

City of Kenmore
City Council Special and Regular Meeting
Minutes
June 17, 2019

CALL TO ORDER - Mayor David Baker called the meeting to order at 6:15 p.m.

RECESS TO EXECUTIVE SESSION

The meeting recessed to executive session to discuss Potential Litigation per RCW 42.30.110 (1) (i) for approximately 30 minutes.

RECONVENE TO REGULAR SESSION

The meeting reconvened to regular session at 6:45 p.m. There was no action.

ROLL CALL

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

FLAG SALUTE

AGENDA APPROVAL

PRESENTATION

Introduce Stephanie Brown, Volunteer and Events Supervisor

PROCLAMATION

Pride Month in the City of Kenmore - June, 2019

CITIZEN COMMENTS

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley spoke about the Critical Area Regulations and PAUE. She also asked that the City's website be updated as it relates to the project updates for St. Edward ballfields.

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Carl Michaelman
18023 62nd Avenue NE
Kenmore, Washington 98028

Mr. Michaelman spoke to concerns around a problem Air B&B in the City. There are already ordinances in place to address the concerns.

John Adamski
5906 NE Arrowhead
Kenmore, Washington 98028

Mr. Adamski spoke to concerns with a stormwater/sewer project and flooding.

John Hendrickson
5919 NE 202nd Lane
Kenmore, Washington 98028

Mr. Hendrickson told the Council he didn't like the City Clerk cutting people off when they are speaking. He also stated that PAUE is bad law.

CONSENT AGENDA

MOTION: Deputy Mayor Herbig made a motion to approve the consent agenda, Mayor Baker seconded the motion.

Councilmember Srebnik requested to remove Canceling the June 24, 2019 Regular Council Meeting from the consent agenda in case Council doesn't finish all the business tonight.

The motion passed unanimously.

The consent agenda approved included the following:

Grant NUD a Sewer Utilities Easement at Rhododendron Park and Authorize the City Manager to Sign the Easement Agreement

Total Checks #42425 through #42497 in the amount of \$365,098.73.

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 5/24/19 in the amount of \$141,607.81.

Payroll Check #10130 dated 5/24/19 in the amount of \$441.47.

Authorize the City Manager to Execute Contract 19-C2071 with Granicus for Website Migration Project

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Receive and File the January 2019 Financial Report for the City of Kenmore

Receive and file the February 2019 Financial Report for the City of Kenmore

Authorize the City Manager to Execute a Contract with Low Bidder VSS International to Provide Slurry Sealing

Authorize the City Manager to Execute Contract 19-C2013 with Swofford Excavating for Drainage Facility Vegetation and Noxious Weed Removal

Authorize the City Manager to Execute Contract 17-C1657 Amendment No. 5 with Mott MacDonald for Permit Level Design and Engineering/Building Permit Assistance

City Council Meeting Minutes of May 13, 2019 and City Council Meeting Minutes of May 20, 2019

Authorize the City Manager to Increase the Contract Authority for Contract 19-C1991 with Welwest Construction, Inc. to Complete the Construction of the NE 181st Street Sidewalk Project

BUSINESS AGENDA

Resolution 19-323 Expressing Support for King County Proposition No. 1 Parks, Recreation, Trails and Open Space Levy - Dawn Reitan, City Attorney

City Attorney Reitan explained that the King County Parks, Recreation, Trails and Open Space Levy ballot measure is scheduled for the August 6, 2019 Primary Election. RCW 42.17A.555 states that a legislative body can take action to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

King County Proposition No 1. Parks, Recreation, Trails and Open Space Levy ballot title:

The King County council passed Ordinance 18890 concerning replacement of an expiring parks levy. If approved, this proposition would provide funding for county, town, city and park district parks, and for open space, trails, recreation, public pools, zoo operations and an aquarium capital project. It would authorize an additional six-year property tax beginning in 2020 at \$0.1832 for \$1,000 of assessed valuation with the 2020 levy amount being the base

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for calculating annual increases in 2021-2025 by the King County inflation plus population index or the 84.55 RCW limitation, whichever is greater. Should this proposition be:

- o Approved
- o Rejected

Additional Opportunity for Public Comment: Pursuant to RCW 42.17.A.555, members of the public and councilmembers will receive an approximately equal opportunity to express an opposing view.

Ms. Phyllis Finley
(Address provided earlier)

Ms. Finley asked some clarifying questions of the Council and what the levy would cover.

