



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
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City of Kenmore
REVISED City Council Special & Regular Meeting Agenda

6:00 p.m., Monday, December 12, 2016

Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. 6:00 p.m. - CALL SPECIAL MEETING TO ORDER

II. EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), Litigation & Potential Litigation

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

IV. ADJOURN SPECIAL MEETING

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

VI. ROLL CALL

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PRESENTATIONS

A. Recognize Outgoing City Clerk, Patty Safrin - Joanne Gregory, Finance & Administration Director

B. Old SR520 Bridge Demolition - Greg Wingard
[Letter](#)

X. CITIZEN COMMENTS

A. This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

XI. CONSENT AGENDA

- A. Adopt Minutes for the November 21, November 22 and November 28, and December 5, 2016 City Council Meetings
[DRAFT 11 21 2016 Minutes](#)
[DRAFT 11 22 2016 Minutes](#)
[DRAFT 11 28 2016 Minutes](#)
[DRAFT 12 05 2016 Minutes](#)
- B. The Following Checks and Electronic Payments are Approved for Payment:
Total Check Numbers 35744 Through 35831 in the Amount of \$685,111.60
Total Payroll Electronic Deposits Dated 11/25/2016 in the Amount of \$80,119.50
[Checks & Electronic Payments](#)
- C. Receive and File September 2016 Financial Report for the City of Kenmore, Washington
[Agenda Bill & Attachment](#)
- D. Adopt Ordinance No. 16-0435, Relating to the 2017 Excess Property Tax Levy - Joanne Gregory, Finance & Administration Director
[Agenda Bill & Attachments](#)
- E. Receive and File Update on Ordinance No. 15-0398, Temporarily Eliminating the Traffic Impact Fee and Parking Requirements in the RB North Zone
[Memo](#)
- F. Approve Amendment No. 5 to Contract No. 12-C1014, City Manager Contract
[Agenda Bill & Attachment](#)
- G. Authorize City Manager to Execute Contract No. 16-C1622, Interlocal Agreement with City of Lake Forest Park, Northshore Utility District and Northshore Fire Department for Regional Emergency Management
[Agenda Bill & Attachments](#)

XII. BUSINESS AGENDA

- A. Adopt Ordinance No. 16-0431, Amending the 2015-2016 Biennial Budget for the City of Kenmore, Washington - Joanne Gregory, Finance & Administration Director
[Agenda Bill & Attachments](#)
- B. Adopt Ordinance No. 16-0429, 2017-2018 Biennial Budget for the City of Kenmore, Washington - Joanne Gregory, Finance & Administration Director
[Agenda Bill & Attachments](#)
- C. Adopt Ordinance No. 16-0428, Integrating Low Impact Development Principles and Best Management Practices Into the City's Development-Related Codes, Rules and Standards - Richard Sawyer, Surface Water Program Manager, and Kris Overleese, Public Works Director/City Engineer
[Agenda Bill](#)

[Ordinance & Attachments](#)

- D. Lakepointe Commercial Site Development Plan (CSDP) and Transportation Mitigation Agreement: Extension and Funding Agreement - Rob Karlinsey, City Manager

[Revised Agenda Bill & Attachments](#)

XIII. STAFF REPORT

XIV. COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

XV. ADJOURNMENT

Upcoming Meetings:

Mon., December 19, 2016 - City Council Regular Meeting CANCELED

Tues., December 27, 2016 - City Council Holiday Schedule Regular Meeting CANCELED

Wed, January 4, 2017 - 6:00 p.m. - Legislative Send-Off

Fri. & Sat., January 6 & 7, 2017 - 9 a.m. to 5 p.m. - City Council Retreat,
LaConner Channel Lodge, LaConner

Mon., January 9, 2017 - 7:00 p.m. - City Council Regular Meeting

Rob Karlinsey,
City Manager
City of Kenmore
18129 68th Ave NE
Kenmore, WA 98026

October 27, 2016

Rob:

You asked I provide you with a letter covering points raised during our phone conversation last Thursday.

There were a number of points raised in our phone conference.

WSDOT/KGM provided Kenmore, and other local governments/agencies incomplete or misleading information that led to incorrect conclusions or actions.

On or about May 10th, 2016, the City of Kenmore was engaged in settlement of litigation with KGM related to the use of the Kenmore Yard¹, and requested KGM provide data on arsenic contamination said to be present in the old SR 520 bridge structure. On or about May 12th, KGM supplied the City of Kenmore with a number of sample results for TCLP analysis of concrete from six composite samples, reporting on eight metals². These samples were taken from the section of the old bridge referred to as the pontoon superstructure. An additional four composite samples were taken from the approach area of the structure not contaminated with elevated levels of arsenic³. Based on this information, though they expressed multiple reservations about sampling methodology including how samples were composited, and why more contaminants weren't tested for, Anchor QEA opined what information was provided was below Resource Conservation Recovery Act levels referred to as MCL's (Maximum Contaminant Levels) for toxicity characteristic⁴.

The problem with the Anchor QEA report is that it was based on cherry picked data clearly designed to only allow for a conclusion that there was no problem with the concrete scheduled for demolition and transport through the Kenmore Yard, operated by KMG and their contractors.

¹ Email communications from Kenmore Public Records request response provided to Elizabeth Mooney.

² Anchor QEA Memo, May 20, 2016 to Nancy Ousley page 1.

³ *ibid*

⁴ *ibid*

KGM had known since on or about July of 2015, that total metals analysis of the bridge pontoon superstructure concrete contained arsenic contamination at a level of 55 to 66 parts per million⁵. The TCLP test method only tells you how much of a contaminant comes primarily off the exposed surface area of a solid sample, not how much of a contaminant is actually in a sample. That is why TCLP results for solid samples are reported in mg/L (milligrams per liter), rather than the usual form of reporting contaminants in solids, which is in mg/Kg (milligrams per kilogram).

There is an attempt by KGM and others to pretend that exposure (human or environmental end points) to fine particulates containing 55-66 mg/Kg of arsenic (total metals) can be addressed, or is better addressed by results of a testing method designed to determine how much leachate a particular solid will generate if placed in a landfill. This shows either a basic ignorance of what a TCLP test is designed for, or is a deliberate attempt to mislead the public who likely won't know what a TCLP test is. That is why for example the Model Toxics Control Act unrestricted land use limit for arsenic (20mg/Kg or ppm), is based on total metals, not TCLP. Unlike the TCLP test method, the total metals based limit for arsenic contained in MTCA is specifically designed to be protective of human health, in part based on the human exposure pathways for ingestion, dermal and ingestion for both carcinogenic and non-carcinogenic effects⁶. TCLP does not consider these factors at all, but rather just provides one method of determining whether a material designates as a hazardous waste for purposes of deciding (in part) what type of landfill to send it to.

No reputable, knowledgeable person would try to represent that a TCLP test can be used to determine if people in Kenmore are at risk from exposure to cement dust contaminated with arsenic, and high pH. While your consultant Anchor QEA did not go into quite this detail (and as they were denied access to the total metals data had no reason to do so), they did provide you with a technically sound and reasonable explanation of what the purpose of the TCLP method is⁷. EPA's statement on the purpose of the TCLP test is short and clear, "The following document provides information on the Toxicity Characteristic Leaching Procedure (TCLP), **which is designed to determine the mobility of both organic and inorganic analytes present in liquid, solid and multiphasic wastes.**"⁸ It is simply absurd to assert that a TCLP test can be used to determine risks related to inhalation, ingestion or dermal exposure, which were among the key concerns of Kenmore residents, and the City of Kenmore in opposing processing SR 520 concrete by further pulverizing it at the Kenmore Yard.

⁵ NVL Labs report, July 6, 2015, samples labeled KGM-1 through 4, showing arsenic at 55 to 66 mg/Kg (also ppm)

⁶ Calculations for Table 740-1 Method A Soil Cleanup Levels for Unrestricted Land Uses, Pete Kmet, Senior Environmental Engineer Toxic Cleanup Program, Ecology November 23, 2004 revision, see Tables 1, and 2 for arsenic.

⁷ See foot note 2, at page 1, Floating Bridge Test Results

⁸ <https://www.epa.gov/hw-sw846/sw-846-test-method-1311-toxicity-characteristic-leaching-procedure>

Public Health Seattle King County, required KGM to provide sample data including TCLP for eight RCRA metals, and pH in order to receive approval to dispose of the known to be arsenic contaminated concrete (pontoon superstructure) at the Reserve Silica site⁹. That these are the same data set that was partially reported to Kenmore is confirmed by communication between KGM and PHSKC¹⁰, and the lab report dates from NVL Labs¹¹. The problem here is that KGM neglected to provide Kenmore with the rest of the data set that included the pH readings of the samples¹². The fact these are part of the same data set is demonstrated by the sample paperwork that shows the same lab, the same date received and the identical client sample numbers of WS 1-3 and ES 1-3, and the same project number as the data provided to Kenmore and Anchor QEA¹³.

This is important as the pH data, from the same samples collected and provided to NVL Labs on the same date as part of the identical project number show the pH levels were from 13.1 to 13.3, with four of the six samples being 13.3. Any solid waste with a pH of 12.5, or more is a designated Dangerous Waste¹⁴.

If the entire data set (or what we know of it to date), including the total metals arsenic results from July 2015, with 55 to 66 ppm arsenic, and pH data showing the material designated as Dangerous Waste had been provided to Anchor QEA, their report to Kenmore would likely have been of an entirely different character. It would have, for example, informed the City that KGM was planning on processing and transporting dangerous waste contaminated with elevated arsenic levels through Kenmore. KGM provided Kenmore with just the TCLP data, and withheld the total metals data showing the elevated arsenic contamination that they knew

⁹ Email from Ben Tornberg, KGM to Darshan Dhillon, PHSKC 12/29/2015, asking for confirmation there wouldn't be a problem disposing of concrete with 55 to 66 ppm arsenic at Reserve Silica, Email from David Christensen, PHSKC to Ben Tornberg, KGM 12/29/15, stating "Dangerous waste applies to all wastes...Concrete or anything else, and Email from David Christensen, PHSKC to Ben Tornberg 1/14/16, requiring testing for "TCLP RCRA 8 metals" and "The pH of the waste (using the Solid Waste pH test) must be within drinking water standards."

¹⁰ Email from Ben Tornberg, KGM to David Christensen PHSKC, 1/19/2016, "Our concrete samples are currently at the lab."

¹¹ Anchor QEA Memo, May 20, 2016, at page 5 of 17 "Date Received: 1/19/2016"

¹² NVL Labs report, January 20, 2016, showing pH results for six samples ranging from a pH of 13.1 to 13.3.

¹³ *ibid*, see client, date received, project number and sample number designations as compared to the Anchor QEA report NVL Labs data that are identical.

¹⁴ WAC 173-303-090 (6)(a)(iii) determines that a pH test performed using method 9045D resulting in a pH of less than or equal to 2 or greater than or equal to 12.5 results in waste that must be characterized as "Dangerous Waste." The test described in the results from NVL Labs used method 9045D.

existed in the pontoon superstructure cement since July 6, 2015¹⁵. They substituted total metals data from a different area of the bridge that wasn't contaminated with arsenic. Further, by providing different, later-created data from a different area of the bridge from that where they knew elevated arsenic levels were present, KGM was knowingly misleading the City of Kenmore¹⁶.

This is not an isolated incident, but rather consistent pattern of omission and deception. To be brief (in an already long letter), I will limit this to a couple of examples.

Once the settlement with Kenmore was completed, the activity that was once supposed to happen in Kenmore Yard became slated to occur in the construction zone of the bridge on barges in Lake Washington. The City of Medina then faced a similar circumstance of learning late in the game that WSDOT plans had changed. This resulted in revision to the Shoreline Conditional Use Permit (CUP) and a subsequent appeal of that City of Medina decision.

In issuing the permit Medina like Kenmore relied on the data provided by KGM (on behalf of WSDOT). In the case of Medina, KGM provided even less data than what they provided to Kenmore. KGM only provided the six TCLP metals sample results, while withholding the total metals results from July 6, 2015, November 23, 2015 and the pH results of January 20, 2016¹⁷. The effect was to keep Medina and its concerned residents in the dark about issues related to contamination of the material and waste to be processed under consideration in the permit. It further suppressed the ability of Medina residents to fully participate in the consideration of the permit and denied any opportunity to comment on the issues raised by the data WSDOT and KGM had in hand but withheld. Like the outcome of the Anchor QEA report in the case of Kenmore, the Medina Shoreline CUP would likely have had a considerably different public comment period and outcome if KGM had actually provided the data they had been holding onto for months, instead of only providing the data they calculated would get them to the outcome they desired.

The even more egregious example though is the National Environmental Policy Act/State Environmental Policy Act Environmental Reevaluation done by WSDOT, and co-signed by the Federal Highway Administration¹⁸. A reevaluation is required whenever new information comes to light that may require a reassessment of either the threshold determination, or in the case an EIS (the highest level of review under

¹⁵ See footnote 5.

¹⁶ See Anchor QEA report May 20, 2016 at page 15 of 17.

¹⁷ See Exhibit 7 from City of Medina's Revision to Shoreline Conditional Use Permit file No. 277

¹⁸ http://wsdot.wa.gov/NR/rdonlyres/C52DB927-3FF3-4CB5-98F7-86C3591E300A/0/2016_04_20_I5toMedina_FBDemo_Reeval.pdf SR 520, I-5 to Median: Bridge Replacement and HOV Project NEPA/SEPA Environmental Reevaluation: Floating Bridge Demolition.

NEPA/SEPA), the EIS needs to be supplemented, or an addendum provided to address the new information/impacts. In the matter of the EIS for the SR 520 bridge demolition WSDOT faced a quandary. The EIS had provided very little consideration of the demolition aspects of the project. Thus any data collected or changes to where and how demolition was to be carried out, or new data on contamination levels in the bridge structural or other components would certainly meet the criteria for “new information.” WSDOT was very much aware that the demolition was controversial and being scrutinized by the public¹⁹. In spite of admitting to the activities (new information) at Kenmore Yard would illicit controversy, WSDOT took an interesting position on the “changed conditions” on how “the changed conditions affect the following differently than described in the original environmental document?”²⁰. In terms of any environmental impacts they claimed the new information would not result in any changes to any environmental parameter other than Threatened or Endangered Species. This includes changes to hazardous waste sites, section 4(f) lands, air quality, water quality, vegetation and wildlife, etc.

Then you come to the assumptions that WSDOT, and cosigner FHWA are relying on to make these assertions. There are a number of sections that apply to these assertions.

The fundamental flaw is apparent in the section headed Hazardous Materials²¹, which is parsed to omit the total metals data of July 6, 2015, and the pH data of January 20, 2016. The total metals data for arsenic invalidates the conclusion that the TCLP data proves that the levels in some of the concrete are below those that would be expected to pose an issue for human health²², as TCLP in the context of the eight RCRA metals data is provided for only determines if the waste designates as a hazardous waste in the context of selection of a disposal site, not determining whether the waste is a potential human health or environmental risk (as discussed above TCLP is used to determine the mobility of contaminants).

An accurate description of the purpose and limitation of the use of a TCLP test was provided to Kenmore by their own contractor²³, which you can see does not include human health, or environmental exposure impacts. In addition to failing to provide the total metals data, which even in the case of the most favorable data indicates the arsenic level is less than 8.1 mg/Kg, rather than 0.2 mg/L (results they reported as ppm, which avoids the question of why they were reporting arsenic levels in concrete as a concentration in liquid, rather than a solid). There is an additional

¹⁹ Ibid, see page 2 of 10, “WILL THESE CHANGES RESULT IN ANY CONTROVERSY”, with an answer of “YES”.

²⁰ Ibid, see page 1 and 2.

²¹ Ibid, see page 8 of 10, “WSDOT has surveyed the existing floating bridge for hazardous materials and has discovered some areas of concrete with very low levels (less the 0.2ppm) of arsenic present.”

²² Ibid, see page 8 of 10, *Hazardous Materials*

²³ Anchor QEA Memo, May 20, 2016, page 1, Floating Bridge Test Results

claim that the existing groundwater monitoring and erosion control BMP's would continue at Kenmore Yard, as well as continued screening of materials brought to the Kenmore Yard for hazardous materials, and if any are encountered they would be disposed of in accordance with all applicable Federal, local, and state regulations²⁴. This was obviously a false assertion as WSDOT and KGM were in possession of data that the pontoon superstructure concrete waste designated as Dangerous Waste, but did not continue to "screen" the material, in fact went on to dispose of it in a manner not "in accordance with all applicable Federal, local and state regulations."

