clerk