

City of Kenmore  
City Council Regular Meeting  
Minutes  
June 11, 2018

**CALL TO ORDER** - Mayor David Baker called the meeting to order at 7:00 p.m.

**Councilmembers present:**

Mayor David Baker  
Deputy Mayor Nigel Herbig  
Councilmember Joe Marshall  
Councilmember Milton Curtis  
Councilmember Debra Srebnik  
Councilmember Stacey Denuski  
Councilmember Brent Smith

**ROLL CALL**

**FLAG SALUTE**

**AGENDA APPROVAL**

**CITIZEN COMMENTS**

Mike Dee  
4518 NE 171<sup>st</sup>  
Lake Forest Park, Washington 98155

Mr. Dee spoke to the Council about the Hangar building, the plastic bag ban and the potential property acquisition.

Phyllis Finley  
5962 Arrowhead Drive  
Kenmore, Washington 98028

Ms. Finley spoke to the Council about the plastic bag ban and also asked that they consider a ban on plastic straws. She also spoke about the St. Edward ballfields and the proposed public works facility/property acquisition.

David Mason  
20305 60<sup>th</sup> Avenue NE  
Kenmore, Washington 98028

Mr. Mason stated that he had lived in the City since 1976. He spoke about concerns over trees leaning over on 61<sup>st</sup>.

## **CONSENT AGENDA**

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

The consent agenda included the following:

City Council Meeting Minutes of April 23, 2018, April 30, 2018 and May 7, 2018

Authorize the City Manager to Execute the Interlocal Agreement with the City of Marysville for Rental of Outdoor Video Services

Accept and Deposit Check from Kenmore Air in the Amount of \$15,000 per the Kenmore Air Harbor, Inc. and Department of Ecology Settlement Agreement

## **BUSINESS AGENDA**

Hangar Community Use Report - Shelby Krogh, Events and Volunteer Supervisor

Supervisor Krogh reported that the Town Square and Hangar community building serves a year-round public gathering space in the heart of Kenmore's downtown. By offering flexible, multi-use spaces free of charge, the City has created an accessible and creative environment that supports local businesses, non-profits, and citizens in their efforts to build a stronger community. The 4,600 square-foot Hangar also includes coffee shop Diva Espresso, which has become a hub for locals to meet and entrepreneurs to work.

The Hangar community building opened to the public on August 7, 2017. For the first three months after its opening, the Kenmore community and visitors used the space for general use. On October 25, 2017, the City began officially taking reservations for meetings space use from the public through the Hangar's dedicated website and app.

Since the City began taking reservations, staff has received and processed close to 600 reservation requests for the Hangar, including classes, meetings, community events, performances, and more.

Supervisor Krogh shared an overview of how the Hangar has been used by both Kenmore residents and visitors as well as information about the Hangar's website and reservation system.

Note: Councilmember Srebnik arrived at 7:17 p.m.

Note: Mayor Baker left the meeting at 7:21 p.m. Deputy Mayor Herbig presided over the meeting.

Council and staff engaged in a discussion.

#### Plastic Bag Reduction Policy - Jack Urquhart, Management Intern

Intern Urquhart explained that staff reviewed data and examples of plastic bag ordinances and discussed whether to direct staff in drafting a policy ordinance.

#### **Problem and History**

American families use an average of 1,500 single-use plastic bags per year.<sup>1</sup> Waste Management reported that only 1 percent are recycled.<sup>2</sup> Bags that aren't recycled end up in landfills (where they don't degrade), storm drains, trees and the ocean. In 2015, plastic grocery bags were the fifth most common item collected during the Ocean Conservancy's International Coastal Cleanup.<sup>3</sup>

Waste Management cites that plastic bags are used for an average of 12 minutes.<sup>4</sup> Despite their limited use, the amount of plastic bags used in the U.S. annually require 12 million barrels of oil to produce.<sup>5</sup> They are responsible for killing 100,000 marine animals each year, with 46,000 bags per square mile of ocean.<sup>6</sup>

Due to the problems associated with single-use plastic bags, 18 jurisdictions in Washington have implemented carryout bag ordinances dating back to 2011.<sup>7</sup> A bill (SB 5432) prohibiting plastic bags at retail stores statewide has been introduced multiple times to the Washington legislature. Plastic bag bans exist in more than 90 California cities and hundreds of U.S. jurisdictions.<sup>8</sup>

#### **Effectiveness**

The effectiveness of plastic bag bans is evident in a few studies. In San Jose, California, a plastic bag ban led to a 62 percent reduction in the number of plastic bags winding up in the city's storm drains and a 59 percent reduction of plastic bags in the streets.<sup>9</sup> A year after implementation of California's statewide ban, plastic bags accounted for less than half of the percentage of litter collected on Coastal Cleanup Day (3.1 percent) than in 2010 (7.4 percent).<sup>10</sup> Thurston County reported six months after implementing its ban that only 3 percent of residents said they used single-use carryout bags, compared to 63 percent before the ban. Reusable bag use increased from 20 percent to 53 percent.<sup>11</sup>

#### **Drawbacks**

The solution is not simple. Alternatives to single-use plastic carryout bags also come with drawbacks. Paper bags take more energy to manufacture, and thus come with a higher carbon footprint.<sup>12</sup> However, a big difference is the fact that paper bags naturally degrade, while

single-use plastic bags do not. Reusable bags are much more costly in terms of manufacturing energy, and some scientists estimate that a reusable bag needs to be used more than 100 times to make up for its high energy and waste cost compared to a plastic bag.<sup>13</sup>

Opponents of plastic bag bans also point to adverse effects on local businesses and U.S. industry, compliance issues and limited environmental impact as reasons to not implement bag ordinances.<sup>14</sup>

### **Alternatives**

The following examples of plastic bag regulations in other municipalities may be helpful, should the council decide to pursue an ordinance:

*1. Ban on plastic carryout bags; fee on recycled paper bags*

Common in other Washington cities, this type of regulation would ban retail stores from providing single-use plastic carryout bags at checkout. Customers would be able to either provide their own bags, purchase reusable bags (if available in store) or use store-provided recyclable paper bags for a pass-through fee (typically five (5) or 10 cents per bag), which is retained by the retailer.

Example: Kirkland

*2. Ban on plastic carryout bags; no fee on recycled paper bags*

In this variation of No. 1, stores would provide recyclable paper bags to customers without a mandatory fee.

Example: Edmonds

*3. Ban on all single-use carryout bags*

This type of regulation would ban retail stores from providing all single-use carryout bags (paper or plastic) at checkout. Customers would need to provide their own bag.

Example: Austin, Texas

Of note: The first of its kind (there have been several since), Austin's ban on all single-use carryout bags has been controversial, as some researchers believe Austin has greatly raised its carbon footprint since implementation due to impacts from manufacturing reusable bags.<sup>15</sup>

*4. Fee on all single-use carryout bags*

This type of regulation would allow stores to provide single-use carryout bags with associated fees per bag type (i.e., 10 cents per plastic single-use carryout bag and five (5) cents per paper single-use carryout bag).

Example: New York City

### **Potential Exemptions**

The following are potential cases for exemption to the bag ban, in response to councilmembers' questions and examples from other jurisdictions:

*Exempted plastic bags*

Many jurisdictions have used 2.25 millimeters as a bag thickness cutoff point for plastic bags, contending that bags thicker than 2.25 millimeters are potentially reusable, and therefore permissible. More recent ordinances also stipulate that permissible plastic bags be designed and manufactured for long-term use. Zero Waste Washington, a non-profit organization focused on sustainable and responsible consumption and production, includes in their model ordinance (Appendix D) that in order for a bag to be "reusable," it must have a lifetime of 125 uses (can carry 22 pounds 175 feet 125 times).

Also, while cities with bag ordinances define "retail store" as any entity that directly provides goods to customers, several types of bags are typically exempted from plastic bag bans. They are as follows:

- In-store bags for specific items
  - Bulk foods
  - Produce
  - Meat
- Takeout bags for prepared foods (restaurant bags)
- Laundry dry-cleaning bags
- Newspaper bags
- Pet waste bags
- Bags for items where dampness could be an issue, such as flowers
- Garbage bags

*Small stores*

Some jurisdictions establish exemptions from bag bans based on size of store. For example, Portland's policy applies to grocery stores (defined as "any business in the City with gross annual receipts of \$2,000,000 or greater, offering for sale items of food and perishable items as well as other household goods and supplies") or retail establishments of more than 10,000 square feet.

Issaquah didn't exempt small stores, but gave them one year longer to become compliant.

*Compostable bags*

Some jurisdictions with bag bans, such as Seattle, allow single-use plastic carryout bags if they are compostable. However, most Washington municipalities have passed ordinances that ban all single-use plastic bags, without distinction.

Another important consideration is an amendment to Seattle's ordinance that addresses composting confusion due to the color of bags. Seattle has banned retailers from providing brown or green in-store plastic bags unless they are labeled as compostable. (Appendix G).

#### *Low-income customers*

Several codes exempt food banks and other food assistance programs. Customers using vouchers or electronic benefits cards (WIC, TANF, SNAP, FAP) are typically exempted from the five-cent pass-through charge.

#### **Compliance Date and Notice**

Approved ordinances typically give retail stores a period ranging from three (3) months to one (1) year to become compliant. The council may establish minimum notice from city staff to residents prior to the compliance date. Ten (10) months before implementation, Kirkland produced an information packet (Appendix E) for businesses that would be affected by the ordinance.

#### **Enforcement and Enforcement Time**

In existing ordinances, violation of the ordinance results in a civil violation or infraction. Some ordinances provide for a verbal or written warning before any violations are reported. Edmonds attaches a \$100 fine for the first offense and \$250 for subsequent offenses.

Zero Waste Washington actually advocates minimal enforcement. They said that businesses typically comply, with higher rates of compliance over time, and a heavy-handed approach would not be favorable. They insisted that cities have typically responded to non-compliance from citizens by sending a letter to the retailer, and that has usually resolved the non-compliance.

#### **Name of Policy**

Early-adopting jurisdictions commonly named their policies "Carryout Bag Regulation" or "Plastic Reduction Policy" in their municipal codes. However, Zero Waste Washington uses the term "Reusable Bag Policy," to shift the focus to what is being promoted, rather than what is being banned. Tacoma's bag regulations are a section of its code titled "Bring Your Own Bag."

Council and staff engaged in a discussion. Council directed staff to prepare an ordinance for an upcoming meeting. A public hearing will also be scheduled.

Purchase and Sale Agreement for the City of Kenmore to Potentially Acquire the Property Located at 6646 NE 202nd Street in Kenmore - Rob Karlinsey, City Manager

Mayor Baker requested to participate via telephone for this agenda item.

**MOTION: Councilmember Curtis made a motion to suspend the Council Rules to allow Mayor Baker to participate via phone, Councilmember Smith seconded the motion. The motion passed unanimously.**

Mayor Baker was called at 8:16 p.m. and participated via phone.

City Manager Karlinsey explained that the City recently received notice that the City of Lake Forest Park will no longer be providing public works operations services to the City of Kenmore after 2018. As a result, the City of Kenmore will need to provide “in-house” public works operations services in 2019.

He stated that the City is optimistic about this change and believe it will result in improved local control of public works services for the same or less cost.

Providing in-house services will also result in the need to site a new facility that can house the personnel, equipment, and other operations that go with an in-house public works department. While the City currently owns a site that can serve as an interim facility, the City is in search of a property that will meet the long-term needs of an in-house public works department.

The property located at 6646 NE 202nd Street could serve as a potential long term public works facility site, subject to:

- 1) Site investigation and a feasibility period as described in the purchase and sale agreement.
- 2) Community input and accompanying rezoning of the property to meet the intended public works use. If this particular property were to serve as the site for a public works operations facility, the City would need to comply with key requirements such as screening and setbacks.

Daily operations at a typical public works facility site would be Monday through Friday, 7 am to 4 pm. Activity would include daily coming and going of pickup trucks, with occasional deliveries by larger trucks. The City’s street sweeper would also come and go from the site on a regular basis. One site, the City may operate various equipment and machinery, including but not limited to saws, vehicle repair tools, air compressor, generator, and pressure washer.

Council and staff engaged in a discussion. Terms of the agreement included:  
The purchase price is \$1,025,000; earnest money is \$50,000 (refundable during feasibility period); feasibility period is 90 days and closing date would be 7 days after feasibility period.

**MOTION: Councilmember Curtis made a motion to authorize the City Manager to enter into a Purchase and Sale Agreement for the City of Kenmore to Potentially Acquire the Property Located at 6646 NE 202nd Street in Kenmore, Councilmember Smith seconded the motion. The motion**

**passed 4-3-0 with Councilmember Denuski, Councilmember Srebnik and Councilmember Marshall opposed.**

Mayor Baker left the meeting via phone at 8:37 p.m.

#### **STAFF REPORT**

When Social Media Implicates the Public Records Act - Rod Kaseguma, City Attorney

#### **COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES**

Councilmember Curtis asked the Council to consider clarifying the sign at the Kenmore Middle School. The sign looks as if it's a City sign. The cost would be roughly \$1200.

**MOTION:** Councilmember Curtis made a motion that the sign be clarified by adding the words "Middle School" to the Sign, Councilmember Srebnik seconded the motion. The motion failed 2-3-1 with Councilmember Denuski, Deputy Mayor Herbig and Councilmember Smith voting no and Councilmember Marshall abstaining.

#### **ADJOURNMENT**

The meeting was adjourned at 9:21 p.m.

  
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David Baker, Mayor

ATTEST:

  
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Kelly M. Chelin, City Clerk