In the Section 4(f) Resources, they state no such resources will be impacted by the proposed use of the Kenmore Yard, therefore no impacts are anticipated. Perhaps true as far as it goes, but the information on arsenic levels in the pontoon superstructure, and pH levels that designate as Dangerous Waste are clearly new information that directly impacts the Washington Park Arboretum, which surrounds SR-520 on all sides. Even if WSDOT was to assume that their Best Management Practices would mitigate impacts, they still have a duty to disclose the new information (all new data collected after the initial NEPA/SEPA demolition evaluation) to the public. Instead they deliberately withheld it in the NEPA/SEPA reevaluation, City of Kenmore litigation and settlement process, and City of Medina Shoreline CUP Revision.

In the NEPA/SEPA section *Air Quality*, there is no admission of elevated arsenic levels, or high pH²⁵. Even if the measures outlined are effective, it needs to be provided in the context of what it is effective in accomplishing.

The assumption in the air quality section is that dust control will be accomplished by application of water and resulting capture and disposal of those liquids in accordance with all applicable Federal, local, and state regulations. It is unclear how this is happening at the Kenmore Yard, as the apparent method is for any liquids to discharge to ground. There does not appear to be any systems for collecting or treating track out, or dust control water related to loading trucks at the Kenmore Yard site. So either the material is generating dust at the site (no dust suppression water), or the dust is being suppressed with water, and being discharged, along with the track out from the barges to the ground.

At this point with the facts and supporting records available it should be clear why the community has no trust in any assertions provided by the responsible agencies. WSDOT, Ecology and PHSKC all of have substantial incentive on the part of individual staff and as institutions to justify the evaluations, permissions, permits and actions they have allowed.

²⁴ See footnote 18.

²⁵ *ibid*

The situation based on the records show that sampling of bridge materials to protect human health and the environment was poorly thought out, badly designed, yielded inconsistent results. In addition WSDOT and its contractor only provided Kenmore (and others), with limited access to the data they had collected, while withholding data that raised any health, safety and compliance issues, including information that showed that the cement from the pontoon superstructure designated as Dangerous Waste.

For that reason citizens in Kenmore are requesting independent testing and analysis of materials transported through the Kenmore Yard, as well as areas of track out onto the Kenmore Yard. There is ample photographic and video evidence that operations at the Kenmore Yard are in violation of the Kenmore v. KGM settlement, in particular as it relates to the predominant use of a front end loader used to offload the concrete waste from barges onto the Kenmore Yard to load it onto trucks. Photographs and video show that this is resulting in substantial track out into the Kenmore Yard, without even standard Best Management Practices, such as a wheel wash to prevent such track out from being transported onto the public streets of Kenmore.

As per our phone conference the community is requesting that Kenmore exercise its authority to enforce the settlement agreement, as well as securing the safety and health of Kenmore residents, to independently sample concrete waste being transported by WSDOT/KGM/Northstar through Kenmore. In addition sampling of areas of track out from the barges into the Kenmore Yard to ascertain the level of contamination associated with track out from the barge unloading, and truck transport operations. Based on this information Kenmore should consult with its residents and determine what additional steps are necessary.

Source files, photographs and video clips consist of some large files. Those materials can be made available, but it will likely have to be via google drive, or usb device.

Regards,

Greg Wingard
PO Box 7021
Covington, WA

DRAFT

**City of Kenmore, Washington
City Council Regular Meeting
Minutes
November 21, 2016**

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

Councilmembers present: Mayor David Baker and Councilmembers Brent Smith, Laurie Sperry, Milton Curtis, Nigel Herbig and Stacey Denuski

Councilmembers excused: Deputy Mayor Allan Van Ness

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Ann Stanton, Parks Projects Manager; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

CITIZEN COMMENTS

There were no citizens wishing to comment.

CONSENT AGENDA

Councilmember Sperry moved to approve the consent agenda as submitted. Councilmember Herbig seconded the motion to Adopt the Minutes for the October 10, October 17, and October 24, 2016 City Council Meetings; Approve the Following Checks and Electronic Payments for Payment: Total Check Numbers 35539 through 35643 in the Amount of \$422,886.52, and Total Payroll Electronic Deposits Dated 10/28/2016 in the Amount of \$79,374.61; and Approve the 2017 Federal Legislative Agenda for the City of Kenmore, Washington. The motion passed unanimously.

PUBLIC HEARINGS

Proposed Budget Amendments for the 2015-2016 Biennial Budget - Joanne Gregory, Finance & Administration Director, provided a PowerPoint presentation. She stated that this is a public hearing on the budget amendments and an opportunity for discussion and questions. The budget

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amendments will be brought back to Council as an ordinance for adoption on December 12. Prior to closing the 2015-2016 budget period, the City needs to ensure that expenditures do not exceed legally adopted budgets in any of our funds. We need to look for and adjust for previously approved Council actions or direction since the mid-biennial review period adjustments in November of 2015. She reviewed the various funds and adjustments, including City-wide total expenditure and revenue adjustments. She was available to answer any questions.

Mayor Baker declared the public hearing open for public testimony on this topic at 7:19 p.m.

As there were no citizens wishing to be heard, Mayor Baker closed the public hearing at 7:20 p.m.

Public Hearing on Allowing Drive-Through Service as a Temporary Use for Another Year at 6532 NE Bothell Way in the Downtown Commercial Zone - Bryan Hampson, Development Services Director, stated that this is regarding a temporary use permit for the Espresso Works coffee drive-through, located on City property, and that this public hearing is in compliance with City Code. He was available to answer any questions.

Mayor Baker declared the public hearing open for public testimony on this topic at 7:22 p.m.

As there were no citizens wishing to be heard, Mayor Baker closed the public hearing at 7:23 p.m.

BUSINESS AGENDA

Motion to Allow Drive-Through Service as a Temporary Use for Another Year at 6532 NE Bothell Way in the Downtown Commercial Zone - Bryan Hampson, Development Services Director, was available to answer any additional questions.

Councilmember Herbig moved to Allow Drive-Through Service as a Temporary Use for Another Year at 6532 NE Bothell Way in the Downtown Commercial Zone.
Councilmember Curtis seconded the motion. The motion passed 6-0.

Adoption of Ordinance No. 16-0434, Bond Ordinance - Joanne Gregory, Finance & Administration Director, and Stacey Lewis, Attorney, Pacifica Law Group, were present to ask Council for final approval for the bond ordinance to issue up to \$10,000,000 worth of unlimited, taxed, general obligation bonds for the City of Kenmore. Director Gregory reviewed the history of Proposition 1, Walkways and Waterways, which was approved by the voters on November 8, 2016. She stated that last week was the first reading of the Bond Ordinance, and tonight they are present to answer any questions.

Councilmember Denuski moved to Adopt Ordinance No. 16-0434, Bond Ordinance.
Councilmember Smith seconded the motion. The motion passed 6-0.

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Rhododendron Park Boardwalk Project Update - Ann Stanton, Parks Projects Manager, and Debbie Bent, Community Development Director, were present to provide a PowerPoint presentation. Director Bent gave an overview of the project and project funding. She stated that they already have a consultant contract, so they are hoping that engineering and building permit documents will be done in 2017, with construction in 2018. Stanton reviewed the realignment revisions to the project, which do not affect the permits that are already in place. They were available to answer any questions.

City Manager Karlinsey stated for the record that a boathouse is not going to be funded with the bond measure proceeds. If a boathouse goes in there eventually, it is Council's preference to have it be paid for with nonprofit, private sector or other funding.

Moorlands Park 2016 Master Plan - Ann Stanton, Parks Projects Manager, and Debbie Bent, Community Development Director, were present to provide a PowerPoint presentation. Director Bent stated that the Master Plan was approved in 2006 and anticipated park improvements, including improvements to the athletic field. In 2014, the City applied for and received some RCO grants, so that project now appears in the CIP (Capital Improvement Program). She stated that Stanton has been working with the school district, and there has also been outreach to the public regarding design. They will put together a revised agreement with the school district to outline terms of use, operation and maintenance of the park.

Ann Stanton gave a background of Moorlands Park, which may be City's oldest park, and a description of the park. It is used as a park, ball field, and school playground. It does not have a single clear entry. She reviewed the proposed changes to the park, including upgrading the ball field, replacing the shelter and playground, and adding a restroom. She also reviewed the next steps. They were available to answer any questions.

Council expressed their concerns about the current use of the park, and there was discussion of possible solutions to address their concerns.

It was Council consensus to approve the revisions with possible changes to address the Council's concerns if staff can do so and still keep it within budget.

Review of 2017-2018 Proposed Preliminary Biennial Budget - Joanne Gregory, Finance & Administration Director, and Rob Karlinsey, City Manager, reviewed the following funds: Community Development, Public Art, Park Impact Fees, Real Estate Excise Tax (REET), Park Capital Fund, Strategic Reserve, Strategic Opportunity Fund, Kenmore Village, Swamp Creek Basin Fund, and Equipment Replacement Fund. Director Gregory provided a PowerPoint presentation, and Debbie Bent, Community Development Director; Rob Karlinsey, City Manager; and Nancy Ousley, Assistant City Manager, were present to provide additional information and answer any questions. Gregory provided answers to some questions that Councilmembers had asked in previous budget review sessions.

Two public art proposals had been received by the City Manager, and were discussed.

It was Council consensus not to do anything on the "church wall."

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It was Council consensus that they would like to see some other ideas for the 61st Street wall, working off of the old “Cat’s Whiskers” name for the street, and would like staff to do an RFP to elicit other proposals.

It was Council consensus to include an increase in park impact fees on the Fee Schedules for 2017-18 to keep up with inflation.

STAFF REPORT

City Manager Karlinsey reminded Council about the Executive Session on Personnel tomorrow night at 6:00 p.m. He stated that, on the evening of December 1st, the City will hold a celebration of the passage of Sound Transit 3, with special emphasis on thanking the 522 NOW people and everyone who worked hard to get it passed. He encouraged Councilmembers to come.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

Councilmember Smith stated that he enjoyed going to the recent Parks Commission meeting in Yakima with the City Manager and that the meeting went fairly well.

Councilmember Sperry noted that the youth art event, put on by the Arts of Kenmore on Friday, was well attended. She stated that she got a sneak peak of the Town Square Hangar building, and thinks it is gorgeous.

Councilmember Curtis stated that he will be out of town for two weeks.

Councilmember Herbig stated that he went to the National League of Cities (NLC) conference in Pittsburgh with the Mayor and Deputy Mayor, where he took an all-day communications boot camp and a class on dealing with conflict.

Mayor Baker stated that at the National League of Cities conference he was part of a panel discussion on improving the health of kids and families. He noted that he met with Dow Constantine today, and asked him if he could show up at the December 1st ST3 event at the City.

ADJOURNMENT

Mayor Baker adjourned the meeting at 10:07 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

DRAFT

**City of Kenmore, Washington
City Council Special Meeting
Minutes
November 22, 2016**

CALL TO ORDER – The Kenmore City Council special meeting was called to order by Mayor David Baker at 6:00 p.m.

EXECUTIVE SESSION

Mayor Baker recessed the special meeting to an executive session at 6:00 p.m. to discuss Personnel (Review Performance of a Public Employee), pursuant to RCW 42.30.110(1)(g). He stated that the executive session will last for approximately 60 minutes and that action may be taken when the meeting is reconvened.

Mayor Baker extended the meeting for 30 minutes at 7:00 p.m.

Mayor Baker extended the meeting for 15 minutes at 7:30 p.m.

Mayor Baker adjourned the special meeting at 7:45 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

**City of Kenmore, Washington
City Council Regular Meeting
Minutes
November 28, 2016**

CALL MEETING TO ORDER – The Kenmore City Council meeting was called to order by Mayor David Baker at 7:02 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Allan Van Ness and Councilmembers Brent Smith, Laurie Sperry, Nigel Herbig and Stacey Denuski

Councilmembers excused: Councilmember Curtis

Staff present: Rob Karlinsey, City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Public Works Director/City Engineer; Leslie Harris, Management Analyst; Sarah Sandquist, Events & Volunteer Coordinator; Janet Quinn, Project Coordinator; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

PRESENTATION

Bicycle Repair Station Eagle Scout Project - Jonathan Hitchcock, Boy Scout in Unit 610, was present to talk about his Eagle Scout Project, which was a bicycle repair station at Log Boom Park. He gave a background of the Eagle Scout project. He provided a PowerPoint presentation which covered the objectives of the project, project materials and design, and the process of doing the project. Photos were taken of Jonathan with Councilmembers and with his family.

CITIZEN COMMENTS

There were no citizens wishing to comment.

CONSENT AGENDA

Councilmember Denuski moved to approve the consent agenda as submitted. Mayor Baker seconded the motion to Adopt the Minutes for the November 7 and November 14, 2016 City Council Meetings, and Delegate Legally Binding Authority to the City Manager and Department Directors for Contracting and Funding Reimbursements. The motion passed unanimously.

PUBLIC HEARINGS & BUSINESS AGENDA

Public Hearing Concerning the Assumption by the City of the Rights, Powers, Functions, Immunities and Obligations of the Kenmore Transportation Benefit District (TBD) -

Joanne Gregory, Finance & Administration Director, stated that the TBD was created in 2012 and has functioned as required, as a separate legal and recording agency. Now the State statute has been changed to allow cities and towns with the same boundaries as their TBD to assume the TBD and all of the rights, powers, and functions that go with it. She noted that this action would eliminate some of the costs of maintaining a separate district. On November 14 the City Council passed Resolution No. 16-282, indicating the Council's intent to hold a public hearing on this matter, and that public hearing is being held this evening. She was available to answer any questions.

Mayor Baker opened the public hearing to receive public testimony on this issue at 7:23 p.m.

As there were no citizens wishing to testify, Mayor Baker closed the public hearing at 7:23 p.m.

Adopt Ordinance No. 16-0424, Assuming the Rights, Powers, Functions, Immunities and Obligations of the Kenmore Transportation Benefit District (TBD) - Joanne Gregory, Finance & Administration Director, was available to answer any additional questions.

Councilmember Sperry moved to Adopt Ordinance No. 16-0424, Assuming the Rights, Powers, Functions, Immunities and Obligations of the Kenmore Transportation Benefit District (TBD). Councilmember Herbig seconded the motion. The motion passed 6-0.

Public Hearing to Receive Public Testimony on the 2017-2018 Proposed Preliminary Biennial Budget and 2017 Property Tax Levy - Joanne Gregory, Finance & Administration Director, stated that this is the second opportunity for the public to be heard on these matters. A public hearing on the tax levy was previously held on November 7th, and a public hearing on the Budget was held November 14th. In October and November, public hearings and presentations were held on various aspects of the Budget. In addition, the Budget has been available on the City's website. She briefly reviewed the 2017 Property Tax Levy Ordinance. She was available to answer any questions.

Mayor Baker opened the public hearing to receive public testimony on this issue at 7:30 p.m.

As there were no citizens wishing to testify, Mayor Baker closed the public hearing at 7:31 p.m.

Adopt Ordinance No. 16-0432 Relating to the 2017 Regular Property Tax Levy - Joanne Gregory, Finance & Administration Director, was available to answer any further questions.

Councilmember Denuski moved to Adopt Ordinance No. 16-0432 Relating to the 2017 Regular Property Tax Levy. Councilmember Herbig seconded the motion. The motion passed 5-1, with Deputy Mayor Van Ness voting no.

Adopt Resolution No. 16-289, Amending City Council Policies - Rob Karlinsey, City Manager, and Janet Quinn, Project Coordinator, were present to provide a brief report. City Manager Karlinsey noted that at their January Retreat Council directed staff to come back with some conflict of interest language, so that is why this is coming before them now. Janet Quinn provided a PowerPoint presentation, which included the process for revising the Council Rules of Procedure; what changes have been made to the most recent Council policy document, Resolution No. 13-215; and answers to potential questions. She requested Council questions and suggestions for revisions.

