City of Kenmore
City Council Regular Meeting
Minutes
September 21, 2020

CALL TO ORDER:

Mayor Baker called the meeting to order at 7:00 p.m. via Zoom.

PRESENT:

Councilmembers:	Mayor David Baker Deputy Mayor Nigel Herbig Councilmember Joe Marshall Councilmember Milton Curtis Councilmember Debra Srebnik Councilmember Corina Pfeil Councilmember Melanie O'Cain
Staff:	City Manager Rob Karlinsey Finance Administrator Joanne Gregory City Clerk Anastasiya Warhol City Attorney Dawn Reitan Community Development Director Debbie Bent Parks Project Manager Maureen Colaizzi Permit Specialist/Clerk Substitute Tela Gardner
Speaking Guests:	Craig Kenworthy, CEO, Puget Sound Clean Air Agency Patrick O'Brien, Kenmore Resident Nadia Silver, Kenmore Resident Tracy Beneshinsky, Kenmore Resident Stacey Valenzuela, Kenmore Resident Victoria Grayland, Kenmore Resident David Morton, Redmond Resident Elizabeth Mooney, Kenmore Resident Rose Hendricks, Kenmore Resident Phillis Finley, Kenmore Resident John Peeples, Kenmore Resident Sophia Leota, Kenmore Resident Emilie Burnham, Kenmore Resident Christine Price, Kenmore Resident Dakota Rash, Kenmore Resident

James Meyers, Kenmore Resident
Aditi Jain, Bothell Resident
Jody Rieman, Kenmore Resident
Anne Hanson, Kenmore Resident
Janet Hays, Kenmore Resident
Eric Adman, Kenmore Resident

MOMENT OF SILENCE:

Mayor Baker announced a moment of silence in honor of the late Supreme Court Justice Ruth Bader Ginsburg.

AGENDA APPROVAL:

MOTION: Councilmember Srebnik moved to amend the agenda as follows:

1. Move the Recovery Proclamation out of the consent calendar and address it after the approval of the agenda.
2. Move the consent agenda after the citizen comment period. Councilmember Baker seconded the motion.

VOTE: 7 for 0 against, 0 abstain. **Motion PASSED.**

PROCLAMATION:

Mayor Baker proclaimed September to be National Recovery Month.

CITIZEN COMMENTS:

- Patrick O'Brien, a Kenmore resident, expressed health and environmental concerns regarding the Cadman asphalt plant. He was especially concerned with asphalt production during burn bans.

- Nadia Silver, a Kenmore resident, expressed gratitude for the Council's work in supporting equality and equity in Kenmore. She encouraged the City and Council to continue this important work.

- Tracy Beneshinsky, a Kenmore resident, expressed health and environmental concerns regarding the Cadman asphalt plant.

- Stacey Valenzuela expressed health and environmental concerns regarding the Cadman asphalt plant and presented six recommendations to Council.

- Victoria Grayland, a Kenmore resident, expressed health and environmental concerns regarding the Cadman Asphalt Plant

- David Morton, a Kenmore resident, expressed health and environmental concerns relating to the Cadman Asphalt Plant

- Elizabeth Mooney read a letter from a Kenmore resident expressing health and environmental concerns relating to the Cadman Asphalt plant.

- Rose Hendricks, a Kenmore resident, encouraged the Council to pursue police accountability.

- Phillis Finley, a Kenmore resident, expressed health and environmental concerns regarding the Cadman asphalt plant and presented six recommendations to Council.

- John Peeples, a Kenmore resident, thanked the Council for their support of the local business, Kenmore Lanes. He also spoke in opposition to certain social justice efforts.

- Sophia Leota, a Kenmore resident, expressed health and environmental concerns related to the Cadman Asphalt plant.

- Emilie Burnham, a Kenmore resident, expressed concern at the disappearance of the local urban tree canopy. She encouraged the Council to put protective policies in place.

- Christine Price a Kenmore resident, expressed health and environmental concerns related to the Cadman Asphalt plant.

- Dakota Rash, a Kenmore resident, expressed health and environmental concerns related to the Cadman Asphalt plant.

- James Meyers, a Kenmore resident, expressed health and environmental concerns related to the Cadman Asphalt plant.

- Aditi Jain, a University of Washington student, expressed health and environmental concerns related to the Cadman Asphalt plant.

- Jody Rieman, a Kenmore resident, expressed support in re-allocating Police funds and Policy responsibility.

- Nancy Hansen, a Kenmore resident, encouraged the Council to prioritize wetland restoration and to follow shoreline master plan recommendations to protect the Chinook salmon population and the wetlands that support them.

- Janet Hays, a Kenmore resident, expressed health and environmental concerns related to the Cadman Asphalt plant.

PRESENTATION:

Introduction of the New City Clerk

Finance Coordinator Joanne Gregory introduced Anastasiya Warhol as the new City Clerk. Ms. Warhol studied Public Administration at the UW Evans School of Public Policy and Governance and her Certification as a Municipal Clerk from the Northwest Municipal Clerk's Institute.

Puget Sound Clean Air Agency - Report on Asphalt Plant, Craig Kenworthy, CEO, PSCAA

Craig Kenworthy presented on Puget Sound Clean Air Agency's "Mission & Mandates."

City Attorney Dawn Reitan outlined the federal (Federal Clean Air Act) and state (Washington Clean Air Act) legal framework that provides for the regulation and enforcement of clean air. She further explained that while air emission regulations and enforcement do not fall under City authority, the City is granted jurisdiction in dealing with nuisances such as odor and heavy machinery noise. The City is empowered to investigate such nuisances, produce a report, and remit to PSCAA for further action.

The Council discussed what, if any, emission testing has been required of the asphalt plant do date. They discussed different technologies, including drones, in aiding in investigative efforts.

Council consensus was to direct the City Manager to request a direct response from Cadman Asphalt Company to disclose the nature and type of emissions currently being discharged.

CONSENT AGENDA:

MOTION: Councilmember Herbig moved to approve the consent agenda as presented including items A-D as outlined below. Councilmember Baker seconded the motion.
VOTE: 7 for 0 against, 0 abstain. **Motion PASSED.**

A. Total Check #s 45515 through 45603 in the amount of $410,781.66. Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposit Dated 8/28/2020 in the amount of $165,406.51.

B. Northshore Meadows Plat Approval, Bryan Hampson, Development Services Director

C. Resolution 20-353 providing Council direction for use of Coronavirus Relief Funds and an agreement with Hopelink for providing housing rental assistance.

D. Financial Sustainability Plan Consulting Services

BUSINESS AGENDA:

Removal of a restrictive covenant from 1.5 acres at Squire's Landing Park by the Washington State Recreation and Conservation Office (RCO) to complete the Land Conversion process in accordance with RCW 35A.21.410, Maureen Colaizzi, Parks Project Manager

City Community Development Director Debbie Bent explained that the purpose of the meeting is about removing the restrictive covenant, and not about any subsequent Park improvements. Parks Project Manager Maureen Colaizzi offered the following history:

A public hearing is scheduled for the September 21st Council meeting to receive public comment on the removal of a restrictive covenant from 1.5 acres of Squires Landing Park. Following the conclusion of the public hearing, staff recommends that Council approve a motion supporting RCO's action that will remove the restrictive covenant from the 1.5 Acre Conversion Area on parcels 0195, 0200, 0205 at Squire's Landing Park to complete the land conversion process associated with P-31 Squire's Landing Land Park Acquisition park capital improvement project.

Approximately 19 acres of the 40+-acre Squire's Landing Park was acquired by King County in 1991 (before City incorporation) with state RCO grant funding. A condition of the RCO grant award was placing a restrictive covenant on the property deeds that the land is retained for wildlife habitat and passive recreation.

The City's Waterfront & Natural Open Space Access Project at Squires Landing Park (Walkways &Waterways) will improve public access to the Sammamish River. 1.5 acres of the total 7.25-acre project includes the proposed plaza, walkway, restroom, and parking lot. For RCO to allow "conversion" (development) of this 1.5-acre area and remove the restrictive covenant, the purchase of equivalent replacement land for wildlife habitat and passive recreation was required. As a condition of the Walkways & Waterways project, land acquisition was needed to satisfy this requirement.

