

**City of Kenmore
City Council Regular Meeting
Minutes
December 9, 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 at 6:15 p.m. to discuss Potential Litigation per RCW 42.30.110(1)(i).

The executive session ended at 6:42 p.m.

The Council took a break from 6:42 p.m. to 7:00 p.m.

MOTION: Councilmember Smith made a motion to extend time to review FCC Form 394 to January 31, 2020, relating to the request to transfer the Frontier Communications franchise to Northwest Fiber LLC and authorize the City Manager and his designee to continue negotiating the transfer request, Mayor Baker seconded the motion. The motion passed unanimously.

7:00 p.m. - CALL REGULAR MEETING TO ORDER

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

Recognize Outgoing Councilmembers Brent Smith and Stacey Denuski

(The Council took a brief break for cake and refreshments)

Sound Transit Bus Rapid Transit Update - Luke Lamon and Kamuron Gurol, Sound Transit

CITIZEN COMMENTS

Abbas (Aria) Mirazono (spelling not confirmed)
14841 79th Place NE
Kenmore, Washington 9+8028

Abbas spoke about the Solarize Kenmore project.

Serena Freeman
20822 76th Avenue West
98026

Ms. Freeman spoke about preserving the ballfield at St. Edward.

Rokugan (Age 5)
Same address as above.

Rokugan also spoke how much he enjoys the ballfield.

John Hendrickson
5919 NE 202nd Lane
Kenmore, Washington 98028

Mr. Hendrickson spoke about the need for a new Mayor next year. He also spoke about a few other topics including preserving the ballfields.

Vicki Grayland
20308 73rd Avenue Ne
Kenmore, Washington 98028

Ms. Grayland stated that she supports Solarize Kenmore. She also said the ballfields need to be preserved.

Whitney Neugebauer
20253 80th Place NE
Kenmore, Washington 98028

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Ms. Neugebauer spoke to preserving the ballfields.

Susan Carlson
13468 64th NE
98034

Ms. Carlson spoke in support of Camp Roots and preserving the ballfields.

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley spoke to the Pros Plan and the support of the ballfields.

Katherine Hales
19922 88th Avenue NE
Bothell, Washington 98011

Ms. Hales is a teacher at Camp Roots. She would like to see the ballfields stay the way they are.

Dakota Rash
6431 NE 198th Street
Kenmore, Washington 98028

Ms. Rash urged the Council to preserve the ballfields.

Karen Prince
15122 65th Avenue NE
Kenmore, Washington 98028

Ms. Prince also spoke in support of preserving the ballfields.

Tracy Banaszkyński
5863 NE 197th Street
Kenmore, Washington 98028

Ms. Banaszkyński spoke to global warming and the need for a climate action plan.

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Greg Thompson
16207 81st Place NE
Kenmore, Washington 98028

Mr. Thompson spoke to preserving the ballfields.

Rachael Wiggins
920 N. 102nd Street
Seattle, Washington 98133

Ms. Wiggins is a teacher for Camp Roots and wants to preserve the ballfields.

Ian Isebell
(Address not given)
Edmonds, Washington

Mr. Isebell spoke about not developing the ballfields.

Scott Rose
6446 NE 154th Street
Kenmore, Washington 98028

Mr. Rose spoke about Camp Roots. He asked the Council to preserve the ballfield.

Karra Whitmire
9142 NE 160th Place
Bothell, Washington 98011

Ms. Whitmire stated that she is a coach at Inglemoor Highschool and that ballfields get a lot of use.

Karen McFadden
19604 68th Avenue NE
Kenmore, Washington 98028

Ms. McFadden spoke in opposition of the ballfields.

James Kumin
(Spelling not confirmed)
9727 NE 138th Place
Kirkland, Washington

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Mr. Kumin stated natural space is important and to preserve the ballfields.

Liz Kimbrough
7217 NE 153rd Street
Kenmore, Washington 98028

Ms. Kimbrough urged the Council to preserve the ballfields.

Frank and Family Liberato
6320 NE 130th Place
Kirkland, Washington 98034

Mr. Liberato spoke to preserving the ballfield.

Annaliese Stelzer-Terminello
And son John Prince Terminello
19800 50th Avenue West
Lynnwood, Washington

They both spoke to preserving the ballfields.