It was Council consensus that Resolution No. 14-238 regarding the Council vacancy policy should have been rolled into this Resolution.

City Attorney Rod Kaseguma commented on the document and indicated that he would like to review it, as he was not the attorney who initially reviewed it.

It was Council consensus to revise Resolution No. 16-289, pursuant to the discussion, and bring it back to Council for approval in January.

STAFF REPORT

Leslie Harris distributed to the Council a memo received from the Kenmore mural artists detailing a mobile app project to document the stories depicted in the mural. She stated that staff will bring this forward to Council on Dec. 5th. City Manager Karlinsey stated that it would be fine to wait until after the first of the year, if Council desires.

It was Council consensus that they would like to see it developed for mobile platforms in general, not just one type of phone.

Karlinsey stated that a good first step might be the Heritage Society's plan to add these stories to their new website.

Deputy Mayor Van Ness moved that Council reject the mobile app proposal. Mayor Baker seconded the motion. The motion passed 6-0.

CITY MANAGER COMMENTS

City Manager Karlinsey stated that he emailed Council a draft of the salary comparison plan and would like to give it to employees for comments and bring it to Council for adoption on December 12th.

He stated that he, Debbie Bent, and John Vicente did a walkthrough of the Town Square, and it is coming along nicely, but will not be ready for the Christmas tree lighting ceremony on Saturday, December 3rd.

He noted that tonight the City has reason to celebrate because Standard & Poors notified Joanne Gregory that the City received a Triple A bond rating. He provided sparkling cider to all and toasted to Joanne Gregory, Finance & Administration Director, and to the City Council.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

Councilmember Smith thanked Director Gregory, City Manager Karlinsey, and other councilmembers and staff for this achievement.

Councilmember Sperry agreed.

Councilmember Denuski thanked Council for helping with the Secret Santa program.

Deputy Mayor Van Ness stated that he went to the recent National League of Cities meeting with Mayor Baker and Councilmember Herbig. He noted that hot topics included the heroin problem, and technological innovation in government and transportation, including a mobile app for paying parking.

Mayor Baker stated that this Thursday night there will be an event to thank all the people who worked to get ST3 passed. He noted that the head of Sound Transit and Claudia Balducci, board member, may be here. He stated that he attended a bill signing for legislation that has to do with St. Edwards State Park that the City worked hard to get passed. The Mayor obtained the pen used by the governor to sign the legislation.

ADJOURNMENT

Mayor Baker adjourned the meeting at 8:32 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

DRAFT

**City of Kenmore, Washington
City Council Special Meeting
Minutes
December 5, 2016**

CALL MEETING TO ORDER – The Kenmore City Council special meeting was called to order by Deputy Mayor Allan Van Ness at 6:15 p.m.

EXECUTIVE SESSION

Deputy Mayor Van Ness recessed the special meeting to an executive session at 6:15 p.m. to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 45 minutes and that no action is anticipated when the meeting is reconvened.

Deputy Mayor Van Ness reconvened meeting at 7:00 p.m.

Councilmembers present: Deputy Mayor Allan Van Ness and Councilmembers Brent Smith, Laurie Sperry, Nigel Herbig and Stacey Denuski

Councilmembers excused: Mayor David Baker and Councilmember Milton Curtis

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Public Works Director/City Engineer; Debbie Bent, Community Development Director; Lauri Anderson, Senior Planner; Dawn Reitan, City Attorney; Kelly Chelin, Incoming City Clerk, and Patty Safrin, City Clerk

FLAG SALUTE

Bill Leak led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

PRESENTATIONS

Introduction of Kelly Chelin, New City Clerk - Joanne Gregory, Finance & Administrative Director, introduced the incoming City Clerk, and Chelin made a few comments.

Puget Sound Energy (PSE) Brief to Council - Nancy Ousley, Assistant City Manager, was present with Dom Amor, Local Government Affairs and Public Policy Manager for the Puget Sound area, and RaeLynn Asah, Municipal Relations Supervisor, to provide a report. Assistant City Manager Ousley gave a brief introduction and stated that the City is about to begin franchise discussions with PSE. PSE staff provided a PowerPoint presentation, including background on

the PSE service area, power system overview, how power outages occur, and the priority of power restoration efforts after an outage. Don Amor stated that their first priority in restoration is safety of the public and PSE crews. RaeLynn Asah continued with the PowerPoint, including a Kenmore area overview of electric and gas transmission and distribution lines, improvements completed in 2016, improvements planned for 2017, outage history for the past five years, details of recent 2016 outages, and how PSE communicates during storm events. They were all available to answer any questions.

CITIZEN COMMENTS

Staci Adman, 7815 NE 192nd St., was present to read into the record remarks by her husband, Eric Adman, in support of the Squires Landing restoration grant.

Deputy Mayor Van Ness thanked her for her comments.

CONSENT AGENDA

The Council unanimously voted to approve the consent agenda as submitted, Adopting the Minutes for the April 25 and July 25, 2016 Kenmore Transportation Benefit District Meetings, and Approving the Following Checks and Electronic Payments for Payment: Total Check Numbers 35644 Through 35743 in the Amount of \$788,991.69 and Total Payroll Electronic Deposits Dated 11/10/2016 in the Amount of \$79,527.48.

BUSINESS AGENDA

Squires Landing Restoration Grant - Debbie Bent, Community Development Director, stated that staff is looking for Council direction on whether to partner with the US Army Corps of Engineers on a restoration project at Squires Landing. She detailed what the partnership with the Corps would involve, including a feasibility study as well as design and implementation of the project. She and City Manager Karlinsey were available to answer any questions.

It was Council consensus to delay making a decision, put the topic on the January Retreat agenda and bring back to Council for a decision in early January.

Discussion of Strategic Opportunity Fund Policy - Joanne Gregory, Finance & Administration Director, stated that when the City established the Strategic Opportunity Fund in 2013, there was discussion of what might be appropriate uses for the funds and how they might be managed and repaid over time. However, a policy has not been adopted as yet. She noted that it is important to distinguish this fund from the Strategic Reserve Fund, which is truly a “rainy day” fund. She detailed the proposed policy. She stated that once approved, she would incorporate this policy into the financial policy section which is always included in the biennial budget. She and City Manager Karlinsey were also available to answer any questions.

It was Council consensus to keep the policy as written.

STAFF REPORT

City Manager Karlinsey stated that the City had a bond pricing phone call this morning, took the bonds to market, and sold them. Director Gregory added some further details and explanation of the process. On December 21st, the sale of the bonds will close. She explained that now that the bonds are priced and we know what we need to raise for the levy, another ordinance is needed to set the excess levy over the 2017 regular property tax levy amount. That ordinance will be brought forward for Council adoption on December 12th.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

Councilmember Denuski stated that she had fun at the tree lighting event, and it was incredibly well attended.

Councilmember Sperry thanked the staff and volunteers for the tree lighting ceremony.

Councilmember Herbig stated that he had a great time with his daughter at the tree lighting ceremony.

Deputy Mayor Van Ness thanked Councilmember Sperry for filling in for the Mayor as master of ceremonies at the tree lighting ceremony. He attended a Technology in Transportation conference in Bellevue last Friday, along with Kris Overleese and Rob Karlinsey.

EXECUTIVE SESSION

Deputy Mayor Van Ness recessed the meeting to an executive session at 8:48 p.m. to discuss Pending Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 30 minutes and that action may be taken when the meeting is reconvened.

Deputy Mayor Van Ness reconvened meeting at 9:14 p.m. No action was taken.

ADJOURNMENT

Deputy Mayor Van Ness adjourned the meeting at 9:14 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

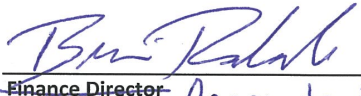
Voucher Certification and Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim.

The following checks and electronic payments are approved for payment:

Total Check numbers: 35744 through 35831 \$ 685,111.60

Total Payroll electronic deposits dated: 11/25/2016 \$ 80,119.50

 <u>City Manager</u>	<u>12-5-16</u> <u>12-15</u> <u>Date</u>
 Finance Director <u>Accountant</u>	<u>12/2/16</u> <u>Date</u>

Check #	Vendor Name	Description	Check Amount
35744	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	10,449.07
35745	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	2,195.00
35746	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	3,103.81
35747	DRS 457	Deferred Comp Payroll Deduction	460.00
35748	AFLAC	Private Medical/ Disability Plans	348.94
35749	CITY OF KENMORE FS	Flexible Spending Medical Plans	396.38
35750	BANK OF AMERICA 941	Payroll Taxes	17,446.25
35751	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	18,802.04
35752	DEPARTMENT OF LABOR AND INDUSTRIES	Worker's Compensation	2,405.92
35753	UNITED WAY OF KING COUNTY	Employee Charitable Contribution	442.00
35754	NATIONAL LIFE OF VERMONT	Life Insurance	123.17
35755	AMERICAN GENERAL LIFE GPO-400S	Life Insurance	409.94
35756	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Deduction	275.00
35757	HSA BANK	Employee Health Savings Account Contribution	80.76
35758	AWC EMPLOYEE BENEFITS	Employee Health Insurance	45,189.50
35759	LINCOLN NATIONAL LIFE INSURANCE	Life/Long Term Disability/AD&D	883.36
35760	BANNER BANK NO	Supplies, Parking & Business Directory	232.04
35761	US POSTAL SERVICE (HASLER)	Postage Meter Refill	2,130.98
35762	BANNER BANK CS	Teen Dance Food & Drinks	417.40
35763	BANNER BANK JG	Airfare, Wellness, & Special Events	1,592.93
35764	BANNER BANK KENMORE	Hotel, Business Meetings, & Parks Supplies	638.82
35765	BANNER BANK KENMORE	Business Mtgs, Hotel, Materials, Hank Heron Book	2,775.59
35766	BANNER BANK BAKER	Business Meeting Expenses & Parking	32.34
35767	BAKER, DAVID	10/21-11/23 Mileage Reimbursement	394.74
35768	BRUCE DEES & ASSOCIATES	16-C1496 Oct. St. Edward Ball Fields Prof. Svcs	1,024.88
35769	BULGER SAFE & LOCK, INC.	Parks Key	27.10
35770	FRUHLING SAND & TOPSOIL	Asphalt Disposal & Brush Dumping	230.00
35771	CALPORTLAND COMPANY	Crushed Rock & Gravel for Catch Basins & Parks	448.99
35772	HERRERA ENVIRONMENTAL CONSULTANTS	16-C1601 Oct. Aquatic Vetetation Management	6,457.43
35773	HERRERA ENVIRONMENTAL CONSULTANTS	16-C1601 Balance of Sept. Services	1,548.03
35774	KING COUNTY FINANCE W.L.R.D.	Interlocal Agreement 2nd Half of 2016	6,750.19
35775	KING COUNTY FINANCE	Qtr 3 Liquor Profits/Excise Tax Mental Health Svcs	1,451.88
35776	KING COUNTY FINANCE	October Community Work Program	4,867.50
35777	KING COUNTY FINANCE	October Booking/Maintenance Charges	3,081.10

35778	KING COUNTY SHERIFF	October Police Services	277,866.66
35779	LIGHTHOUSE CONSULTING INC	October IT Services	3,092.50
35780	MR. T'S TROPHIES	Employee Name Tag	11.77
35781	NORTHSHORE UTILITY DIST	9/15-11/15 Various Water/Sewer/Irrigation Chgs	5,047.86
35782	HONEY BUCKET	11/5-12/2 Squire's Landing Rental	218.35
35783	OFFICE DEPOT	Office Supplies	175.34
35784	PUGET SOUND ENERGY	10/13-11/11 Various Electricity & Gas Bills	1,406.64
35785	PUGET SOUND ENERGY	10/13-11/11 Incubator Bldg Electricity	443.65
35786	PUGET SOUND ENERGY	10/13-11/11 City Hall Natural Gas Billing	564.84
35787	PUGET SOUND ENERGY	10/13-11/11 Town Green Gas Billing	34.70
35788	PUGET SOUND ENERGY	10/14-11/11 Town Green Electricity Billing	116.28
35789	CEMEX	Asphalt for 61st & 193rd Drainage Project	209.89
35790	SEATTLE TIMES	November Legal Advertising	980.37
35791	SIGN UP, SIGN CO, INC	Parking Info Temporary Signs	98.82
35792	STEWART MACNICHOLS HARMELL, INC.	October Public Defender Services	5,000.00
35793	TOTAL LANDSCAPE CORP	November Parks & City Hall Landscaping Services	6,382.31
35794	WA STATE DEPT OF TRANSPORTATION	Oct. 68th/181st & 68th/175th Signal Maint. Svcs	247.88
35795	COLUMBIA RIDGE LANDFILL	Street Sweeper Debris Disposal	1,014.92
35796	ARTS OF KENMORE	10/7-11/10 Gallery Exhibit	950.00
35797	WASHINGTON TREE SERVICE INC	Rhododendron Park Root Weevil Treatment	1,533.00
35798	VAN NESS, ALLAN	Travel Expense Reimbursement	40.00
35799	MAIL FINANCE	Postage Machine Lease 12/19/16-3/18/17	703.00
35800	EVER-MARK, LLC	Magnets for SR522 West A Ribbon Cutting Event	312.93
35801	A+ CONFERENCING	Planning Commision Conference Calls	125.11
35802	JAYMARC - AV	16-C1583 Town Green Audio/Visual Package	48,017.75
35803	SHRED-IT USA LLC	Monthly Shredding Service	57.21
35804	ALCALDE & FAY	November Government Affairs Consulting	5,021.57
35805	COMCAST	11/30-12/29 Incubator Internet/Cable	161.89
35806	FIRE PROTECTION, INC	Fire Alarm Service/Monitoring	322.48
35807	PHSI PURE HEALTH SOLUTIONS INC.	City Hall Filtered Water Systems	100.63
35808	INDEPENDENT STATIONERS	Office Supplies	101.55
35809	BROADCAST MUSIC, INC.	11/1/16-10/31/17 Special Events	336.00
35810	KBA INC.	Oct. 15-C1475 Town Green Construction Mgmt.	8,276.67
35811	ALLPLAY SYSTEMS LLC	Tri-Step Replacements/Swing Seats/Shackles	1,132.24
35812	UTILITIES UNDERGROUND LOCATION CTR	October Utility Locates	185.76
35813	G & H PRINTING	Christmas Tree Lighting Posters	127.41
35814	FLEMINGS HOLIDAY LIGHTING LLC	Lights for Tree Lighting & Removal	1,644.00
35815	TRINITY CONTRACTORS, INC.	15-C1484 NE 181st Sidewalks Const. through 11/25	97,091.73
35816	MACDONALD MILLER FACILITY SOLUTIONS	Pond Pump Replacement	1,198.39
35817	SCORE	August Inmate Outside Health Services	52.65
35818	HEWITT	14-C1324 8/1-10/28 Town Green Professional Svcs	20,642.52
35819	HANSEN, COREY	November Incubator Consulting	3,425.00
35820	HANSEN, COREY	November 5X Entrepreneur Series Training	5,050.00
35821	STARDOM SERVICES, INC.	November Inubator Building Janitorial Service	510.00
35822	HERMANSON COMPANY, LLP	City Hall HVAC Preventative Maintenance	1,416.38
35823	KPFF CONSULTING ENGINEERS	Oct. 15-C1414 62nd Ave Cooridor Improvements	4,439.46
35824	SITTS & HILL ENGINEERS, INC.	Oct. Rhododendron Park/Squires Landing Prof. Svc:	1,283.00
35825	NORTHWEST ARBORICULTURE LLC	16-C1591 Hazardous/Dead Tree Removal	5,378.93
35826	RFI ENTERPRISES INC.	City Hall Video & Access Control Software	8,752.34
35827	FCS GROUP, INC.	Public Works Service Analysis Consulting	7,756.25
35828	EXPONENT, INC.	Oct. PSE Reliability Study Consulting Svcs 16-C1580	18,305.00
35829	ABBETT, R. ROY	Santa at Tree Lighting	325.00
35830	RYCO EQUIPMENT, INC.	Stainless Steel Heron Feet for Sidewalk	216.81
35831	VINTAGE AMBIANCE	Chair Rental for Tree Lighting	93.08
11/25/2016	PAYROLL	Direct Deposit	80,119.50
			<u>\$ 765,231.10</u>

