

**City of Kenmore, Washington**  
**City Council Special and Regular Meeting Minutes**  
**October 23, 2017**

**CALL SPECIAL MEETING TO ORDER -**

The Kenmore City Council special meeting was called to order by Mayor Baker at 6:05 p.m.

**EXECUTIVE SESSION**

Mayor Baker recessed the special meeting to an executive session at 6:05 p.m. to discuss Litigation and Potential Litigation with legal counsel, pursuant to RCW 42.30.110(1)(i). Mayor Baker stated that the executive session will last for approximately 55 minutes.

At 7:00 p.m., the executive session was extended to 7:10 p.m.

At 7:10 p.m., the executive session was extended to 7:15 p.m.

The meeting reconvened to regular session at 7:15 p.m.

**Councilmembers present:**

Mayor David Baker  
Councilmember Laurie Sperry  
Councilmember Milton Curtis  
Councilmember Nigel Herbig  
Councilmember Stacey Denuski  
Councilmember Brent Smith

**Councilmembers absent:**

Deputy Mayor Allan Van Ness (He participated in the executive session via phone)

**Staff present:**

Rob Karlinsey, City Manager  
Nancy Ousley, Assistant City Manager  
Debbie Bent, Community Development Director  
Bryan Hampson, Development Services 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.

**CITIZEN COMMENTS**

Rick Verlinda  
19017 62<sup>nd</sup> Avenue NE  
Kenmore, Washington 98028

Mr. Verlinda stated that he is running for a Northshore Fire Commissioner position. He also invited the Council and staff to visit his house for Halloween. His house has been entered into a King 5 contest for best decorated.

John Hendrickson  
5919 NE 202<sup>nd</sup>  
Kenmore, WA 98028

Mr. Hendrickson spoke about the annual road tax. He will be submitting a public records request for more information.

## **CONSENT AGENDA**

**MOTION: Councilmember Sperry made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed 6-0.**

The consent agenda included the following:

City Council Meeting Minutes of September 18, 2017 and September 25, 2017

Resolution 17-300 Authorizing the Establishment of the Health Reimbursement Arrangement Voluntary Employees' Beneficiary Association (HRA VEBA) Plan

Authorize the City Manager to Execute Contract 17-C1780 with Earthworks Landscape Services, Inc. for Right-of-Way Landscape Maintenance

Authorize the City Manager to Execute Amendment 4 to Contract 10-C873 with PAWS for Animal Sheltering Services

## **PUBLIC HEARING**

Deliberation to Allow "Drive-Through-Service" as a Temporary Use for Another Year Located at 6532 NE Bothell Way in the Downtown Commercial Zone - Bryan Hampson, Development Services Director

Director Hampson explained that "Drive-through services" are defined in KMC 18.20.785 and only allowed as an accessory use when meeting certain criteria in the Downtown Commercial (DC) zone. Stand alone drive-through services, such as espresso stands, are prohibited in the DC zone.

However, a temporary use permit is a mechanism by which the City may permit a use otherwise not permitted in the zone that can be made compatible for periods of limited duration. A temporary use permit cannot exceed a total of 90 days unless extended by the City Council (KMC 18.100.100).

Espresso Works is currently located at 6532 NE Bothell Way. Council approved the temporary use permit at this location for the first year on November 24, 2014, beginning from the first date of business opened at the new location, which was November 19, 2015. Council approved the temporary use at this location for a second year for 2016-17. The current temporary use permit will expire on November 19, 2017.

In accordance with KMC 18.100.125, a temporary use permit shall demonstrate that: A) The proposed temporary use will not be materially detrimental to the public welfare; B) The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation; and C) Adequate public off-street and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner.

Staff believes the espresso stand will not be detrimental to the public welfare, is generally compatible with the existing land uses on NE Bothell Way in the immediate vicinity which consist of restaurants and commercial services, and the use will provide adequate vehicle access for customers visiting the site.

Development Services staff recommends the temporary use be allowed for an additional year.

Mayor Baker opened the public hearing at 7:26 p.m.