Erin Cole
17111 94th Place NE
Kirkland, Washington

Ms. Cole is a Camp Roots teacher. She urged the Council to preserve the ballfields.

Christi Damico
8303 NE 132nd Street
Kirkland, Washington

Ms. Damico asked the Council to preserve the ballfields since she already has concerns over the Lodge coming in.

Mike Dee
4518 NE 171st
Lake Forest Park, Washington

Mr. Dee touched base on a few matters including Sound Transit.

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Noah Orr
Kenmore, Washington

Mr. Orr said he loves the park, ballfields and Camp Roots.

Terminello
Lynnwood, Washington

He also spoke to preserving St. Edward ballfields.

CONSENT AGENDA

MOTION: Deputy Mayor Herbig made a motion to approve the consent agenda, Councilmember Denuski seconded the motion. The motion passed unanimously.

The consent agenda included the following items:

Authorize the City Manager to Sign the Parks Property Tax Levy Agreement Between King County and City of Kenmore

Approve an Amendment to the City Manager's Employment Agreement Effective January 1, 2020

Authorize City Manager to Execute Agreement 19-C2109 with the Washington State Department of Ecology to Accept a \$50,000 Stormwater Capacity Grant

Cancel the December 16, 2019 and December 23, 2019 Regular Council Meetings

Authorize the City Manager to Execute the Consultant Services Agreement with Gordon Thomas Honeywell

Authorize the City Manager to Execute Amendment No. 3 to Contract 17-C1809 with MuniManage LLC

Authorize the City Manager to Execute an Amendment to 14-C1329 with WhatsUP Stand Up Paddle and Surf Agreement

Ordinance 19-0504 Amending Chapter 3.75 of the Kenmore Municipal Code Entitled "Business and Occupation Tax"

Total Check #s 43826 through 43918 in the amount of \$379,687.05.

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic
Deposits Dated: 11/22/19 in the amount of \$159,136.58.

City Council Meeting Minutes of November 12, 2019 and November 18, 2019

PUBLIC HEARING

Allow "Construction and Trade" as a Temporary Use for Interim Public Works Shop For a
One-Year Period for a Property Located at 6532 NE Bothell Way Which is Owned by City of
Kenmore and Zoned Downtown Commercial - Bryan Hampson, Development Services
Director

Director Hampson explained that since January 1, 2019, the City of Kenmore has been providing in-house public works services. The City has not been able to find a permanent location for a Public Works Shop, which is considered a "Construction and Trade" use, per the zoning code (KMC 18.20.590). A city-owned property located at 6532 NE Bothell Way ("subject property") was identified as a temporary location for the Public Works shop and was approved as a temporary use by Council on November 13, 2018 for one year from January 1, 2019 to January 2, 2020.

The subject property is zoned Downtown Commercial (DC) and does not contain any environmentally critical areas or buffers. Per KMC 18.25.020, "Construction and Trade" uses are prohibited use in the DC zone. However, the use is allowed on a temporary basis through Temporary Use Permit (KMC 18.100.100). Temporary Use Permits are a mechanism by which the City may permit a use otherwise not permitted in the zone. Temporary Use Permits that exceed 90-days require a public hearing and City Council approval for up to one year; a temporary use permit may be renewed for additional periods up to one year at Council's discretion, following a public hearing.

The Public Works Operation Division has requested a one-year renewal of the temporary use permit which was approved by Council on November 13, 2018. The City continues to evaluate potential sites to locate the permanent public works shop. Development Services recommends the following conditions for the temporary use permit:

- The existing black chain link fence with privacy screening must remain for the duration of the use;
- The landscaping installed along the perimeter of the property fronting Bothell Way and 67th Ave NE must remain in good condition for the duration of the use;
- The one-year renewal will be valid for January 1, 2020 to January 1, 2021.

Staff recommends approval as the requested temporary use permit meets the decision criteria of KMC 18.100.125.A-C, as the temporary use i) will not be materially detrimental to the public welfare; ii) is compatible with existing land uses in the immediate vicinity in terms of

noise and house of operation; and iii) provides adequate parking. City Council can take action on the temporary use following a public hearing.

Mayor Baker opened the public hearing at 9:24 p.m.

There were no comments from the audience.

Mayor Baker closed the public hearing at 9:24 p.m.

BUSINESS AGENDA

Action to Allow "Construction and Trade" as a Temporary Use for Interim Public Works Shop For a One-Year Period for a Property Located at 6532 NE Bothell Way Which is Owned by City of Kenmore and Zoned Downtown Commercial

MOTION: Councilmember Curtis made a motion to Allow "Construction and Trade" as a Temporary Use for Interim Public Works Shop For a One-Year Period for a Property Located at 6532 NE Bothell Way Which is Owned by City of Kenmore and Zoned Downtown Commercial, Councilmember Smith seconded the motion. The motion passed unanimously.

A Regional Coalition for Housing (ARCH) 2020 Administrative and Budget and Work Program - Nancy Ousley, Assistant City Manager and Lindsay Masters, ARCH Executive Director

Assistant City Manager Ousley and Director Masters explained that a Regional Coalition for Housing (ARCH) is comprised of fifteen East King County cities and King County. Through the technical assistance to its members on housing policy and plan development, combined with ARCH Housing Trust Fund investments, ARCH helps local jurisdictions meet the obligations of the Growth Management Act to provide for housing opportunities that are affordable to a wide range of incomes.

Under the terms of the ARCH Interlocal Agreement, each member jurisdiction must annually approve the ARCH Administrative Budget. Each member jurisdiction contributes annually to ARCH to provide administrative and technical support for the organization's housing activities. The ARCH Executive Board has approved the 2020 Administrative Budget proposal (see Attachment) and has forwarded it to members for adoption. This year's ARCH proposed administrative budget is \$1,110,097, an increase of 53% from the 2019 adopted budget of \$724,221. Kenmore's share of the ARCH Administrative Budget is \$44,921 which is an increase of \$15,128 or 51% compared to the 2019 share of \$29,793. The increase is largely due to additional staffing for monitoring of compliance in home ownership projects funded by the agency, following a review commissioned by the Executive Board. The City

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Council earlier this year approved directing revenue provided by Affordable and Supportive Housing State Shared Tax authorized by SHB 1406 to ARCH. The maximum amount of revenue available for this fiscal year is \$22,466.

Under the terms of the ARCH Interlocal Agreement, each member jurisdiction must annually approve the ARCH Work Program. The ARCH Executive Board has approved the 2020 Work Program and forwarded to the members for approval. ARCH Executive Director Lindsay Masters will be present to brief the Council and answer questions.

Staff recommends Council approval of the ARCH 2020 Administrative Budget and Work Program.

MOTION: Councilmember Denuski made a motion to approve a Regional Coalition for Housing (ARCH) 2020 Administrative and Budget and Work Program, Councilmember Curtis seconded the motion. The motion passed unanimously.

Ordinance 19-0503 Which Establishes the Stormwater Conservation Loan Program and Stormwater Side Line Repair Program - Richard Sawyer, Environmental Services Manager

Manager Sawyer explained that during the 2015 Surface Water Master Plan update, with Council guidance staff developed administrative policy addressing private property (residential) surface water management, which was codified through Ordinance No. 16-0428. The policies provide staff guidance on providing consistent response and service to Kenmore property owners dealing with a variety of drainage issues on their property. At that time, Council wanted to include provisions that provided the City some discretion in addressing drainage issues impacting the safety and general welfare of the community at large, therefore, the code allows for City involvement on private property drainage issues that meet certain criteria, including consideration of impacts to the health, safety and welfare of the community.

RCW 35.67.360 and Article VIII, Section 10 of the state Constitution authorize code cities that are engaged in the sale or distribution of stormwater services to use public moneys or credit derived from operating revenues of stormwater services to assist owners of stormwater structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of stormwater services in such structures or equipment. Under the statute, except for the necessary support of the poor or infirm, an appropriate charge-back must be made for the extension of public moneys or credit.