2016	PRIOR VENDOR ACTIVITY	TOTAL	FOR 2016
	A & A LIMOUSINE & BUS SERVICE		1,653.00
	A+ CONFERENCING		993.64
	AA ASPHALTING, INC		11,389.51
	AAA FLAG & BANNER MFG. CO., INC.		4,918.36
	AAA PRINTING		1,100.65
	AABCO BARRICADE COMPANY INC.		2,726.55
	ABIGANIA, ALBERT		300.00
	ACF WEST INC		3,533.01
	ACTION ENTERTAINMENT		770.00
	ACTIVE SHOOTER TRAINING LLC		1,425.00
	ADMAN, STACI		6,296.26
	ADVANCE TESTING & SERVICE INC		702.00
	AFLAC		3,489.40
	AGORA NW LLC		336.39
	ALCALDE & FAY		51,098.10
	ALEXANDER, JEFF		400.00
	ALL CLIMATE HEATING AND AIR		36.05
	ALL TRAFFIC SOLUTIONS		2,625.00
	ALLPLAY SYSTEMS LLC		58.04
	ALPHAGRAPHS US718		1,500.51
	ALTA MAXINE MELVIN		14,674.00
	AM TEST, INC		1,775.00
	AMERICAN GENERAL LIFE GPO-400S		4,299.47
	AMERICAN PLANNING ASSOCIATION		2,124.00
	AMERICAN PUBLIC WORKS ASSOCIATION		1,225.00
	AMERICAN SOCIETY OF CIVIL ENGINEERS		225.00
	AMERICAN SOCIETY OF COMPOSERS		336.63
	ANCHOR QEA, LLC		7,611.50
	ANDERSON, LAURI		178.50
	APPLIED CONCEPTS, INC.		2,979.50
	AQUATECHNEX LLC		37,624.20
	ARC - PACIFIC NORTHWEST		2,711.51
	ARTS OF KENMORE		4,344.76
	ARTSITE LTD, LLC		1,435.76
	ASPLUNDH		5,420.25
	ASSOCIATION OF WA CITIES		16,935.04
	ATHENAS		320.00
	AURELIAN DESIGN		342.00
	AURORA RENTS		2,290.85
	AUTO BEE		150.00
	AUTOMATED CONTROLS		1,543.95
	AV CAPTURE ALL		4,718.57
	AVCA HARDWARE		341.33
	AWC EMPLOYEE BENEFITS		453,439.77
	BAKER, BRIDGIT		138.62
	BAKER, DAVID		3,682.58
	BANK OF AMERICA 941		354,565.22
	BANNER BANK		3,774.45
	BANNER BANK DB		1,204.04
	BANNER BANK LD		2,264.98
	BANNER BANK BAKER		9,523.29
	BANNER BANK BH		4,951.13
	BANNER BANK CS		4,544.73
	BANNER BANK DB		3,356.05
	BANNER BANK JG		4,395.69

BANNER BANK	JGORDON	8,600.92
BANNER BANK	KENMORE	29,405.20
BANNER BANK	LD	6,948.00
BANNER BANK	NO	4,207.04
BANNER BANK	PS	2,189.67
BANNER BANK	RK	3,539.17
BANNER BANK	VAN NESS	5,291.82
BARTLETT TREE EXPERTS		394.20
BASTYR UNIVERSITY		50,200.00
BELLEVUE COLLEGE		219.12
BELMARK, LLC		7,776.05
BEN HOLT INDUSTRIES		6,050.00
BERK CONSULTING		77,226.03
BEST BUY BUSINESS ADVANTAGE ACCOUNT		21,943.51
BJELDE, LAUREN		1,750.00
BLACKBAUD		7,225.80
BLUEBEAM, INC.		2,592.00
BRAVO ENVIRONMENTAL SERVICE		48,291.48
BRIEN, GAYLYNN		550.00
BRUCE DEES & ASSOCIATES		56,089.28
BUILDERS EXCHANGE OF WASHINGTON INC		451.95
BULGER SAFE & LOCK, INC.		363.54
CABOT DOW ASSOCIATES, INC.		5,816.25
CALPORTLAND COMPANY		1,627.79
CAPITAL ONE COMMERCIAL/ COSTCO		66.29
CAPPS, DAWNA		50.00
CARSTAR		1,793.19
CASCADE PEST CONTROL		1,323.50
CASCADE RECREATION, INC		301.13
CATHOUSE PIZZA		112.00
CEMEX		3,072.58
CENTER FOR HUMAN SERVICES		15,000.00
CHICAGO TITLE		1,099.78
CITY OF BELLEVUE		132,718.60
CITY OF KENMORE FS		6,720.36
CITY OF KENT		500.00
CITY OF LAKE FOREST PARK		841,353.41
CITY OF SHORELINE		12,538.07
CITY OF TACOMA		40.00
CITYWORKS/ AZTECA SYSTEMS INC.		21,900.00
CLEARWATER LEAK DETECTION, INC.		1,100.00
CLOWNS UNLIMITED, INC.		897.90
COAST & HARBOR ENGINEERING		63,329.05
COASTAL WEAR PRODUCTS INC		1,356.71
COASTWIDE LABORATORIES		8,372.98
COBRA BEC, INC.		8,945.94
CODE PUBLISHING COMPANY		12,332.70
COLUMBIA RIDGE LANDFILL		8,931.01
COMCAST		5,208.69
CONSOLIDATED PRESS		14,360.02
CONTOUR FENCE CO. INC.		4,789.53
CORT PARTY RENTAL		582.98
COX PRINTING & SIGNS		766.40
CUES		46.86
CULLEY, AMBERLY		9,096.26
CURTIS, DR. MILTON		560.16
D.R. HORTON		15,000.00

DAILY JOURNAL OF COMMERCE	2,381.55
DANSOUND INC	8,830.08
DAY WIRELESS SYSTEMS	76.44
DEPARTMENT OF ECOLOGY	34,739.65
DEPARTMENT OF LABOR AND INDUSTRIES	25,478.42
DEPARTMENT OF RETIREMENT SYSTEMS	395,704.81
DEPPA, DOUG	127.50
DEVRIES, DENIS	464.97
DIGITAL REPROGRAPHICS SERVICES INC.	540.17
DRS 457	24,600.00
DURRANT, JEFF	178.50
EA ENGINEERING SCIENCE & TECHNOLOGY	79,835.18
ECONOMIC DEV COUNCIL OF SEATTLE/KC	5,000.00
ECOSS	3,841.54
EJ USA, INC.	2,868.72
EMERALD FIRE LLC	289.08
EMPLOYMENT SECURITY DEPT	13,988.75
ENVIRONMENTAL SYSTEMS RESEARCH INST	5,694.00
ESA ADOLFSON	34,929.05
EVERGREEN PRINT SOLUTIONS	1,489.70
EVERGREEN SAFETY COUNCIL	299.00
EVER-MARK, LLC	2,646.84
EXPONENT, INC.	34,954.76
FAZZARI MARKETING	3,555.92
FCS GROUP, INC.	27,864.50
FEDEX OFFICE	1,746.15
FEENEY WIRELESS	1,195.81
FERGUSON ENTERPRISES INC #1539	8,686.79
FINANCIAL CONSULTANTS INT'L INC	495.50
FIRE PROTECTION, INC	5,002.92
FIRE SYSTEMS WEST, INC.	547.50
FIX AUTO	1,000.00
FLEMINGS HOLIDAY LIGHTING LLC	1,394.66
FLOW TECHNOLOGIES INC.	54,497.61
FOOTPRINT PROMOTIONS	1,912.53
FRONTIER	11,502.25
FRUHLING SAND & TOPSOIL	4,328.79
FUJII, GLORIA	1,700.00
FUNRENT	458.81
G & H PRINTING	388.84
GALLATIN PUBLIC AFFAIRS	33,925.03
GLENMOOR 6, LLC	7,500.00
GOOD TO GO	18.75
GOODSELL POWER EQUIPMENT #2 INC.	109.33
GORDON THOMAS HONEYWELL	37,478.74
GOVDELIVERY, INC.	11,025.00
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAINGER	2,090.37
GREATER BOTHELL CHAMBER OF COMMERCE	5,000.00
GREGORY, JOANNE	459.50
GRINDLINE SKATEPARKS INC.	12,850.01
GROUP FOUR INC.	7,620.00
GRYPHON TRAINING GROUP, INC.	150.00
HAMPSON, BRYAN	138.14
HANSEN, COREY	39,800.00
HARRIS, LESLIE	242.38
HATFIELD, CHRISTOPHER	75.00

HDR ENGINEERING, INC	554,953.19
HERBIG, NIGEL	61.56
HERMANSON COMPANY, LLP	5,352.94
HERRERA ENVIRONMENTAL CONSULTANTS	7,697.72
HESTON VISUAL ARTS	1,051.75
HEWITT	114,314.14
HOME DEPOT CREDIT SERVICES	408.29
HONEY BUCKET	3,988.03
HOPELINK	22,500.00
HOPKINS, CRAIG	779.22
HORIZON DISTRIBUTORS INC	2,779.70
HSA BANK	1,776.72
IAP2 PUGET SOUND CHAPTER	1,550.00
ICMA RETIREMENT TRUST 457 - 304745	67,433.82
iCOMPASS TECHNOLOGIES, INC.	9,650.00
INDEPENDENT STATIONERS	1,730.07
INGLEWOOD GOLF COURSE	1,248.30
INSLEE, BEST, DOEZIE & RYDER, P.S.	401,705.39
INTEGRA TELECOM	9,979.33
INTERNATIONAL BUSINESS INNOVATION	525.00
INTERNATIONAL CITY/CNTY MGMT ASSOC	2,633.13
INTERNATIONAL CODE COUNCIL	135.00
INTERNATIONAL INST OF MUNI CLERKS	220.00
iWORQ SYSTEMS	2,800.00
J&K ASSOCIATES	2,460.47
JACOBS ENGINEERING GROUP	242,090.61
JD PLUMBING & FIRE PROTECTION INC.	214.03
JET CITY PRINTING	5,032.82
JOYCE ZIKER PARKINSON	11,017.50
JP HENNESSY	500.00
JUSTIN BREWER WEB DESIGN	945.00
KAMINS CONSTRUCTION INC.	582,217.77
KARLINSEY, ROB	154.72
KBA INC.	111,465.39
KCDA PURCHASING COOP	1,693.69
KD CANOPY	771.00
KEARNEY GROUP, LLC	668.00
KEEP POSTED INC	608.00
KENMORE CAMERA	2,994.70
KENMORE COMMERCIAL LLC	36,515.19
KENMORE COMMUNITY CLUB	490.00
KENMORE ELEMENTARY PTA	3,000.00
KENMORE HERITAGE SOCIETY	475.00
KIMBERLY LANE 9, LLC	8,645.82
KING COUNTY ANIMAL SVCS	3,369.00
KING COUNTY DISTRICT COURT	121,748.00
KING COUNTY FINANCE	432,465.91
KING COUNTY FINANCE W.L.R.D.	61,731.13
KING COUNTY FINANCE/ GIS	2,644.47
KING COUNTY FLEET ADMIN	882.17
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	1,838.87
KING COUNTY RADIO COMM SERVICES	850.83
KING COUNTY RECORDER'S OFFICE	166.00
KING COUNTY SHERIFF	2,420,442.96
KING COUNTY TREASURY	12,024.01
KING'S DRYWALL REPAIR LLC	2,299.50

	KINGS HEATING	28.84
	KOMPAN, INC	169.73
	KONICA MINOLTA BUSINESS SOLUTIONS	7,548.88
	KORTE, BRENT	27.61
	KPFF CONSULTING ENGINEERS	247,917.67
	KRAZAN & ASSOCIATES, INC.	8,522.50
35585	KUSTOM SIGNALS, INC.	145.94
	KVO INDUSTRIES, INC	1,245.00
	LACONNER CHANNEL LODGE	250.00
	LANDSCAPE FORMS, INC.	15,665.89
	LANEY JONES AND THE SPIRITS	1,000.00
	LANGTON SPIETH, LLC	35,000.00
	LANGUAGE LINE SERVICES, INC.	4.83
	LAW OFFICE OF JOHN RUNGERUDE, PS	2,400.00
	LENNAR NORTHWEST, INC.	28,334.10
	LIGHTHOUSE CONSULTING INC	63,229.63
	LINCOLN NATIONAL LIFE INSURANCE	9,174.61
	LITTLE, ERIK	7,500.00
	LOVE BOMB GO-GO	1,500.00
	LOYUK, SAMANTHA	52.92
	M M COMFORT SYSTEMS	28.84
	MACDONALD MILLER FACILITY SOLUTIONS	2,079.05
	MACLEOD RECKORD	36,606.73
	MAGEE, STEVEN	49.44
	MAIL FINANCE	2,109.00
	MAINSTREET MASONRY RESTORATION LLC	1,228.25
	MARINE EXCHANGE OF PUGET SOUND	1,000.00
	MARINE FLOATS CORPORATION	4,844.19
	MARSHBANK CONSTRUCTION	4,698,644.55
	MARY BRABEC	3,500.00
	MCALLISTER, TERESA	232.12
	MCKINNEI, SHAHIN	102.35
	METROPOLITAN TRANS. COMMISSION	1,500.00
	MILLER STEPHENS, MARY	15,000.00
	MIWONGTUM, RACHEL	120.99
	MOBILE MINI, INC.	2,917.20
	MOON CONSTRUCTION COMPANY	27,199.81
	MORGAN SOUND INC	2,581.80
	MOTT MACDONALD GROUP, INC.	945.00
	MR. T'S TROPHIES	338.46
	MRSC ROSTERS	90.00
	MUMMA, RYAN	58.32
	MUNIMANAGE, LLC	28,875.00
	NATIONAL LEAGUE OF CITIES	1,563.45
	NATIONAL LIFE OF VERMONT	1,231.70
	NATIONWIDE FINANCIAL 401a	269,124.26
	NATIONWIDE RETIREMENT SOLUTIONS 457	12,240.00
	NEOPOST NORTHWEST	58.02
	NORTHLAKE LUTHERAN CHURCH	100.00
	NORTHSHORE FIRE DEPT	6,063.00
	NORTHSHORE PARK & REC SERVICE AREA	1,360.00
	NORTHSHORE ROTARY CLUB	714.00
	NORTHSHORE SCHOOL DISTRICT	7,500.00
	NORTHSHORE SENIOR CENTER	14,300.00
	NORTHSHORE UTILITY DIST	158,448.30
	NORTHSHORE YMCA	4,875.00
	NORTHSHORE YOUTH & FAMILY SERVICES	12,000.00

NORTHWEST ARBORICULTURE LLC	1,600.54
NORTHWEST LANDSCAPE SERVICES	37,305.44
NORTHWEST MARINE TRADE ASSOCIATION	425.00
NORTHWEST PLAYGROUND EQUIPMENT INC.	14.97
NORTHWEST PRECISION BUILDERS	15,902.80
NORTHWEST TROPHY	4,280.73
NORTHWESTERN COLLECTION SERVICE INC	690.00
NRC ENVIRONMENTAL SERVICES, INC.	4,975.10
OAC SERVICES, INC	307.97
OFFICE DEPOT	11,320.17
OFFICE TEAM	15,599.41
OGDEN, MURPHY, WALLACE	15,502.50
OLBRECHTS & ASSOCIATES, PLLC	2,178.00
OLYMPIC ENVIRONMENTAL RESOURCES INC	33,723.87
ORNAMENTAL STONE	12,857.71
OSBORN CONSULTING INC.	50,185.76
OUSLEY, NANCY	1,020.86
OVERLEESE, KRISTEN	170.15
OWEN EQUIPMENT COMPANY	1,246.98
PACE ENGINEERS, INC.	76,861.41
PACIFIC TOPSOILS	5,183.35
PACIFICA LAW GROUP LLP	632.50
PAJEK, KELLY	22.00
PAMPLIN MEDIA GROUP	190.00
PARAMETRIX INC	32,539.40
PASSPORT TRAVEL AND TOURS	924.40
PAT'S TREES AND LANDSCAPE INC.	4,043.52
PAWS	3,500.00
PCS MOBILE	4,741.35
PEARSON ESTATES LLC	14,897.46
PEMBERTON, JIM	3,086.64
PENDLETON, MICHAEL	3,186.34
PEOPLES STORAGE	1,608.00
PERFORMANCE SYSTEMS INTEGRATION LLC	826.73
PERSONAL BEST/ TOPHEALTH	117.20
PERTEET INC.	169,391.62
PETERSON, JANET	2,825.00
PETTY CASH CUSTODIAN	1,224.65
PHSI PURE HEALTH SOLUTIONS INC.	223.19
PHSI PURE WATER FINANCE	1,424.11
PRINTWEST	492.75
PROFFITT, QUINN	150.00
PROTECTION TECHNOLOGIES, INC	1,224.63
PROTHMAN COMPANY	14,275.80
PRSA	307.00
PUBLIC HEALTH DEPT. OF KING COUNTY	430.00
PUGET SOUND BUSINESS JOURNAL	105.00
PUGET SOUND CLEAN AIR AGENCY	17,411.00
PUGET SOUND ENERGY	222,727.46
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
QUALITY BUSINESS SYSTEMS INC.	10,322.90
QUINN, JANET	71.60
R.C. PAINTING & SONS, INC.	1,314.00
RAMCO CONSULTING SERVICES, INC.	185.00
RANDALL, BRIAN	381.58
REACTCS	250.00
REID, JAMES FALCONER	5,400.00