Tom Hermann  
6244 NE 182<sup>nd</sup> Street  
Kenmore, WA 98028

Mr. Hermann spoke in favor of the temporary use. He believes the Council should extend the temporary use now and each year thereafter.

William Leak  
15102 64<sup>th</sup> Court NE  
Kenmore, Washington 989028

Mr. Leak said he couldn't agree more with Mr. Hermann.

## **BUSINESS AGENDA**

"Drive-Through-Service" as a Temporary Use for Another Year in the Downtown Commercial Zone - Bryan Hampson, Development Services Director

**MOTION: Councilmember Herbig made a motion to allow "drive-through service" as a temporary use for another year located at 6532 NE Bothell Way in the Downtown Commercial Zone, Councilmember Curtis seconded the motion. The motion passed 6-0.**

Resolution 17-302 Establishing a Federal Procurement Policy and Guidelines - Joanne Gregory, Finance and Administration Director and Janet Quinn - Management Analyst

Director Gregory explained that during the 2016 audit, the auditors noted the City needed a written federal procurement policy and conflict of interest policy for expenditures of federal awards. This was due to new federal requirements issued December 26, 2013 known as the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule, also known as 2 CFR 200 "Uniform Guidance".

In September of 2016, in response to this new requirement, the City began work on a Council Code of Ethics and Conflict of Interest policy, which was required by auditors and adopted by Council on April 10, 2017 as a component of the City of Kenmore Council Rules and

Procedures. The City also began studying and working on the federal procurement policy along with a revision to the City's overall purchasing and contracting policies. The staff deems it prudent to establish written federal procurement standards as soon as possible. These will be incorporated into the broader revised Purchasing and Contracting Policy when that project is complete.

Even though the City lacked a written policy, it should be noted that all staff involved in procurement involving federal awards (grants), primarily the Public Works Engineering staff, have complied with the new federal guidelines because they have also been incorporated into the LAG (Local Agency Guidelines) manual utilized by WSDOT.

**MOTION: Mayor Baker made a motion to approve Resolution 17-302 Establishing a Federal Procurement Policy and Guidelines, Councilmember Denuski seconded the motion. The motion passed 6-0.**

Ordinance 17-0442; Amending Noise Chapter 8.05 KMC, Amending Junk Vehicle Chapter 8.25, Amending Public Nuisances Chapter 8.35, and Amending Special Events Chapter 8.40 - Debbie Blessington, Building and Code Inspector

Director Hampson explained that this was previously presented and discussed with Council on July, 17, 2017, at a regular Council Meeting. Revisions and edits have been made based on Council direction.

The major changes and modifications to Title 8 of the Kenmore Municipal Code are:

**Chapter 8.05, Noise;**

**8.05.015 & .020** – New section that adopts State noise levels in WAC 173-60.

**8.05.030-** New section requiring construction sites to post the construction hours. This may help with enforcing the noise hours. Construction workers, neighbors and citizens will have a better understanding of the acceptable noise hours.

**8.05.040-** New section allowing noise variances for special circumstances.

**Chapter 8.25, Junk Vehicles;**

**8.25.020-** Amendments to these sections allow us to enforce public nuisances visible from Lake Washington or public access easements, not considered public right-of-way.

**Chapter 8.35, Public Nuisances;**

**8.35.010-** Amendments to these sections allow us to enforce public nuisances visible from Lake Washington or public access easements, not considered public right-of-way.

**Rest of Chapter** - Clean-up and reorganized.

## **Chapter 8.40, Special Events;**

**8.40.015-** added language that allows public agencies to apply for special event permit.

**Special Event Definition** – revised the language for events occurring on streets and within a park, where anything that interferes with the normal or usual use requires a special event permit; added rentals or sales on public property may be processed through a special events permit.

**8.40.090 Insurance-** Revised to align with our insurance company's insurance and indemnity requirements.

**MOTION:** Councilmember Smith made a motion to approve Ordinance 17-0442 Amending Noise Chapter 8.05 KMC, Amending Junk Vehicle Chapter 8.25, Amending Public Nuisances Chapter 8.35, and Amending Special Events Chapter 8.40, Councilmember Herbig seconded the motion. The motion passed unanimously.

Resolution 17-301 Kenmore's 2018 Fee Schedule - Bryan Hampson, Development Services Director

Director Hampson explained that annually the City of Kenmore's fee schedule is reviewed and updated as provided for in Ordinance 02-0139.

The fees and fee structures have generally not changed or been studied since the City incorporated in 1998. In 2016 and 2017, Development Services conducted a fee study on the planning and building fees. The review of the different fees also presented the City with an opportunity to evaluate the fees and fee structures to determine if they were still applicable.

The study evaluated both the entire fee category and individual fee services in each category based on 2015 projects. Individual fee services apply for a specific service, such as a water heater replacement. New project's fall into the entire fee category method, such as valuations or flat fees. Revenues for building services were high in 2015, mainly, if not entirely, because of a couple large projects including MainStreet's projects. The cost recovery for individual fee services are all over the board, ranging from single digits to over 100%. Typical cost recoveries range from 80%-100% for building and 50%-100% for planning. Planning is usually lower, or less than 100% because land-use activities tend to have a mix of public and private benefits that might be supported by a combination of fees and General Fund.

The City Staff is proposing the following revisions and additions to the 2018 Fee Schedule:

- #1. To increase the Development Services fees by the Consumer Price Index (CPI), 3%, including impact fees;
- #2. Set the cost recovery for Building Services to 90%;
- #3. Set the cost recovery for Planning Services to 80%; and
- #4. Delete fees and fee structures that are not applicable.

**MOTION: Councilmember Sperry made a motion to approve Resolution 17-301 Kenmore's 2018 Fee Schedule, Councilmember Denuski seconded the motion. The motion passed unanimously.**

Update on Target Zero and the Neighborhood Transportation Plan Program - Brett Schock, Traffic Engineer

The first goal of the City of Kenmore Council for 2017-2018 remains, as it has been since mid-2014, to focus on and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicyclist, and other means of travel. The City Council adopted a Target Zero resolution in 2014 in support of this goal, aiming for zero serious injuries and fatalities among non-motorized transportation users by 2025. This report provides an update on the status of work towards Target Zero, the improvements to bicycle and pedestrian infrastructure that have occurred since the last update in June of 2016, and a program wrap-up for the Neighborhood Transportation Plan Program (NTPP).

The NTPP has been a critical component of the City's work towards Target Zero, providing an opportunity to address concerns for pedestrian and bicycle safety on residential roads with proactive outreach and dedicated project funding. In total, the NTPP completed ninety projects across the City of Kenmore, addressing striping, signage, street lighting, crosswalk distances and traffic calming. The City has been recognized as a Bronze-level Walk Friendly City and received a \$500,000 grant as an "Implementer" of Complete Streets by the Washington State Transportation Improvement Board. In recognizing the City for both awards, the NTPP was cited as a significant contributor to the City's efforts to improve bicycle and pedestrian safety and facilities.

## **STAFF REPORTS**

City Manager Karlinsey reminded the Council about the special Council meeting tomorrow night. He also told that Council that when he came to the City five years ago, there were 800 citizen action requests each year and now the City is now over 1300. He stated that social media has helped engage with citizens.

## **COUNCIL REPORTS**

Councilmember Denuski reminded Council that Kenmore Elementary will be doing a Secret Santa program again this year.

Councilmember Curtis reported that he visited the temporary shelter in town at the Lutheran Church. He believes providing the shelter in the City was the right decision.

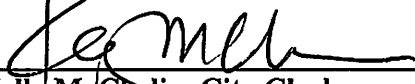
Mayor Baker reported on various meetings he has attended including National League of Cities and a meeting with the Governor regarding Saint Edward park. Lastly, he reported that the ribbon cutting for 192<sup>nd</sup> is scheduled for tomorrow.

## **ADJOURNMENT**

Mayor Baker adjourned the meeting at 8:31 p.m.

  
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David Baker, Mayor

ATTEST:

  
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Kelly M. Chelin, City Clerk