The City purchased 4.8 acres of replacement land within the Swamp Creek watershed basin to meet the conversion process requirement. The 1.5-acre conversion area property's appraised value was $685,000 and the 4.8-acre replacement land was appraised at $901,300. Council authorized the purchase and sale agreements (PSA) for the required replacement property on November 26, 2018, and May 20, 2019. Also, RCO required the City to complete a scientific wildlife habitat assessment of the conversion area property and replacement property to ensure they were equivalent in habitat value. Public comment was received in April-May 2019 before RCO approving the City's land conversion request in June 2019 subject to meeting conversion requirements. The property acquisitions were completed in January 2020.

Ms. Colaizzi pointed out the location of the 1.5-acre conversion area at Squire's Landing Park and the location of replacement land in the Swamp Creek watershed basin. A Deed of Right provided to RCO from the City places a restrictive covenant on the city-owned 4.8-acre replacement property located at 7637 NE 192nd Street that ensures the land will be retained for wildlife habitat and passive recreation.

The Partial Release of Deeds of Right that removes the restrictive covenant from the 1.5-acre conversion area is in the process of being recorded. Once recorded, the final step in the land conversion process is a scope change/conversion approval amendment to the original grant agreement, RCO 91-234A.

Mayor Baker opened the Public Hearing at 9:52 PM

- Stacy Valensquela, Kenmore resident spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Elizabeth Mooney, a Kenmore resident spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Dakota Rash, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Emilie Burnham, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Phyllis Finley, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Rose Hendricks, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Jody Rieman, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Eric Adman, Kenmore Resident, spoke in favor of removing the restrictive covenant and believes the restoration efforts as part of the project outweigh the risk.
- Nancy Hansen, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.
- Patrick O'Brien, a Kenmore resident, spoke in opposition to the removal of the restrictive covenant, citing concerns for the environment.

Mayor Baker closed the Public Hearing at 10:27 PM

The Council discussed mitigation measures, wetland creation, and certain details regarding Squire's Landing conversion area. The Council also highlighted the tremendous work, numerous public input forums, and design work related to this promising project.

MOTION: Councilmember Curtis moved to remove the Restrictive Covenant from 1.5 acres at Squire's Landing Park by the Washington Park by the Washington State Recreational and Conservation Office (RCO) to complete the Land Conversion process in accordance with RCW 35A.21.410. Councilmember Srebnik seconded the motion.
VOTE: 7 For, 0 Against, 0 Abstain. **Motion PASSED**.

STAFF REPORT:

City Manager Karlinsey sought clarification regarding an upcoming bond measure bill. Attorney Dawn Reitan offered guidance as to how to address agenda bills of this nature.

COUNCILMEMBER REPORTS:

Councilmember O'Cain reiterated her dedication to the community and engagement.

Council reiterated consensus for the city manager to contact Cadman.

Councilmember Curtis highlighted fall prevention week.

Councilmember Srebnik noted that meetings have been longer than usual and invited suggestions to balance time for both public input, Council business, and additional life obligations.

Councilmember Pfeil noted she attended parliamentary procedure webinar series along with other Council-related agency forums.

Deputy Mayor Herbig noted that citizen comments should be directed to the chair and reminded everyone in attendance that insulting and demeaning comments conflict with the Council's rules and procedures. Also, he noted that Councilmembers are allowed 1 minute to explain a voting decision during the roll call.

ADJOURNMENT

The meeting was adjourned at 11:07 pm

Upcoming Meetings:

Monday, September 28, 2020 - Council Meeting
Monday, October 5, 2020 - Special Council Meeting
Monday, October 12, 2020 - Council Meeting
Monday, October 19, 2020 - Council Meeting
Monday, October 26, 2020 - Council Meeting

David Baker, Mayor

ATTEST:

Anastasiya Warhol, City Clerk