REIQUAM, PETER	19,500.00
REPUBLIC SERVICES	7,737.76
RESOURCE EXPLORATION, LLC	12,000.00
RFI ENTERPRISES INC.	2,075.03
RICHARDSON, ZACK	116.00
RICHMOND AMERICAN HOMES OF WA	47.00
SALTER, JON	444.00
SAMYN, DR. JEFFREY	250.00
SANDRA OWEN DESIGN	585.00
SARAH ROBERTS	106,236.20
SAUVE, GAYLEN	350.00
SAWYER, RICHARD	124.11
SCHINDLER ELEVATOR CORPORATION	5,519.47
SCHOCK, BRETT	116.00
SCORE	324,573.73
SEATTLE TIMES	16,434.08
SELECT AIR SERVICES DBA GREENWOOD	32.14
SESAC	378.00
SHRED-IT USA LLC	2,314.73
SIGN UP, SIGN CO, INC	2,213.38
SITEIMPROVE, INC.	4,998.00
SITTS & HILL ENGINEERS, INC.	26,133.46
SKILLET	404.00
SKYWARD CONSTRUCTION	2,864,059.58
SMITH, BRENT	63.72
SMITH, JARRETT	140.49
SNOHOMISH COUNTY	11,900.00
SNO-KING WATERSHED COUNCIL	3,000.00
SOFTRESOURCES LLC	4,243.75
SOFTWAREONE, INC.	10,353.38
SOLAR TRAFFIC SYSTEMS INC.	4,935.00
SOLOMON ARTS & ENTERTAINMENT	300.00
SOLTERRA	298.65
SOUND CITIES ASSOC	13,353.25
SOUND LAW CENTER	17,948.00
SOUND OCEAN	188.96
SOUND PUBLISHING, INC.	7,680.27
SPERRY, LAURIE	64.80
ST EDWARD STATE PARK	7,410.40
STARDOM SERVICES, INC.	5,100.00
STATE AUDITOR'S OFFICE	26,851.92
STATE OF FLORIDA DISBURSEMENT UNIT	6,050.00
STATEWIDE RENT-A-FENCE INC.	370.31
STEWART MACNICHOLS HARMELL, INC.	50,803.00
SUNGARD PUBLIC SECTOR INC.	52,554.50
SWANK MOTION PICTURES, INC.	386.55
TACOS LA FLACA	40.00
TECHNEX	24,768.90
TELESYSTEMS WEST	634.12
TERREBONNE LIMITED	301.83
THE DAVEY TREE EXPERT COMPANY	3,613.50
THE TILLERS, LLC	1,750.00
THE WIDE FORMAT COMPANY	1,045.73
THOMAS, MICHAEL	223.30
TOP TO BOTTOM JANITORIAL, INC.	28,625.00
TOPIA TECHNOLOGY/ BIS	1,300.00
TOTAL LANDSCAPE CORP	102,701.10

TOWN CENTER HARDWARE	1,214.35
TRAFFICALM SYSTEMS	4,571.00
TRINITY CONTRACTORS, INC.	60,017.55
TWO STORY ZORI	1,750.00
TYLER TECHNOLOGIES, INC.	46,821.38
UNCLE STINKY'S MAGIC	273.75
UNITED RENTALS NW, INC	1,355.45
UNITED STATES POSTMASTER	6,452.24
UNITED STATES TREASURY	4.10
UNITED WAY OF KING COUNTY	4,862.00
UPS STORE	319.91
US POSTAL SERVICE (HASLER)	9,559.28
UTILITIES UNDERGROUND LOCATION CTR	1,593.15
V2WORKS	935.55
VAN NESS, ALLAN	2,561.43
VAUGHAN, KENT	314.00
VERIZON WIRELESS	10,036.43
VERTICAL VISUAL SOLUTIONS INC.	793.88
VICENTE, JOHN	47.00
VOLGISTICS, INC	540.00
W.S.S.O. Advanced Training	520.00
WA ASSOC OF BUILDING OFFICIALS	1,575.00
WA ASSOC OF PUBLIC RECORDS OFFICERS	350.00
WA CITIES INSURANCE AUTHORITY	229,194.00
WA FINANCE OFFICERS ASSOCIATION	475.00
WA STATE DEPARTMENT OF AGRICULTURE	25.00
WA STATE DEPT OF LABOR & INDUSTRIES	141.60
WA STATE DEPT OF TRANSPORTATION	38,675.17
WA TRUST FOR HISTORIC PRESERVATION	100.00
WAGE WORKS	994.00
WALL, JOHN	187.83
WALTERS, GEORGE	7,500.00
WASHINGTON ARCHITECTURAL HARDWARE	1,664.41
WASHINGTON AWARDS	546.39
WASHINGTON CITY/COUNTY MGMT ASSOC	630.00
WASHINGTON STATE DEPT OF REVENUE	2,667.11
WASHINGTON STATE OFFICE CASH MGMT	2,847.50
WASHINGTON STATE PATROL	2,757.42
WASHINGTON TREE SERVICE INC	3,066.00
WATSON, ELIZABETH	500.00
WELLS FARGO FINANCIAL	10,826.27
WELWEST CONSTRUCTION INC.	36,050.00
WESTERN DISPLAY FIREWORKS, LTD.	17,000.00
WETLANDS & WOODLANDS INC	1,251.04
WHELHAM, STEPHANIE	250.00
WINTERBOURNE LANDSCAPE	1,149.76
WONDERLAND DEVELOPMENT	1,250.00
WRIGHT, MARCI	1,500.00
WSU URBAN IPM & PESTICIDE SAFETY	58.00
YOURMEMBERSHIP.COM, INC	150.00
ZONAR SYSTEMS	525.33
ZONES	1,122.80
ZORNES, GARY	688.19
ZUMAR	2,190.40
	<u>\$ 19,718,739.46</u>



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: September 2016 Financial Report Presentation	For Council Meeting Agenda of: December 12, 2016 Department: Finance and Administration Prepared by: Joanne Gregory <table style="width: 100%;"> <tr> <td style="width: 70%;"></td> <td style="width: 30%; text-align: center;"><u>Initial & Date</u></td> </tr> <tr> <td>Approved by Department Head:</td> <td style="text-align: center;">[Signature] 12/11/16</td> </tr> <tr> <td>Approved by City Attorney:</td> <td style="text-align: center;">[Signature] 12/11/16</td> </tr> <tr> <td>Approved by Finance Director:</td> <td style="text-align: center;">[Signature] 12/11/16</td> </tr> <tr> <td>Approved by City Manager:</td> <td style="text-align: center;">[Signature] 12/11/16</td> </tr> </table>		<u>Initial & Date</u>	Approved by Department Head:	[Signature] 12/11/16	Approved by City Attorney:	[Signature] 12/11/16	Approved by Finance Director:	[Signature] 12/11/16	Approved by City Manager:	[Signature] 12/11/16
	<u>Initial & Date</u>										
Approved by Department Head:	[Signature] 12/11/16										
Approved by City Attorney:	[Signature] 12/11/16										
Approved by Finance Director:	[Signature] 12/11/16										
Approved by City Manager:	[Signature] 12/11/16										
Proposed Council Action/Motion: Receive and File September 2016 Financial Report for the City of Kenmore, Washington	Exhibits/Attachments: September 2016 Financial Report for the City of Kenmore, Washington.										
<table style="width: 100%;"> <tr> <td style="width: 33%;">Expenditure Required N/A</td> <td style="width: 33%;">Amount Budgeted</td> <td style="width: 33%;">Appropriation Required N/A</td> </tr> <tr> <td></td> <td style="text-align: center;">\$59,692,797 Revenues</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">\$69,265,349 Expenditures</td> <td></td> </tr> </table>		Expenditure Required N/A	Amount Budgeted	Appropriation Required N/A		\$59,692,797 Revenues			\$69,265,349 Expenditures		
Expenditure Required N/A	Amount Budgeted	Appropriation Required N/A									
	\$59,692,797 Revenues										
	\$69,265,349 Expenditures										
<u>INFORMATION/BACKGROUND:</u> The September 2016 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2015-2016 adopted biennial budget. The budget was adopted on December 8, 2014. It also provides an opportunity to identify any potential variances or fluctuations from the budget. The mid-biennium budget review process has been completed and the December monthly report reflects the amended budgets approved by the City Council on November 23, 2015. Prior to the close of the current biennium, another budget amendment will be proposed in consideration of programs and actions taken since November 2016.											
<u>FISCAL CONSIDERATION:</u> September is the 21st month (87%) of the 24 month 2015-2016 biennium. The monthly schedules attached include the Transportation Benefit District Fund for informational purposes although it is a separate entity. Total General Fund revenues are at 88% of the amended budget and expenditures are at 83%. Sales taxes, development revenues, and franchise fees are trending ahead of budget. All segments of sales taxes (retail, construction, wholesale, other) continue to be strong. Utility tax revenues continue to be below budget projections. As of September the biennium to date expenses are outpacing revenues; however the second half of 2016 property taxes will change this situation when receipts come in during October and November. Also the budget for the General Fund includes a reduction of beginning fund balance in the amount of \$1,180,786 which was transferred to the Strategic Opportunity Fund in 2015.											

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Budgeted transfers from the General Fund to the Kenmore Village Fund have not yet been recorded for 2016.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Kenmore Budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date. Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.



PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Joanne Gregory, Finance Director
DATE: November 9, 2016
RE: September 2016 Financial Reports for the City of Kenmore, Washington

September 2016 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- General Fund Revenue Graphs
- General Fund Expenditure Graphs
- Street Fund Summary
- Other Funds Monthly Activity
- Investment Schedule
- Cash and Investment Report
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Monthly Report for Kenmore Village
- Report for Transportation Benefit District

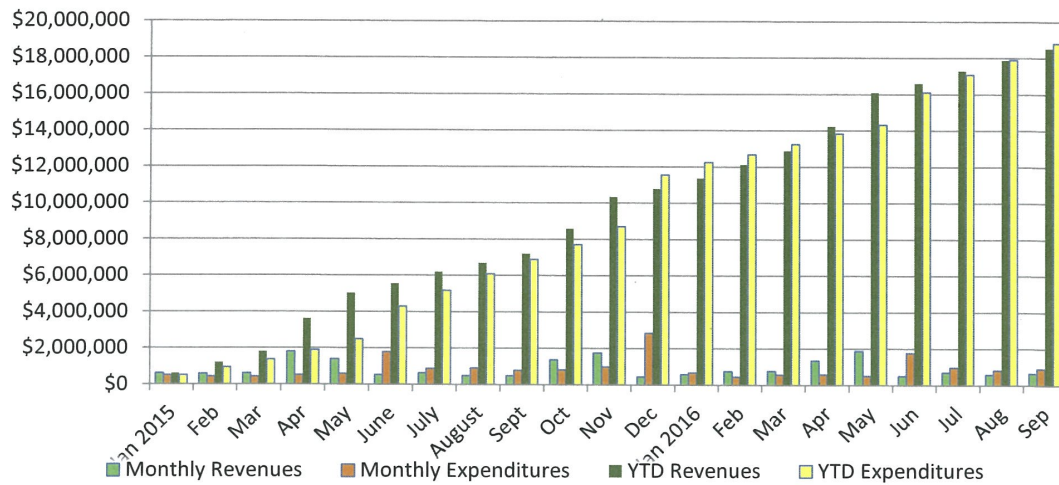
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, September is the twenty-first month (87%) of the 2015-2016 biennial budget period. For the month of September, expenditures exceeded revenues in the General Fund by \$260,162. During the biennium expenditures exceed revenues by \$279,421.

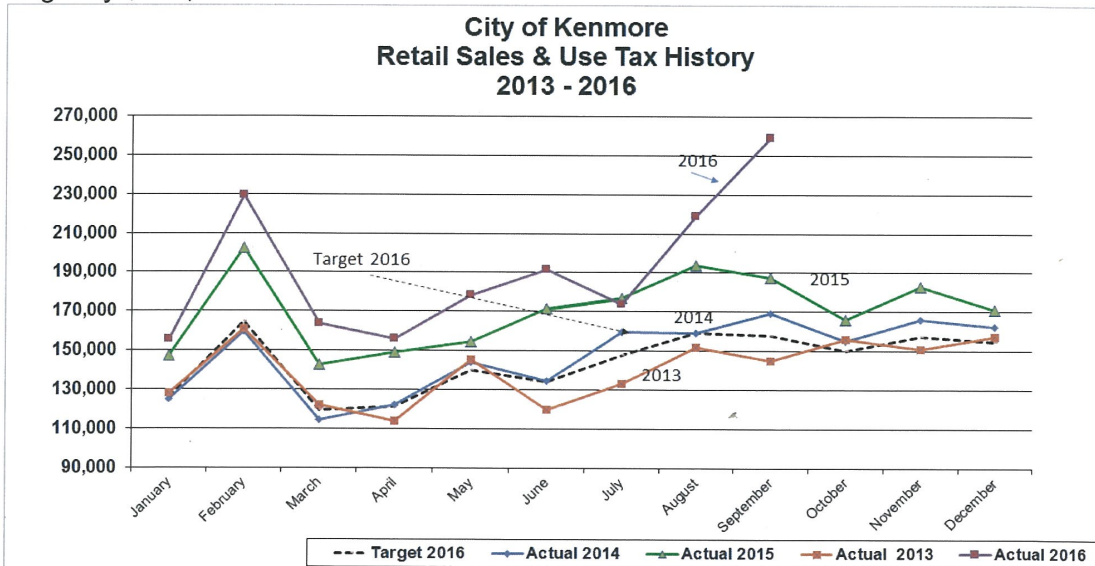
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through September 2016.

City of Kenmore, Washington
Monthly Financial Report
September 2016



Total **revenues** for the month were **\$654,526**. Biennium to date revenues are \$18,533,922, which is 88% of the amended budgeted revenues of \$21,048,270. Primary sources of revenue for the month included property taxes in the amount of \$91,754, development fees & permits in the amount of \$95,293, retail sales and use taxes in the amount of \$259,234, and utility taxes in the amount of \$90,442.

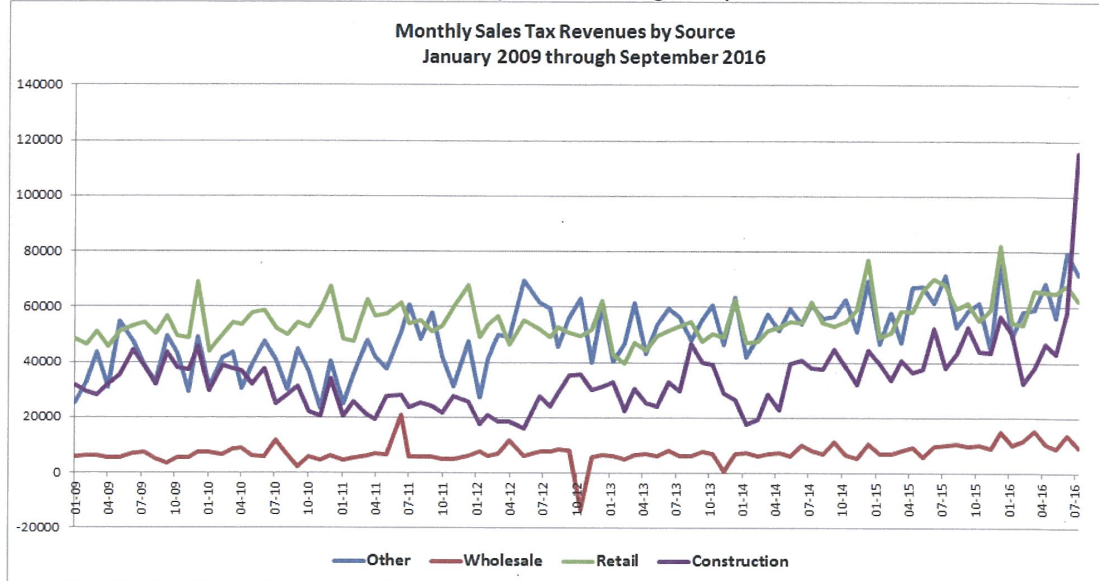
A summary of sales tax revenues received in September is attached. These receipts are based on July sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2016 line is a monthly average of actual receipts during 2013, 2014, and 2015. The purple line represents 2016 actual receipts, which are \$200,663 above 2015, and ahead of 2016 target by \$455,345



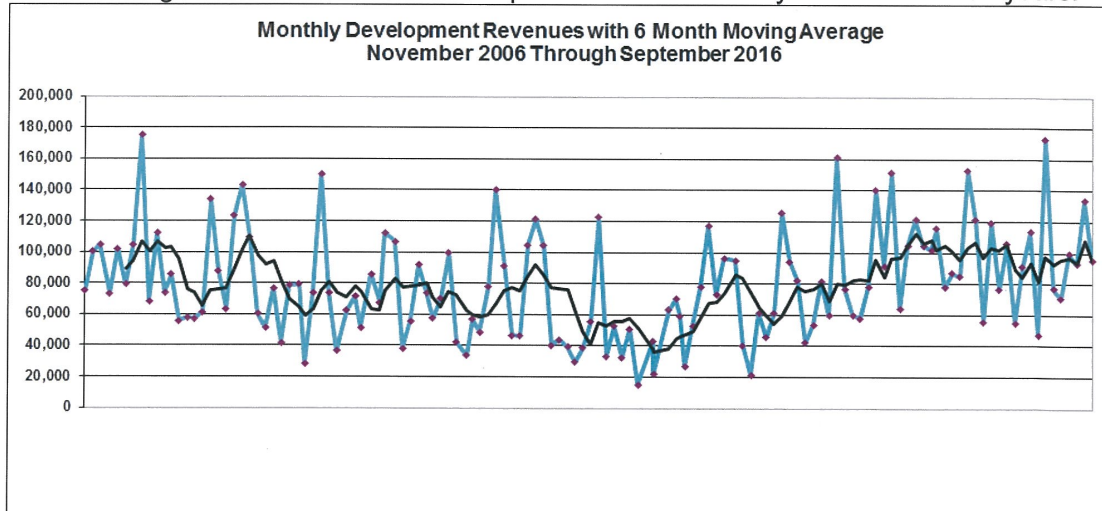
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City of Kenmore, Washington
 Monthly Financial Report
 September 2016

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2009 through September 2016.



The following chart illustrates the development revenue activity over the last ten years.



September 2016 expenditures were \$914,688. Biennium to date expenditures are \$18,813,343, which is 82.6% of the amended biennial budget expenditures of \$22,772,720.

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City of Kenmore, Washington
Monthly Financial Report
September 2016

Total City cash (\$7,126,182) and long term investments (\$10,855,531), at the end of September, totaled \$17,981,713. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2015-2016 biennial budget.

Total non-General Fund revenues were \$542,486 and total non-General Fund expenditures were \$942,350.

In the **Street Fund** revenue from gas tax distributions was \$40,901. \$42,999 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund** expenditures were \$214,393 for SR 522 West A construction. The fund also had Sidewalk projects expenditures of \$31,118 during the month. The fund received \$165,569 in reimbursements for sidewalk and other street improvements.

The **Park Impact Fee** fund received \$12,825 in revenues during the month.

There was \$43,943 in revenues for the **Transportation Impact Fee** fund during the month.

The **Real Estate Excise Tax** Fund received \$136,176 of real estate excise taxes (REET) in September from sales activity that occurred in August. 57 transactions were reported this month. The 2016 year to date revenue exceeds the 2015 revenue by \$104,740 and by the 2016 Target by \$406,728.

The **Kenmore Village** Fund expended \$464,660 during the month for the Town Green project.

The **Transportation Benefit District** Fund received \$35,224 in vehicle license fees during September bringing the total for the biennium to \$603,170.

SUMMARY

This concludes the financial report for the City of Kenmore as of **September 30, 2016**. I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
September 30, 2016



	CURRENT PERIOD 2015-2016				PRIOR PERIOD 2013-2014			
	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	September 2016	2015-2016	BUDGET	2015-2016	September 2014	2013-2014	BUDGET	2013-2014
REVENUES								
Beginning Fund Balance		4,233,568		4,221,475				5,525,153
Property Taxes	91,754	7,021,616	78.5%	8,948,766	60,784	6,710,297	78.6%	8,542,053
Sales and Use Taxes	309,150	4,754,222	101.1%	4,700,532	212,787	3,809,512	96.2%	3,960,331
Utility Taxes	90,442	2,117,527	76.6%	2,763,390	87,670	2,390,494	81.2%	2,942,395
Other Taxes	6,368	156,088	138.5%	112,720	0	85,495	139.5%	61,300
Development Fees & Permits	95,293	2,093,353	107.3%	1,951,432	104,568	1,712,723	116.9%	1,465,185
Franchise Fees	0	1,444,401	101.6%	1,422,160	0	605,947	61.1%	992,405
Intergovernmental and Grants	52,697	720,845	101.9%	707,370	65,301	650,859	101.7%	639,866
Investment Interest	4,870	121,810	240.3%	50,700	1,486	117,860	201.8%	58,400
Fines and Forfeitures	-197	-6,487	0.0%	0	0	-2,598	n/a	0
Transfers and Other Revenues	4,148	110,546	28.3%	391,200	1,763	470,248	82.1%	572,536
Total Revenues	654,526	18,533,922	88.1%	21,048,270	534,358	16,550,837	86.0%	19,234,471
Total Revenues & Beginning Fund Balance		22,767,490		25,269,745				24,759,624

	CURRENT PERIOD 2015-2016				PRIOR PERIOD 2013-2014			
	MONTH	BIENNIUM TO DATE	% of	BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	September	2015-2016	BUDGET	2015-2016	September 2014	2013-2014	BUDGET	2013-2014
EXPENDITURES								
Cost Center								
City Council	9,955	276,918	84.3%	328,435	11,033	191,502	88.0%	217,644
City Manager	128,714	2,541,639	80.1%	3,173,222	82,154	1,864,822	103.8%	1,796,600
City Clerk	16,493	299,415	107.8%	277,683	8,436	183,600	34.2%	536,261
Finance	76,890	1,361,559	101.4%	1,342,155	34,885	578,463	90.5%	639,213
Legal	39,494	523,860	119.1%	440,000	17,282	387,907	78.5%	494,285
Non-Departmental *	0	0	0.0%	0	43,584	1,395,513	91.0%	1,532,818
Interfund Transfers	0	1,666,216	52.0%	3,202,671	138,000	3,454,000	220.8%	1,564,000
Public Safety	345,436	6,753,170	83.6%	8,076,115	325,689	6,435,791	89.6%	7,179,563
Engineering & Environmental Services	83,699	1,604,361	105.0%	1,527,950	85,338	1,305,388	124.8%	1,045,741
Community Development	55,018	777,253	93.6%	830,030	33,420	820,580	115.1%	712,632
Developmental Services	98,309	1,583,048	97.7%	1,620,050	60,888	1,123,643	74.9%	1,501,147
Parks & Facility Maintenance	60,681	1,425,904	73.0%	1,954,409	65,870	1,155,368	68.2%	1,695,042
Total Expenditures	914,688	18,813,343	82.6%	22,772,720	906,580	18,896,577	99.9%	18,914,946
Ending Fund Balance		3,954,146		2,497,025			0.0%	5,844,678
Total Expenditures and Ending Fund Balance		22,767,490		25,269,745				24,759,624

*Non-Departmental expenditures have been moved to other General Fund Cost Centers

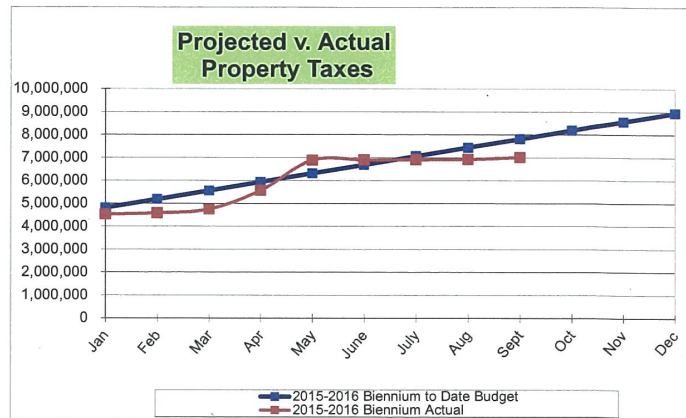
**City of Kenmore, Washington
General Fund Revenue Graphs
September 30, 2016**

PROPERTY TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	4,427,247	4,511,047
Jan	4,804,040	4,525,700
Feb	5,180,834	4,582,137
Mar	5,557,627	4,749,727
Apr	5,934,420	5,566,829
May	6,311,213	6,891,038
June	6,688,007	6,903,787
July	7,064,800	6,916,428
Aug	7,441,593	6,929,862
Sept	7,818,386	7,021,616
Oct	8,195,180	
Nov	8,571,973	
Dec	8,948,766	
2015-16	8,948,766	

Year To Date
Actual v. Projected

90%

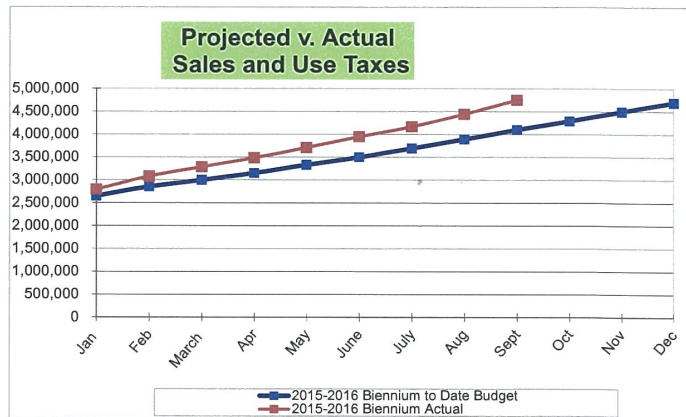


SALES, USE, CRIM JUSTICE TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	2,491,685	2,592,076
Jan	2,650,828	2,792,417
Feb	2,853,765	3,080,971
March	3,000,413	3,286,344
Apr	3,153,514	3,484,605
May	3,333,030	3,712,580
June	3,501,714	3,950,070
July	3,696,509	4,171,235
Aug	3,895,328	4,445,072
Sept	4,102,013	4,754,223
Oct	4,294,991	
Nov	4,500,931	
Dec	4,700,532	
2015-16	4,700,532	

Year To Date
Actual v. Projected

116%

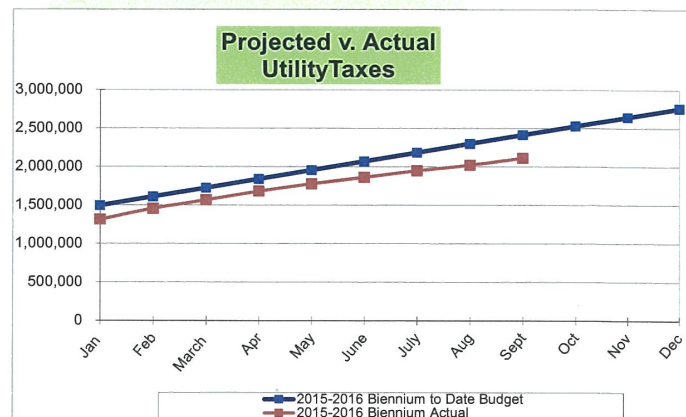


UTILITY TAXES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,381,695	1,185,774
Jan	1,496,836	1,316,335
Feb	1,611,978	1,457,296
March	1,727,119	1,570,026
Apr	1,842,260	1,684,213
May	1,957,401	1,780,173
June	2,072,543	1,866,813
July	2,187,684	1,953,151
Aug	2,302,825	2,027,085
Sept	2,417,966	2,117,527
Oct	2,533,108	
Nov	2,648,249	
Dec	2,763,390	
2015-16	2,763,390	

Year To Date
Actual v. Projected

88%



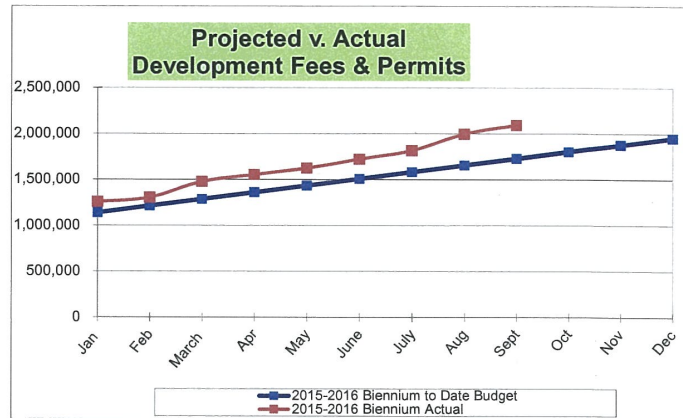
**City of Kenmore, Washington
General Fund Revenue Graphs
September 30, 2016**

DEVELOPMENT FEES & PERMITS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,064,606	1,142,955
Jan	1,138,508	1,256,352
Feb	1,212,410	1,303,426
March	1,286,313	1,476,673
Apr	1,360,215	1,553,688
May	1,434,117	1,624,466
June	1,508,019	1,724,014
July	1,581,921	1,817,136
Aug	1,655,823	1,998,060
Sept	1,729,726	2,093,354
Oct	1,803,628	
Nov	1,877,530	
Dec	1,951,432	
2015-16	1,951,432	

Year To Date
Actual v. Projected

121%

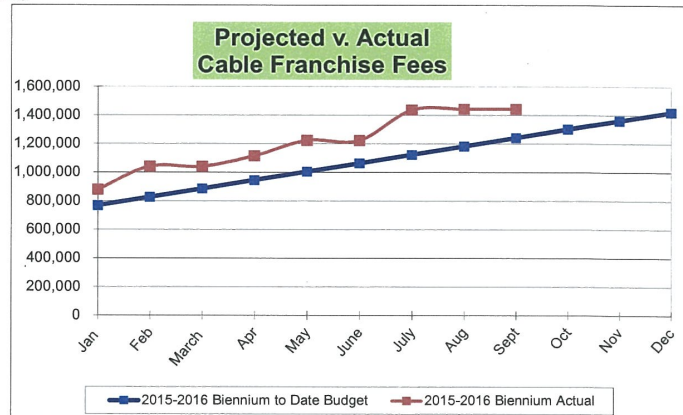


CABLE/WATER/SEWER FRANCHISE FEES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	708,000	802,881
Jan	767,513	879,309
Feb	827,027	1,040,965
March	886,540	1,040,965
Apr	946,053	1,115,715
May	1,005,567	1,224,237
June	1,065,080	1,224,237
July	1,124,593	1,437,647
Aug	1,184,107	1,444,402
Sept	1,243,620	1,444,402
Oct	1,303,133	
Nov	1,362,647	
Dec	1,422,160	
2015-16	1,422,160	