The proposed ordinance discussed in this report would provide two additional tools to the City in addressing private property drainage issues, consistent with the authority provided in RCW 35.67.360 and Article VIII, Section 10 of the state Constitution. During policy development in 2015-2016, staff did not have data available to quantify the issue being

discussed other than specific service requests reported to the City at that time. Therefore, in 2017-2018, staff conducted a GIS analysis and researched property records to determine which private properties in the City are potentially impacted by constructed stormwater facilities crossing between City right-of-way and private property. That analysis concluded that approximately 708 properties contain some form of stormwater facility that receives stormwater from City right-of-way. Typically, private property facilities that receive stormwater from City right-of-way either 1) convey the stormwater through the property to another adjacent private property or 2) convey the stormwater through the property to another connecting City right-of-way or 3) the stormwater facility discharges into a receiving waterbody on the private property (typically into a stream, wetland, Sammamish River or Lake Washington). It is important to note that this analysis did not include groundwater related issues originating on private property, which are often perceived as a non-private property issue.

The City does not operate or maintain private stormwater facilities unless the facility is located in an easement or tract dedicated to the City for the purpose of operation and maintenance. Of the 708 properties identified in 2017, approximately 200 contain easements meeting the appropriate criteria for City maintenance. Another 40 properties contain stormwater facilities which were maintained by King County (and now by the City) and were recently discovered not to have the appropriate easements, which will require staff to follow up with property owners to obtain easements or return the responsibility of the facility back over to the property owner.

Owners of the remaining 470 properties containing stormwater facilities are responsible for operating and maintaining those facilities. 30 of these properties are annually inspected by City staff because they also contain a private flow control or water quality facility required at the time of development, which leaves approximately 440 properties containing stormwater facilities not regularly inspected or maintained by the City.

For these 440 properties, the City's GIS includes data on approximately 432 catch basins, 16 miles of pipe (approximately 85% are 8" diameter or larger), and 3 miles of ditches. It is estimated that at least 25% of these facilities may be over 50 years old, but this is based on recorded plat dates and it is possible that stormwater facilities were installed before or after this date. Replacement costs for basic facilities, such as catch basins and pipe, can vary greatly depending on localized factors such as facility depth, access issues, slope of the surrounding terrain, surface treatment (i.e. asphalt, landscaping or dirt) and permitting. An average cost (to the City) to replace these facilities may range from \$2,000 - \$2,400 for catch basins and \$65-\$75 per foot for pipe if the facility is easily accessible and not deeper than 3-4 feet for pipe placement.

During the 2019-2020 biennium budget process, \$90,000 (\$45,000 annually) was reserved for a program to offer Kenmore single-family residential property owners' two options to aid them in addressing private property drainage issues on their property. The first option, entitled the "Stormwater Conservation Loan Program", provides property owners a low interest loan to conduct maintenance on private stormwater facilities, which would be

repayable to the City. The second option, entitled the “Stormwater Side Line Repair Program”, allows the City or its contractors to conduct maintenance on private stormwater facilities if such maintenance is determined to be of benefit to the City’s operation and continued longevity of City-owned stormwater facilities and this option is at no cost to the private property owner. Both options are limited to a one-time use per property and both require an agreement, recorded to title, acknowledging that all future maintenance, repair, replacement and operation of stormwater facilities located on private property are the sole responsibility of said property owners.

As a property owner considering these two options, the obvious tendency will be to prefer the program that doesn’t incur costs to said property owner. The primary factor determining eligibility between the two options (outside of budget and resource availability) is assessing how the private facility benefits the City’s stormwater facilities and general health, safety and welfare of the community. Every property owner may choose to manage the facilities on their property differently, including how they assess risk and liability, prioritize maintenance needs, and determine acceptable level of facility function. However, if the facility negatively impacts City facilities or public welfare then the City needs to respond. Often times, if property owners do not have the knowledge or resources to address these issues then prolonged negative impacts to the City’s facilities occur.

In summary, this program adds two valuable tools to the City’s ability to respond to private property drainage issues. Currently, options are limited to code enforcement, which is not always effective – particularly on community members burdened with financial or other hardships. Code enforcement may also not always be the most financially effective way to approach some drainage problems depending on the resources available and situation.

MOTION: Councilmember Denuski made a motion to approve Ordinance 19-0503 which establishes the Stormwater Conservation Loan Program and Stormwater Side Line Repair Program, Councilmember Curtis seconded the motion. The motion passed 6-1-0 with Councilmember Srebnik voting no.

ADJOURNMENT

The meeting adjourned at 10:31 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk