

**City of Kenmore, Washington
City Council Regular Meeting Minutes
September 25, 2017**

CALL SPECIAL MEETING TO ORDER — The Kenmore City Council special meeting was called to order by Mayor Baker at 6:30 p.m.

EXECUTIVE SESSION

Mayor Baker recessed the special meeting to an executive session at 6:30 p.m. to discuss Litigation and Potential Litigation with legal counsel, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 30 minutes.

The meeting reconvened to regular session at 7:00 p.m.

CALL MEETING TO ORDER — The Kenmore City Council meeting was called to order by Mayor Baker at 7:00 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Allan Van Ness
Councilmember Laurie Sperry
Councilmember Milton Curtis
Councilmember Nigel Herbig
Councilmember Stacey Denuski

Councilmembers absent:

Councilmember Brent Smith

Staff present:

Rob Karlinsey, City Manager
Nancy Ousley, Assistant City Manager
Debbie Bent, Community Development Director
John Vicente, City Engineer
Rod Kaseguma City Attorney
Kelly Chelin, City Clerk

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

PROCLAMATION

Northshore Schools Foundation All in for Kids Month - October, 2017

CITIZEN COMMENTS

Patrick O'Brien
6330 NE 181st
Kenmore, Washington 98028

Mr. O'Brien spoke about the St. Edward ballfields, the restaurant pad in the Town Square and Mary's Place.

PRESENTATION

Hopelink Utility Partnership

Ellen Greene, Associate Director, Hopelink, talked to the Council about the utility partnership.

WAC Update and Request for Funding

Paul Flynn, President, Northshore Canoe & Kayak Club (dba KWAC) explained that to better support the mutually-aligned goal of KWAC and City of Kenmore, to connect people to the water, they respectfully submit a request for financial assistance for equipment procurement in 2017. The total request is for \$40,100 of equipment funding to help connect more people to the water. Any such purchased equipment would be dedicated for primary use within Kenmore, with occasional temporary use at event sites (e.g., races) as reasonably warranted.

Development of the sub-organizations ("club") within KWAC presents a series of unique challenges. Each club is aligned with KWAC's overall goal, and pursue it in their own way with their unique paddling sport needs. In keeping with KWAC's non-profit status and the City's commitment to public-access, Clubs are not profit centers, and raise few funds (which might suffice only to pay for contracted coaches). Annual dues are minimal, and not sufficient to purchase equipment. KWAC does provide "scholarships" to help at-need families or members participate in the various clubs and pay such dues. KWAC's fund-raising capabilities are limited and insufficient to provide the equipment necessary for the individual Clubs.

In short, in order to grow, KWAC must rely largely on donations.

This request will come back during the budget discussion.

CONSENT AGENDA

MOTION: Mayor Baker moved to approve the consent agenda as submitted, Councilmember Herbig seconded the motion. The motion passed 7-0.

The consent agenda included the following:

The following checks and electronic payments are approved for payment:

Total check numbers: 37754 through 37859 in the amount of \$685,501.29.

Payroll check numbers: 10077-10078 in the amount of \$7,218.38.

Total payroll/taxes/flexible spending and health savings account electronic payments dated 9/1/2017 in the amount of \$108,630.77.

Special City Council Meeting of August 14, 2017 and August 28, 2017

PUBLIC HEARING

Ordinance 17-0445 Amending the Kenmore Municipal Code to Address Vegetation and Sidewalk Maintenance - Brett Schock, Traffic Engineer

Traffic Engineer Schock explained that staff's recommendation is to adopt Ordinance No. 17-0445 which addresses:

1. The expectation for vegetation maintenance by abutting property owners.
2. The responsibility for sidewalk maintenance, including an assessment by the City to determine the cause of sidewalk damage prior to performing repairs.
3. Alignment of the processes for assessing the cost of vegetation maintenance or sidewalk maintenance with the requirements of the Revised Code of Washington (RCW).
4. The City Manager's assessment of cost to serve as a "resolution" as defined in RCW 35.68.020.

City staff presented this policy issue to City Council for discussion on March 13, 2017 and June 12, 2017. The Kenmore Municipal Code (KMC) currently places responsibility for vegetation management and sidewalk maintenance on the adjacent property owner. In these two discussions, City Council chose to continue existing City practices regarding vegetation maintenance and take on a more proactive program of sidewalk maintenance. The proposed code changes in Ordinance No. 17-0445 incorporate the feedback received from the City Council at those meetings. City staff notified the Washington State Department of Commerce of the proposed Ordinance on July 18, 2017 and received no comments. No State Environmental Protection Act (SEPA) review of the changes are required per exemption (19)(b) of Washington Administrative Code (WAC) 197-11-800.

Ordinance No. 17-0445 also includes changes to the KMC as follows:

1. The definition of "planting strip" in Section 12.70.010 is expanded with a third category, defining the planting strip as the portion of right of way between the edge of pavement and the private property right of way line if no other pavements are existing.
2. Section 12.70.040 clarifies the City's expected maintenance requirements. Property owners must allow the use of the right of way by the public. The minimum width of pedestrian way (4 feet) outside of the vehicle travel lane is defined. The minimum vertical vegetation clearance over pedestrian paths (8 feet) and vehicle paths (11 feet) is defined. Property owners must maintain drainage ditches clear of debris to allow free flow of storm water.
3. The assessment of the cost of vegetation maintenance performed by the City because of a lack of property owner response is left to the discretion of the City Manager.
4. There is also language that allows the City to maintain right of way vegetation, at the City Manager's discretion.

Ordinance No. 17-0445 also includes changes to the KMC as follows:

1. Section 12.70.020 is changed allowing the City Manager, or designee, to conduct an assessment to determine the cause of damage to a sidewalk.
 - a. The changes allow the City to make the sidewalk repairs at no expense to the property owner if the cause of sidewalk damage is determined to be in the public right of way.
 - b. The City will assess the repair costs to the property owner if;
 - i. The cause of sidewalk damage is determined to be caused by private property and

- ii. The property owner refuses to complete the repairs on their own. Repair of sidewalks by the property owner would require a right of way permit and need to meet City standards for sidewalk construction.
2. Section 12.70.030 is changed to take the assessment by the City Manager, or designee, into account where determining the assignment of costs to the private property owner. The Section is also amended to add an appeals process through the Public Works Director and City Manager of any assigned costs to repair sidewalks.

Mayor Baker opened the public hearing for public comment at 8:17 p.m.

Pat O'Brien
6330 NE 181st
Kenmore, Washington 98028

Mr. O'Brien spoke against the Ordinance. He believes this Ordinance could get the City in a lot of trouble.

Mark Prince
19330 55th Avenue NE
Kenmore, Washington 98028

Mr. Prince spoke to the City responsibilities and said the City needs to maintain their property as well.

Mayor Baker closed the public hearing at 8:22 p.m.

BUSINESS AGENDA

Ordinance 17-0445 Amending the Kenmore Municipal Code to Address Vegetation and Sidewalk Maintenance - Brett Schock, Traffic Engineer

MOTION: Councilmember Curtis made a motion to approve Ordinance 17-0445 Amending the Kenmore Municipal Code to Address Vegetation and Sidewalk Maintenance, Councilmember Denuski seconded the motion. The motion passed unanimously.

Ordinance 17-0444 to Restrict Parking in Bicycle Lanes - Brett Schock, Traffic Engineer

Traffic Engineer Schock explained that the purpose of this Ordinance is to restrict parking in bike lanes. Parking in bike lanes is a safety concern for cyclists. Ordinance 17-0444 would prohibit parking in bike lanes in the City of Kenmore.

The City of Kenmore has expanded its bicycle network since 2014, adding 6.35 miles of marked lanes and buffered marked lanes on arterial roadways. In addition, over 5 more miles of marked bike lane are in the City's Capital Improvement Plan. Bike lanes are a designated space on a roadway to increase the safety and comfort for cyclists. When these lanes are blocked by parked vehicles, cyclists are forced to use vehicle travel lanes, creating the potential for quick maneuvers into traffic and conflict points. Consistently blocked bicycle lanes can make less-confident riders uncomfortable using the City's bicycle network. Bicycle lanes are an important component of the City's Target Zero program, Complete Streets ethic and Council's goal #1 to improve multimodal transportation safety.

The Revised Code of Washington does not specifically prevent parking in marked bicycle lanes without passage of a local City Ordinance. This Ordinance prohibits parking of a vehicle in a marked bicycle lane, marked shared-use lane or marked bicycle lane buffer. Washington State Department of Commerce and SEPA review of this Ordinance are not required. If Council adopts the Ordinance, a 30-day public education and grace period, with warnings issued instead of citations, would be enacted prior to full enforcement of the Ordinance.

MOTION: Councilmember Herbig made a motion to approve Ordinance 17-0444 to Restrict Parking in Bicycle Lanes, Councilmember Sperry seconded the motion. The motion passed unanimously.

Status Update for the Twin Springs Interim Plan - Debbie Bent, Community Development Director

Community Director Bent, along with the City's consultant Guy Michaelson with the Berger Partnership, provided a status update, including a PowerPoint presentation, on the Twin Springs Interim Plan. Interim park uses would allow public use of the site but the intent is to minimize the cost of improvements and maintenance. The presentation included review of the community input received from the online survey and 9/12/17 Open House. This update provides an opportunity for Council to ask questions and provide feedback prior to the next public outreach effort including an Open House tentatively scheduled for October 10th.

The Open House in October will present one to two scenarios for near term opportunities on the site. A Council meeting will be scheduled following public outreach to ask for direction on a preferred approach. Following completion of the second outreach milestone, the near-term program opportunities will be honed and a preliminary master plan prepared along with cost assumptions. The plan would also provide guidance on parking, access and pedestrian routes along 80th Ave NE. This information can then be used as a tool to help forward funding of park improvements through grants or other opportunities.

Background: The Twin Springs 25-acre property was transferred to the City from King County on May 18, 2016 by Quit Claim Deed. The property must be used for public park, recreation or open space. The Interagency Agreement (Contract 16-C1509) and Surface Access Easement Agreement (Contract 16-C1509) between King County and the City (approved by Council 2/8/16) outlines the conditions of property transfer. Although the property now belongs to the City; King County continues to have certain maintenance responsibilities on the City property for several years.

On 7/25/16 Council direction was to keep Twin Springs park closed to the public pending: 1. Development of an interim use plan; 2. Resources are allocated for implementation of the plan; and 3. The recommendations of the Public Works Service Analysis in relation to bringing on a new park facility are available to consider in developing a maintenance plan for Twin Springs.

On 4/24/17 Council authorized execution of Contract 17-C1732 with the Berger Partnership in the amount of \$39,200 to develop a preliminary master plan (interim plan) for Twin Springs. The contract scope include: Data gathering and review of existing documents to understand the sites physical assets and limits as well as regulatory realities; Development of 1-2 scenarios for how various near-term opportunities can exist on the site and document higher investment longer-term ideas generated from the first public outreach effort; Second public outreach effort

to obtain feedback on the near-term scenarios; and Interim Plan Documentation including a narrative and graphic package and a high-level cost assumption document.

COUNCIL REPORTS

Council discussed the topic of safe injection sites. Staff and the City Attorney will look into this matter further and report back. The City Attorney's office will survey what other cities are doing.

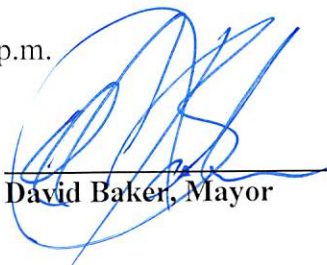
ADJOURNMENT

Mayor Baker adjourned the meeting at 9:37 p.m.

ATTEST:



Kelly M. Chelin, City Clerk



David Baker, Mayor