MOTION: Councilmember Srebnik made a motion to approve Resolution 19-323 Expressing Support for King County Proposition No. 1 Parks, Recreation, Trails and Open Space Levy, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

Urban Tree Canopy Assessment Results - Elizabeth Walker, King Conservation District Project Coordinator and Samantha Loyuk, Associate Planner

Planner Loyuk and Elizabeth Walker, KCD Project Coordinator explained that in 2018, at the direction of City Council, Development Services Department prepared an information presentation on Kenmore Municipal Code (KMC) 18.57 ("tree regulations"). The intent of the presentation was to provide an overview of how KMC 18.57 is implemented, specifically as it relates to trees and new development. Following the presentation, City Council directed staff to pursue a City-wide tree canopy assessment with King Conservation District (KCD).

Samantha Loyuk, Development Services planner and arborist acted as the project lead for the City. The assessment was conducted by Elizabeth Walker, KCD Project Coordinator and Jeremy Cantor, Plan-It Geo Director of Geospatial Services. The primary goal of the assessment was to: 1) Provide a baseline and benchmark of the City's tree canopy; 2) interpret the results across a range of geographic boundaries; and 3) evaluate how the City's canopy has changed since 2009. Similar studies have been completed by KCD for other jurisdictions throughout King County; the report includes a comparison of Kenmore's urban forest and other nearby cities.

A nation-wide analysis conducted by the U.S. Forest Service, stated that under ideal conditions, forested states such as Washington, could achieve a canopy cover of 40-60%. With it's current canopy cover of 41%, Kenmore is within that range. (UTC Assessment, 2019). The study finds a two-percent (2%) reduction in urban tree canopy from 2009 to 2017.

Canopy reductions are consistent with increased single-family residential development in the R-4 and R-6 zones.

No action is requested by City Council.

PUBLIC HEARING

2020-2025 Six-Year Transportation Improvement Program - John Vicente - City Engineer

City Engineer Vicente explained that in accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city “perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program.”

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City’s adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be “in hand” to include a project in the TIP.

The recommended TIP continues the City’s emphasis on multimodal transportation safety including improvements to SR 522, Juanita Drive and 68th Ave NE sidewalks and bike lanes, sidewalk projects located near Arrowhead elementary and Downtown, and the West Sammamish River Bridge replacement. The Lower Swamp Creek Bridge Replacement project has been added to this year’s TIP update. The bridge study/alternative analysis performed in 2015 recommended that the bridge be replaced in 10 years. This TIP reflects that recommendation and identifies a funding need for design in 2023 and 2024. Construction would be estimated in 2025 or 2026. The alternative analysis (retrofit, realign for one-way use only, replace) will be reviewed during the preliminary design phase to confirm what option will be proposed for the bridge.

Funding secured for projects are noted on the TIP. For projects with unsecured funding, additional local funds will be needed and/or Federal or State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding, they will be pushed out subsequent years with each TIP amendment.

Mayor Baker opened the public hearing at 8:38 p.m.
There were no comments from the audience.
Mayor Baker closed the public hearing at 8:39 p.m.

BUSINESS AGENDA

Resolution 19-322 for the 2020-2025 Six-Year Transportation Improvement Program - John Vicente, City Engineer

MOTION: Councilmember Denuski made a motion to approve Resolution 19-322 for the 2020-2025 Six-Year Transportation Improvement, Councilmember Smith seconded the motion. The motion passed unanimously.

Tabled from June 10, 2019 Council Meeting - Ordinance 19-0488 Amending Chapter 18.55, Critical Areas, of the Kenmore Municipal Code; Repealing Division II of Title 16, Flood Damage Prevention, of the Kenmore Municipal Code; Amending Chapter 18.20, Definitions, of the Kenmore Municipal Code; Amending Sections 18.30.190 and 18.40.030 of the Kenmore Municipal Code; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

Tabled from June 10, 2019 Council Meeting - Ordinance 19-0489 Amending the Shoreline Sub-Element of the Comprehensive Plan; Revising Figure LU-12, the Shoreline Environment Designations Map; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

Tabled from June 10, 2019 Council Meeting - Ordinance 19-0490 Revising Division 1 of Title 16 of the Kenmore Municipal Code Entitled Shoreline Management; Revising the Shoreline Environment Designations Map; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

Original motion tabled from June 10, 2019:

MOTION: Councilmember Denuski made a motion to approve Ordinance 19-0488 Amending Chapter 18.55, Critical Areas, of the Kenmore Municipal Code; Repealing Division II of Title 16, Flood Damage Prevention, of the Kenmore Municipal Code; Amending Chapter 18.20, Definitions, of the Kenmore Municipal Code; Amending Sections 18.30.190 and 18.40.030 of the Kenmore Municipal Code, Councilmember Curtis seconded the motion.

AMENDMENT TO THE MOTION: Councilmember Marshall made an amendment to the motion to retain the 900-foot heron buffer. Motion failed due to lack of second.

AMENDMENT TO THE MOTION: Councilmember Marshall made a motion to approve Ordinance 19-0488 -reverting back to what we currently have without changes (the old language), Deputy Mayor Herbig

seconded the motion. The motion failed 2-5-0 with Councilmember Marshall and Deputy Mayor Herbig voting yes.

ORIGINAL MOTION VOTE (#19-0488): Passed 6-1-0 with Councilmember Marshall voting no.

Ordinance 19-0489 Amending the Shoreline Sub-Element of the Comprehensive Plan; Revising Figure LU-12, the Shoreline Environment Designations Map; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

MOTION: Councilmember Denuski made a motion to approve Ordinance 19-0489 Amending the Shoreline Sub-Element of the Comprehensive Plan; Revising Figure LU-12, the Shoreline Environment Designations Map; and Providing an Effective Date, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

Ordinance 19-0490 Revising Division 1 of Title 16 of the Kenmore Municipal Code Entitled Shoreline Management; Revising the Shoreline Environment Designations Map; and Providing an Effective Date - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

MOTION: Councilmember Denuski made a motion to approve Ordinance 19-0490 Revising Division 1 of Title 16 of the Kenmore Municipal Code Entitled Shoreline Management; Revising the Shoreline Environment Designations Map; and Providing an Effective Date, Councilmember Smith seconded the motion. The motion passed unanimously.

Ordinance 19-0491 to Revise KMC Chapter 3.55 Relating to the Sale and Disposition of Surplus Personal Property - Ryan Lancaster, Graduate Intern

Intern Lancaster explained that occasionally, the City has the need to sell various equipment or property because it is no longer needed, used or of value to the City, and can no longer be stored. In these cases, the City can pursue various channels set forth in Chapter 3.55 of KMC to sell and dispose of the property. Adopted in 2001, Chapter 3.55 KMC identifies various procedures for the surplus, sale and disposal of such property.

Currently, the City Manager can only declare City property surplus if it is determined to be \$250 or less in value. If property has a greater value, Staff must bring the request to surplus the property before Council. The Council will then set a minimum price for the property to be sold at and potentially have the property appraised. At the current \$250 level of authority, the City Manager does not have much latitude and most requests to surplus property must go before Council.

Staff believes that if the City Manager were allowed to surplus at a higher value of \$10,000 the City could surplus the property in a faster and more efficient way. This change would allow the property to be sold in a more expedited fashion, provide economic benefit to the City, and save Council and Staff time.

Municipal Research and Services Center had the following data on staff surplus authority in other cities:

City	Surplus Limit	Population
Bellevue	\$ 10,000	147,599
Fife	\$ 10,000	10,191
Langley	\$ 1,000	1,136
Ellensburg	\$ 10,000	20,977
Shoreline	\$ 5,000	56,752
Kirkland	\$ 20,000	89,557

MOTION: Councilmember Curtis made a motion to approve Ordinance 19-0491 to Revise KMC Chapter 3.55 Relating to the Sale and Disposition of Surplus Personal Property, Councilmember Smith seconded the motion. The motion passed unanimously.

Ordinance 19-0492 Approving the City of Kenmore Donation and Gift Acceptance Policy - Ryan Lancaster, Graduate Intern

Intern Lancaster explained that currently, for the City to accept any donation, the City Manager must present it to Council and have them approve and accept it by ordinance. For small donations, this can be a time consuming process. Staff recommends Council delegate this responsibility to the City Manager by ordinance for small donations.

The policy adopted by the ordinance covers donations with a value of \$10,000 or less and gives the City Manager authority to accept them. The policy gives the responsibility of depositing and handling donations to the finance department, who will track and ensure that any conditions of the donation (like which fund or project it can go towards) are followed. The policy also stipulates that the City's interests must be considered and that the City Manager or designee must follow the code of ethics set forth in administrative policies.

MOTION: Deputy Mayor Herbig made a motion to approve Ordinance 19-0492 Approving the City of Kenmore Donation and Gift Acceptance Policy, Mayor Baker seconded the motion. The motion passed unanimously.

Moved from consent agenda:

Cancel June 24, 2019 Regular Council Meeting

MOTION: Councilmember Srebnik made a motion to cancel the June 24, 2019 Regular Council Meeting, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

STAFF REPORT

Website Migration Project Update - Becky Range, Communications Specialist

Short-term Rental Policy Paper - Ryan Lancaster, Graduate Intern

Initiative 976 - Rob Karlinsey, City Manager

COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES

ADJOURNMENT

The meeting adjourned at 10:10 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk