City of Kenmore
City Council Meeting
Regular Meeting Minutes
April 11, 2022

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Councilmember David Baker
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Angela Kugler - Excused
Deputy Mayor Melanie O'Cain

Staff: Assistant City Manager/ARPA Administrator Stephanie Lucash
City Clerk Anastasiya Warhol
City Attorney Dawn Reitan
Development Services Director Bryan Hampson
Environmental Services Manager Richard Sawyer
Administrative Specialist Sammie Roeun
Communications Specialist Lauren Chomiak

Speaking Guests: Raymond Pendergast, Kenmore Resident
Carl Michelman, Kenmore Business Owner
Jon Culver, Kenmore Resident
Carrie Bergstrom-Halls, Kenmore Resident
Tracy Banaszynski, Kenmore Resident
William Moran, Kenmore Resident
Dakota Rash, Lake Forest Park Resident
David Morton, Redmond Resident
Stacey Valensquela, Kenmore Resident
Ed Pearson, Kenmore Resident
Josh Kurcinka, Kenmore Resident
Penny McGilvery, Kenmore Resident
Paul Lee, Kenmore Resident
Mike Burbo, Kenmore Resident
John Peeples, Kenmore Resident
Janet Hays, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Dennis McLerran, Cascadia Law Group
Gale Hoffnagle, Cascadia Law Group
Angela Pietschmann, Cascadia Consulting Group
Kristina Zeynalova, Cascadia Consulting Group

CALL REGULAR MEETING TO ORDER – 7:00 PM

Mayor Herbig called the regular meeting to order.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council entered an executive session to discuss pending or potential litigation, and pursuant to RCW 42.30.110(1)(b) to consider the acquisition of real estate. It was announced that the session would conclude at approximately 7:30 p.m.

ACTION FOLLOWING THE EXECUTIVE SESSION

MOTION: Councilmember Baker moved to approve the One Washington Memorandum of Understanding Between Washington Municipalities and authorize the City Manager to sign said Memorandum of Understanding. Deputy Mayor O'Cain seconded the motion.

VOTE: 6 For, 0 Against, 0 Abstain. MOTION CARRIED.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as published.

PROCLAMATION

Mayor Herbig proclaimed April 22 to be Earth Day. Elizabeth Mooney, resident, and member of People for an Environmentally Responsible Kenmore (PERK) organization received the proclamation.
Earth Day April 22, 2022, Proclamation

PUBLIC COMMENT

The Council took comments from the public from approximately 7:43 pm to 8:41 pm.
Timestamped link included here: https://youtu.be/iSenufsbN_g?t=2576

CONSENT AGENDA

A. Approve Minutes:
City Council March 21, 2022, Special & Regular Meeting Minutes
City Council March 28, 2022, Special & Regular Meeting Minutes

B. Approve Total Check #s 49203 through 49302 totaling $2,355,477.48 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 3/11/2022 in the amount totaling $182,225.47, and an ACH Payment to Thomco Construction in the amount totaling $264,851.11.
Voucher Approval Report dated 3/18/22

C. Re-Approval of Resolution No. 22-375 Initiative and Referendum Powers, thereby correcting an administrative error and allowing for proper publication.
22-375 Initiative and Referendum Powers - Signed

Councilmember Baker moved to approve the consent agenda including items A-C outlined above. Deputy Mayor O'Cain seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT.

STUDY SESSION AGENDA

A. **Cascadia Law Group's Update on Cadman's Asphalt Plant Operations, presented by Cascadia Law Group, *for Information***

Agenda Bill - Cascadia Law Group Update
Exhibit A - Cadman Materials Permitting Process

Development Services Director Bryan Hampson introduced Dennis McLerran of Cascadia Law Group, and Gale Goffnagle of TRC Companies to provide an update on the Cadman Materials Permit Process. Cadman Materials has applied for a permit for the replacement of the drum drying and related natural gas burner and replacement of condensers on heated asphalt tanks. The Puget Sound Clean Air Agency (PSCAA) issued a draft permit for public comment on March 3rd. During the permitting process, Cadman was asked to complete the following:

- Stack testing of the dryer for total VOCs.
- Air modeling to demonstrate that the facility would not create emissions violating federal air quality standards.
- Screening analysis for air toxics.

The draft permit outlines several conditions (Cadman has objected to some of the requirements):

- On-site storage tanks blended with more than 7% petroleum distillates are not allowed, record-keeping required.
- Cadman must conduct emission testing with 90 days of permit issuance, and every 12 months for opacity, and every 3 years for all the permit limits
- A production limit of 200,000 tons of asphalt in any 12 consecutive months has been established.
- Establishment of an odor monitoring program whereby PSCAA or the City Inspector to be an authorized representative can trigger weekly odor monitoring at specific locations.
- Establishing a complaint response program including a complaint phone line
- The facility is no longer grandfathered under prior permit and must meet the Federal Standards of Performance for Asphalt Concrete Plants at 40 CFR Part 60 Subpart 1 and Subpart A
- Additional Record Keeping and Reporting requirements

The City requested a public hearing on the matter, and it was scheduled by PSCAA for 4 PM on April 18. The City continues to accept written comments on the draft permit until May 2, 2022. The PSCAA determined that there are no significant adverse environmental impacts by the actions permitted and issued a formal "Determination of Non-Significance." The City will continue to work with Cascadia and TRC to provide hearing testimony and written comments. The final permit may be issued sometime in May 2022.

B. **Climate Action Plan Draft, presented by Environmental Services Manager Richard Sawyer, Administrative Specialist Sammie Roeun, and Cascadia Environmental Group, for Discussion**

Agenda Bill - Climate Action Plan Draft
Climate Action Plan - DRAFT
T3- Phase 3 Engagement Summary
Council Presentation - Uploaded 4.11.22

Environmental Services Manager Richard Sawyer introduced Angela Pietschmann and Kristina Zeynalova, guests from Cascadia Consulting Group, who presented on additional recommended changes to the Draft Climate Action Plan. The draft was live for three weeks to gather input from the community.

- Add a new action to "Municipal Operations" focus area: "Create a new, dedicated Climate Action or Sustainability Coordinator position. This position will oversee and coordinate CAP implementation, monitoring, and reporting, regular GHG inventories, and future CAP updates
- Call out Lake Washington, Sammamish River, Swamp Creek, and salmon in "Local Climate Impacts summary
- Update NS 2.3, "Protect, preserve, and restore ~~Lake Washington~~ local waterways: Partner with local and regional environmental groups and other jurisdictions […] to ~~encourage~~ restora~~tion~~ and protect~~ion of~~ Lake Washington, Sammamish River, Swamp Creek, and ~~its~~ other critical waterways…"
- Cosmetic/formatting adjustments and minor language revisions.
- Add detail to implementation considerations.

The Council offered the following questions:

- What is the integration with the Comprehensive Plan?
- Is there a way to encourage more impervious surfaces?
- Is there a way to make these targets more aggressive?
- Is the City Manager's Office a more appropriate place gather staffing recommendations, instead of the Cascadia Environmental Group?
-

After further discussions, staff agreed to incorporate the comments and present the Climate Action Plan to the Council for possible final adoption on May 16, 2022.

STAFF REPORTS

Community Engagement Tool "Bang the Table": Communications Specialist Lauren Chomiak presented an engagement tool which provides options for the City including online forums, interactive maps, virtual comments/ideas, Q&A with staff, and moderation of the site. The City plans to run a pilot project with an annual license with the goal of increasing outreach and community feedback. The cost of an unlimited license for this product is around $15,000 a year.
Agenda Bill - Bang the Table Engagement HQ 4.11.22

Sammamish River Bridge, Juanita Drive, and 68th Avenue Construction Project Updates – City Engineer John Vicente explained that the pandemic, utility challenges, and the concrete strike all presented unique challenges for the construction projects. The City hopes to complete the Sammamish River Bridge by June 2022. The Juanita Drive project has had various procurement, production, and delays issues, resulting in a budget overrun of 1.2 million dollars, and several added weeks to the contract time. The City hopes to complete this project by Summer 2022. The 68th Ped/Bike project has gone relatively smoothly. There may be reimbursable utility-related costs. The City hopes to complete the project in September 2022.
CIP Project Updates April 2022

In-Person Council Meeting Update – City Attorney Dawn Reitan reminded the Council that Governor Inslee has not rescinded the emergency proclamation which requires that we conduct

public meetings in a primary virtual format with an *optional* in-person component. The City must continue to offer a virtual meeting experience until the proclamation is rescinded.

City Clerk Anastasiya Warhol explained that council-chamber enhancements are scheduled to be completed in June due to a delay of materials on behalf of the vendor. Nevertheless, the City is preparing to be "hybrid-capable" allowing for virtual participation by guests.

COUNCILMEMBER REPORTS & COMMENTS

Retreat Facilitation Services RFP – The City Council assigned a sub-committee to go ahead and review the proposals and return with a recommendation on 4/25.

ADJOURNMENT

Mayor Herbig adjourned the meeting at 10:41 p.m.

Nigel Herbig (May 11, 2022 20:02 PDT)

Nigel Herbig, Mayor

ATTEST:

Anastasiya Warhol

Anastasiya Warhol (May 11, 2022 14:23 PDT)

Anastasiya Warhol, City Clerk

City Council April 11, 2022 Regular Meeting Minutes

Final Audit Report 2022-05-12

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