Year To Date
Actual v. Projected

116%

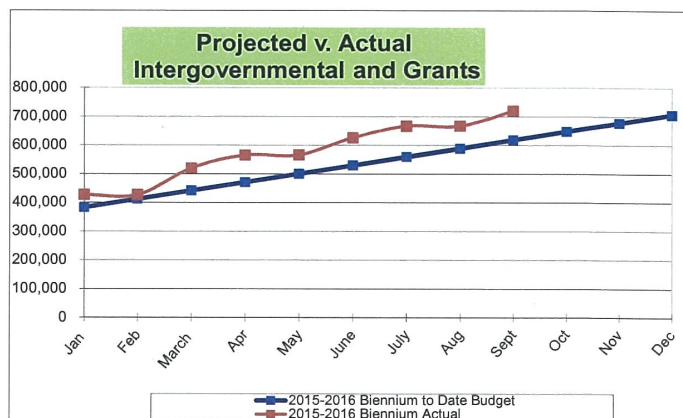


INTERGOVERNMENTAL & GRANTS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	353,685	387,283
Jan	383,159	427,322
Feb	412,633	427,322
March	442,106	520,174
Apr	471,580	565,989
May	501,054	566,793
June	530,528	627,257
July	560,001	667,732
Aug	589,475	668,148
Sept	618,949	720,845
Oct	648,423	
Nov	677,896	
Dec	707,370	
2015-16	707,370	

Year To Date
Actual v. Projected

116%



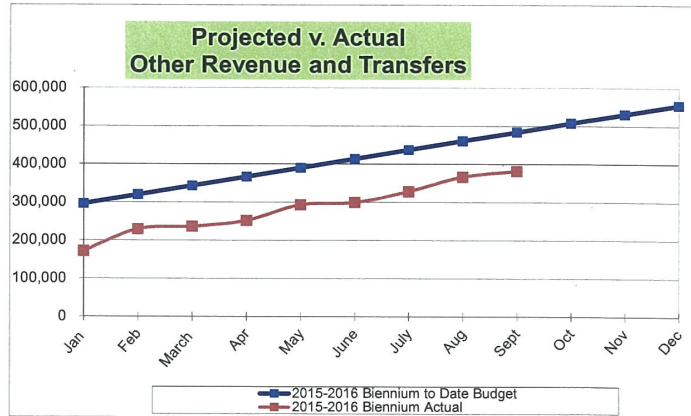
**City of Kenmore, Washington
General Fund Revenue Graphs
September 30, 2016**

OTHER REVENUES AND TRANSFERS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	272,810	159,157
Jan	296,294	171,910
Feb	319,778	229,302
March	343,263	236,342
Apr	366,747	252,203
May	390,231	293,617
June	413,715	299,699
July	437,199	328,406
Aug	460,683	366,768
Sept	484,168	381,957
Oct	507,652	
Nov	531,136	
Dec	554,620	
2015-16	554,620	

Year To Date
Actual v. Projected

79%

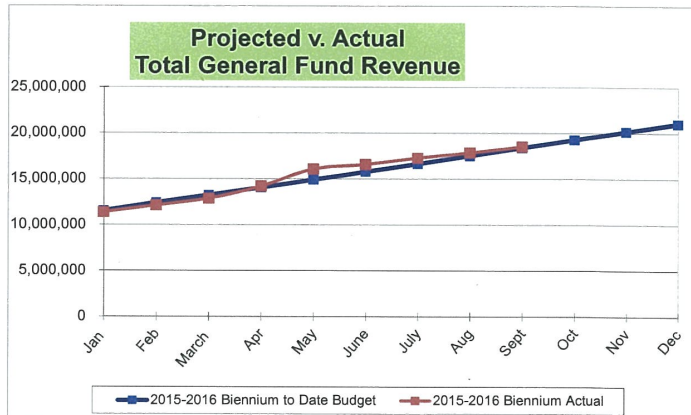


TOTAL GENERAL FUND REVENUE

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
Jan	11,537,179	11,369,345
Feb	12,418,424	12,121,418
March	13,243,380	12,880,252
Apr	14,074,789	14,223,243
May	14,932,612	16,092,903
June	15,779,604	16,595,876
July	16,652,707	17,291,735
Aug	17,529,834	17,879,397
Sept	18,414,827	18,533,923
Oct	19,286,114	
Nov	20,170,361	
Dec	21,048,270	

Year To Date
Actual v. Projected

101%



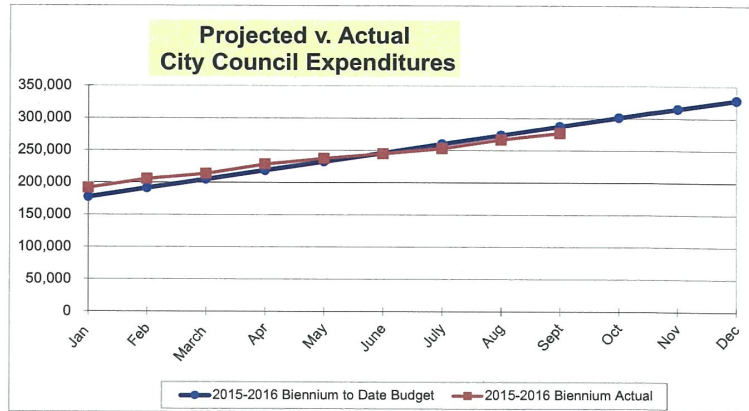
**City of Kenmore, Washington
General Fund Expenditure Graphs
September 30, 2016**

CITY COUNCIL

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	163,989	156,472
Jan	177,693	191,957
Feb	191,397	205,736
March	205,101	213,838
Apr	218,804	228,817
May	232,508	237,389
June	246,212	245,235
July	259,916	253,033
Aug	273,620	266,963
Sept	287,324	276,918
Oct	301,027	
Nov	314,731	
Dec	328,435	
2015-16	328,435	

Year To Date
Actual v. Projected

96%

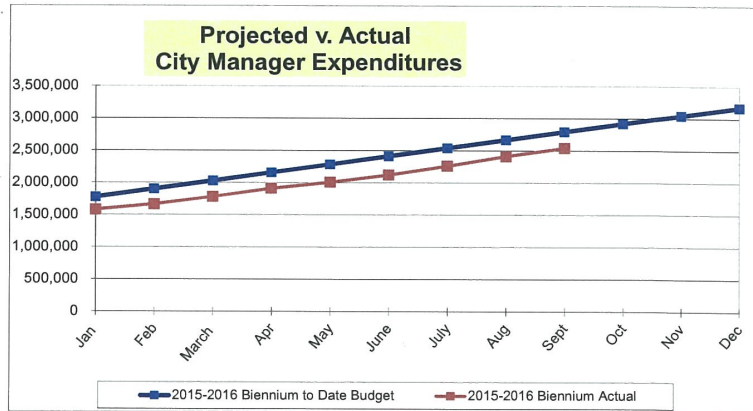


CITY MANAGER

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	1,652,808	1,482,207
Jan	1,779,509	1,582,540
Feb	1,906,210	1,667,211
March	2,032,912	1,785,525
Apr	2,159,613	1,913,330
May	2,286,314	2,011,136
June	2,413,015	2,123,685
July	2,539,716	2,265,991
Aug	2,666,417	2,412,925
Sept	2,793,119	2,541,639
Oct	2,919,820	
Nov	3,046,521	
Dec	3,173,222	
2015-16	3,173,222	

Year To Date
Actual v. Projected

91%

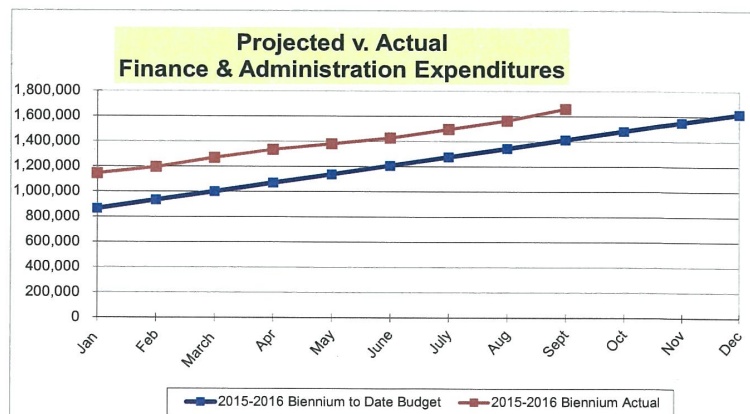


FINANCE & ADMINISTRATION

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	798,363	909,180
Jan	866,819	1,147,482
Feb	935,276	1,198,175
March	1,003,732	1,272,737
Apr	1,072,188	1,337,334
May	1,140,644	1,384,857
June	1,209,101	1,430,113
July	1,277,557	1,499,669
Aug	1,346,013	1,567,591
Sept	1,414,469	1,660,974
Oct	1,482,926	
Nov	1,551,382	
Dec	1,619,838	
2015-16	1,619,838	

Year To Date
Actual v. Projected

117%



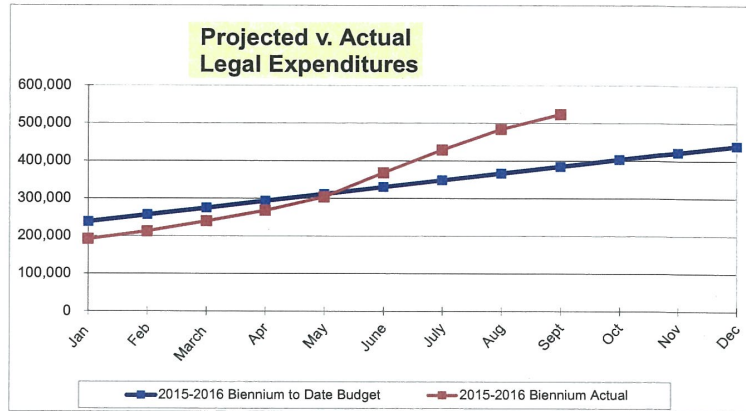
**City of Kenmore, Washington
General Fund Expenditure Graphs
September 30, 2016**

LEGAL

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	220,000	189,956
Jan	238,333	192,069
Feb	256,667	212,773
March	275,000	240,324
Apr	293,333	267,991
May	311,667	304,364
June	330,000	368,508
July	348,333	429,345
Aug	366,667	484,366
Sept	385,000	523,860
Oct	403,333	
Nov	421,667	
Dec	440,000	
2015-16	440,000	

Year To Date
Actual v. Projected

136%

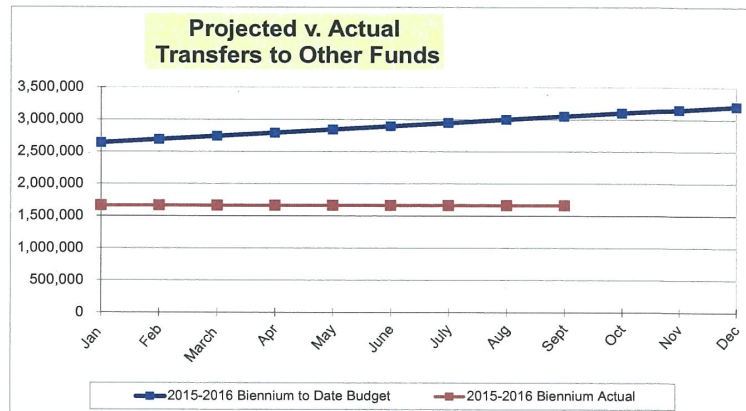


TRANSFERS TO OTHER FUNDS

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	2,588,786	1,666,216
Jan	2,639,943	1,666,216
Feb	2,691,100	1,666,216
March	2,742,257	1,666,216
Apr	2,793,414	1,666,216
May	2,844,571	1,666,216
June	2,895,729	1,666,216
July	2,946,886	1,666,216
Aug	2,998,043	1,666,216
Sept	3,049,200	1,666,216
Oct	3,100,357	
Nov	3,151,514	
Dec	3,202,671	
2015-16	3,202,671	

Year To Date
Actual v. Projected

55%

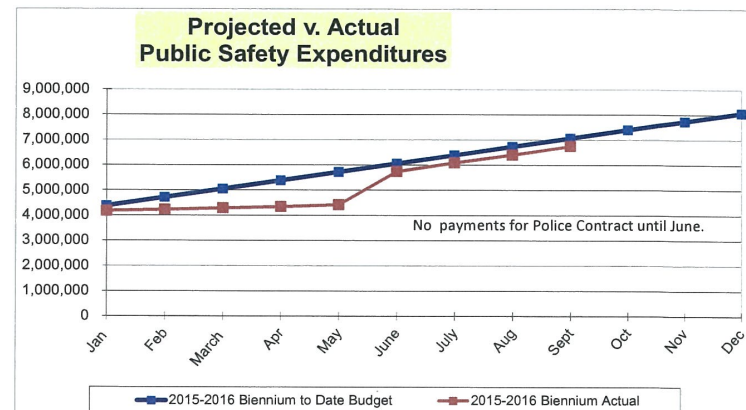


PUBLIC SAFETY

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	4,051,177	4,152,022
Jan	4,386,589	4,187,043
Feb	4,722,000	4,241,000
March	5,057,412	4,299,830
Apr	5,392,823	4,357,174
May	5,728,235	4,426,195
June	6,063,646	5,747,844
July	6,399,058	6,100,771
Aug	6,734,469	6,407,734
Sept	7,069,881	6,753,169
Oct	7,405,292	
Nov	7,740,704	
Dec	8,076,115	
2015-16	8,076,115	

Year To Date
Actual v. Projected

96%

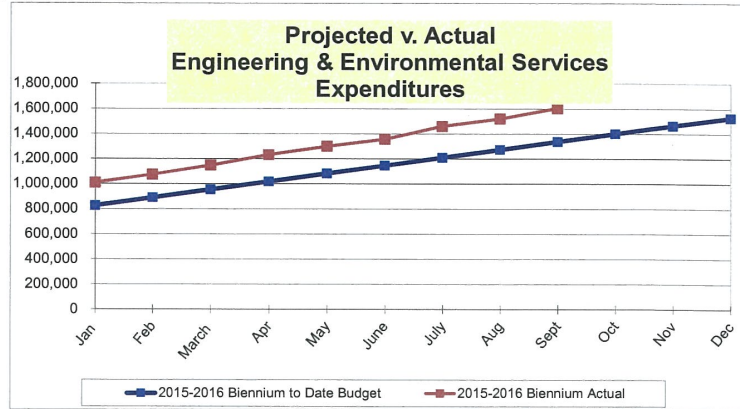


City of Kenmore, Washington
General Fund Expenditure Graphs
September 30, 2016
ENGINEERING & ENVIRONMENTAL SERVICES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	763,129	937,886
Jan	826,864	1,010,654
Feb	890,599	1,075,095
March	954,334	1,149,254
Apr	1,018,069	1,231,968
May	1,081,804	1,300,931
June	1,145,540	1,358,154
July	1,209,275	1,461,127
Aug	1,273,010	1,520,662
Sept	1,336,745	1,604,361
Oct	1,400,480	
Nov	1,464,215	
Dec	1,527,950	
2015-16	1,527,950	

Year To Date
 Actual v. Projected

120%

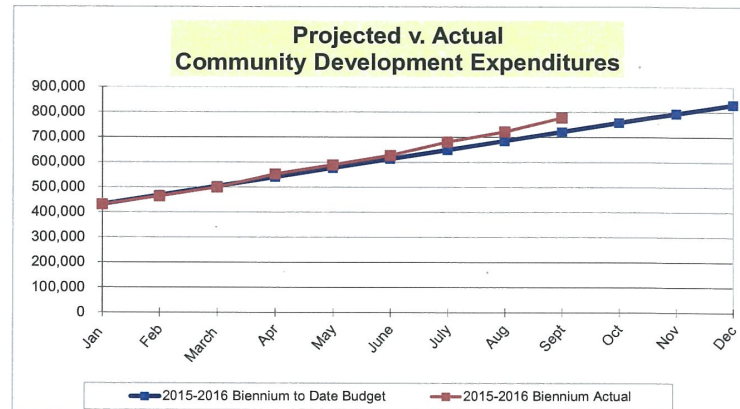


COMMUNITY DEVELOPMENT

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	395,834	401,776
Jan	432,017	431,552
Feb	468,200	464,237
March	504,383	500,153
Apr	540,566	552,279
May	576,749	589,485
June	612,932	626,915
July	649,115	680,816
Aug	685,298	722,236
Sept	721,481	777,253
Oct	757,664	
Nov	793,847	
Dec	830,030	
2015-16	830,030	

Year To Date
 Actual v. Projected

108%

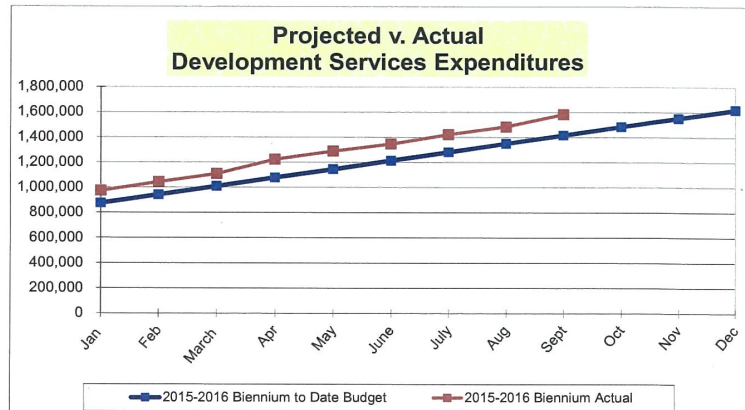


DEVELOPMENT SERVICES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	808,496	855,249
Jan	876,126	976,587
Feb	943,755	1,045,721
March	1,011,385	1,110,942
Apr	1,079,014	1,224,521
May	1,146,644	1,289,630
June	1,214,273	1,346,544
July	1,281,903	1,422,790
Aug	1,349,532	1,484,738
Sept	1,417,162	1,583,047
Oct	1,484,791	
Nov	1,552,421	
Dec	1,620,050	
2015-16	1,620,050	

Year To Date
 Actual v. Projected

112%



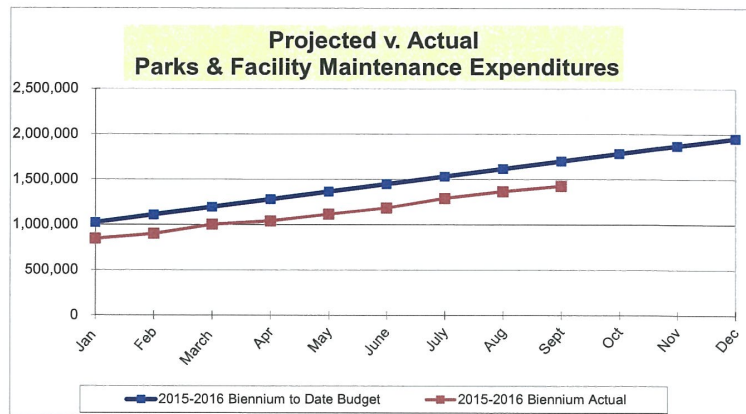
City of Kenmore, Washington
General Fund Expenditure Graphs
September 30, 2016

PARKS & FACILITY MAINTENANCE

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
2015	941,427	802,859
Jan	1,025,842	847,373
Feb	1,110,257	901,839
March	1,194,673	1,003,905
Apr	1,279,088	1,040,940
May	1,363,503	1,116,715
June	1,447,918	1,185,208
July	1,532,333	1,290,368
Aug	1,616,748	1,365,223
Sept	1,701,164	1,425,904
Oct	1,785,579	
Nov	1,869,994	
Dec	1,954,409	
2015-16	1,954,409	

Year To Date
 Actual v. Projected

84%

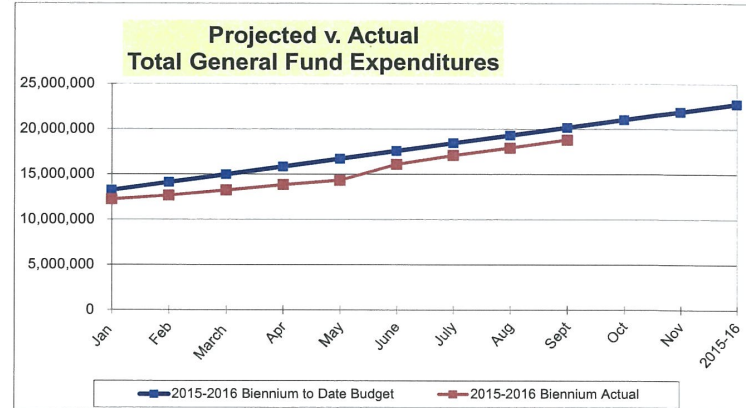


TOTAL GENERAL FUND EXPENDITURES

	2015-2016 Biennium to Date Budget	2015-2016 Biennium Actual
Jan	13,249,735	12,233,472
Feb	14,115,461	12,678,004
March	14,981,187	13,242,725
Apr	15,846,913	13,820,571
May	16,712,639	14,326,920
June	17,578,365	16,098,424
July	18,444,090	17,070,127
Aug	19,309,816	17,898,656
Sept	20,175,542	18,813,343
Oct	21,041,268	
Nov	21,906,994	
2015-16	22,772,720	

Year To Date
 Actual v. Projected

93%



**City of Kenmore, Washington
Street Fund Summary Report
September 30, 2016**

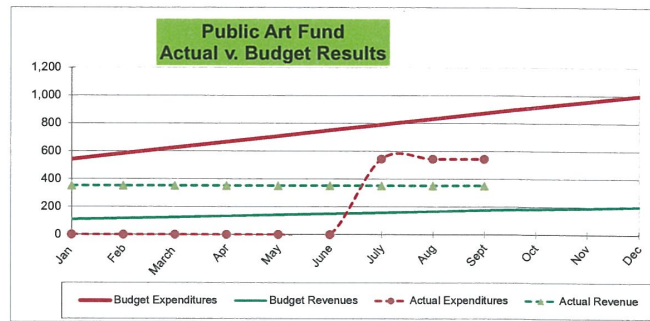


	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>September 2016</u>	<u>2015-2016</u>	<u>BUDGET</u>	<u>2015-2016</u>
<u>REVENUES</u>				
Beginning Fund Balance		899,288		899,288
Fuel Tax	40,901	788,023	90.4%	871,531
Investment Interest	0	4,458	-	0
Miscellaneous	44	5,740	-	0
ROW Permit Fees/Inspections	0	178,770	99.3%	180,000
Multimodal Transportation	3,667	14,667	-	0
Transfer from General Fund	0	485,430	58.3%	833,000
Transfer from TBD	0	232,000	48.8%	475,000
Total Revenues	44,612	1,709,088	72.4%	2,359,531
Total Revenues & Beginning Fund Balance		2,608,376		3,258,819

	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>September 2016</u>	<u>2015-2016</u>	<u>BUDGET</u>	<u>2015-2016</u>
<u>EXPENDITURES</u>				
Salary and Benefits	35,521	510,224	88.3%	577,783
Maintenance & Operations	42,999	1,362,401	77.4%	1,760,494
Capital	0	43,175	130.8%	33,000
Transfer to Transportation Capital	0	320,597	80.1%	400,000
Total Expenditures	78,520	2,236,396	80.7%	2,771,277
Ending Fund Balance		371,980		487,542
Total Expenditures and Ending Fund Balance		2,608,376		3,258,819

City of Kenmore, Washington
Other Funds Monthly Activity
September 30, 2016

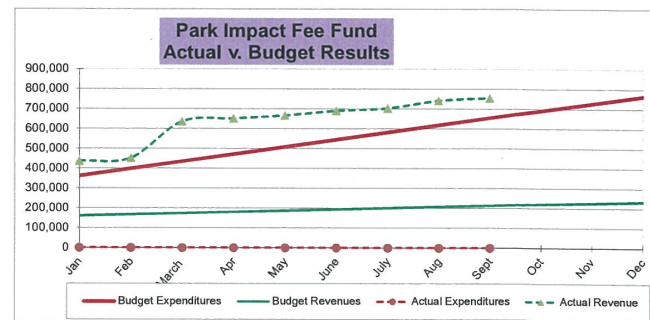
PUBLIC ART FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	500	0	100	352
Jan	542	0	108	352
Feb	583	0	117	352
March	625	0	125	352
Apr	667	0	133	352
May	708	0	142	352
June	750	0	150	352
July	792	545	158	352
Aug	833	545	167	352
Sept	875	545	175	352
Oct	917		183	
Nov	958		192	
Dec	1,000		200	
2015-16	1,000		200	
Total Actual to Date vs Total Budget		54%		176%



This fund accounts for public art authorized by Ordinance 01-0115. One percent (1%) of public project construction contracts is contributed to this fund to provide for public art displays or performing arts events as authorized by the City Council.

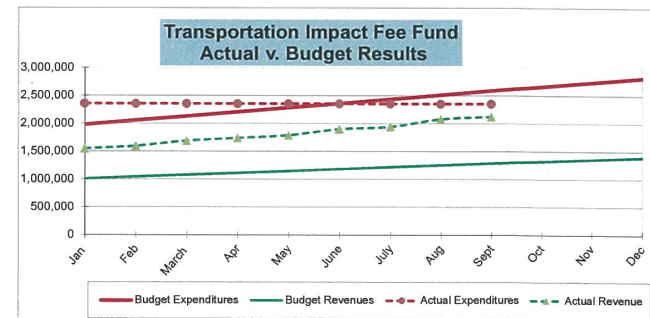
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PARK IMPACT FEE FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	325,000	0	154,878	396,247
Jan	361,706	0	161,477	437,063
Feb	398,412	0	168,076	452,453
March	435,118	0	174,674	636,597
Apr	471,824	0	181,273	651,987
May	508,530	0	187,872	667,349
June	545,236	0	194,471	690,434
July	581,941	0	201,069	703,259
Aug	618,647	0	207,668	741,706
Sept	655,353	0	214,267	754,531
Oct	692,059		220,866	
Nov	728,765		227,464	
Dec	765,471		234,063	
2015-16	765,471		234,063	
Total Actual to Date vs Total Budget		0%		322%



This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements.

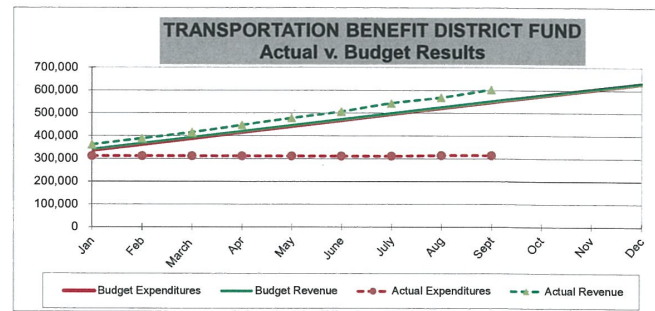
TRANSPORTATION IMPACT FEE FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	1,904,780	2,360,000	975,257	1,413,466
Jan	1,981,444	2,360,000	1,010,424	1,548,410
Feb	2,058,108	2,360,000	1,045,590	1,599,014
March	2,134,773	2,360,000	1,080,757	1,691,789
Apr	2,211,437	2,360,000	1,115,924	1,742,393
May	2,288,101	2,360,000	1,151,090	1,792,997
June	2,364,765	2,360,000	1,186,257	1,901,872
July	2,441,429	2,360,000	1,221,424	1,944,929
Aug	2,518,093	2,360,000	1,256,590	2,082,076
Sept	2,594,758	2,360,000	1,291,757	2,126,019
Oct	2,671,422		1,326,924	
Nov	2,748,086		1,362,090	
Dec	2,824,750		1,397,257	
2015-16	2,824,750		1,397,257	
Total Actual to Date vs Total Budget		84%		152%



This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements.

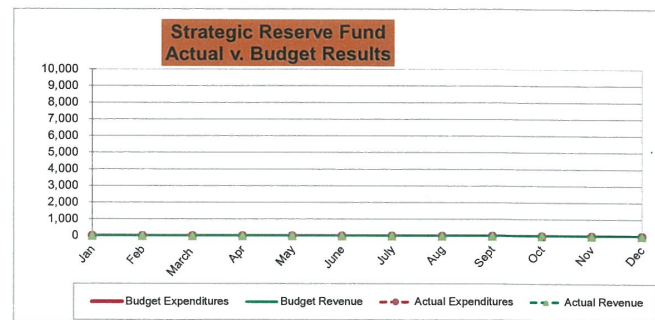
City of Kenmore, Washington
Other Funds Monthly Activity
September 30, 2016

TRANSPORTATION BENEFIT DISTRICT FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	309,500	309,500	315,100	334,634
Jan	336,208	312,000	341,358	362,255
Feb	362,917	312,000	367,617	389,104
March	389,625	312,000	393,875	415,913
Apr	416,333	312,000	420,133	447,573
May	443,042	312,000	446,392	478,600
June	469,750	312,000	472,650	506,795
July	496,458	312,000	498,908	543,544
Aug	523,167	315,220	525,167	568,056
Sept	549,875	315,220	551,425	603,280
Oct	576,583		577,683	
Nov	603,292		603,942	
Dec	630,000		630,200	
2015-16	630,000		630,200	
Total Actual to Date vs Total Budget		50%		96%



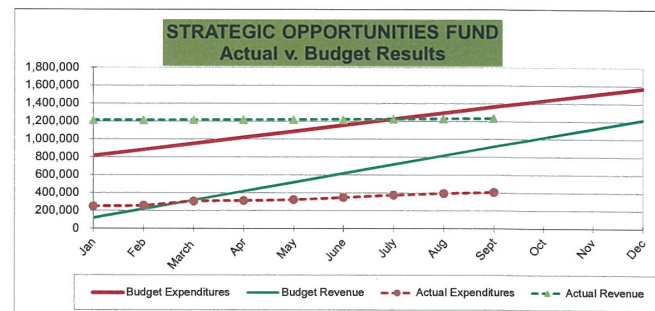
The Transportation Benefit District fund accounts for the \$20 vehicle license tab fees levied on vehicles located in the Kenmore city limits. The revenue generated will be used in maintaining the City's transportation system.

STRATEGIC RESERVE FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	0	0
Jan	0	0	0	0
Feb	0	0	0	0
March	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
June	0	0	0	0
July	0	0	0	0
Aug	0	0	0	0
Sept	0	0	0	0
Oct	0	0	0	0
Nov	0	0	0	0
Dec	0	0	0	0
Total Actual to Date vs Total Budget		0%		0%



This fund was created to serve as the City's emergency reserve fund. Per State Statute, the fund cannot exceed \$.375 per \$1,000 of the City's assessed value and is fully funded at \$1,264,464 for 2011. No expenditures are anticipated or have been budgeted at this time.

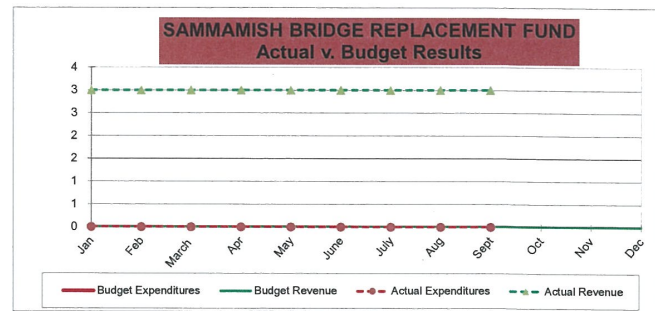
STRATEGIC OPPORTUNITIES FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	746,200	247,741	20,943	1,211,827
Jan	814,950	252,597	120,693	1,214,052
Feb	883,700	260,695	220,444	1,215,602
March	952,450	307,618	320,194	1,217,352
Apr	1,021,200	315,761	419,944	1,218,819
May	1,089,950	326,985	519,694	1,221,144
June	1,158,700	352,460	619,445	1,223,519
July	1,227,450	378,363	719,195	1,226,639
Aug	1,296,200	398,429	818,945	1,231,214
Sept	1,364,950	411,221	918,695	1,233,614
Oct	1,433,700		1,018,446	
Nov	1,502,450		1,118,196	
Dec	1,571,200		1,217,946	
2015-16	1,571,200		1,217,946	
Total Actual to Date vs Total Budget		26%		101%



The purpose of the Strategic Opportunities Fund is to have funds available for the City to make key investments or take advantage of strategic opportunities as they present themselves. For 2015-16, the Business Incubator expenditures are budgeted in this fund.

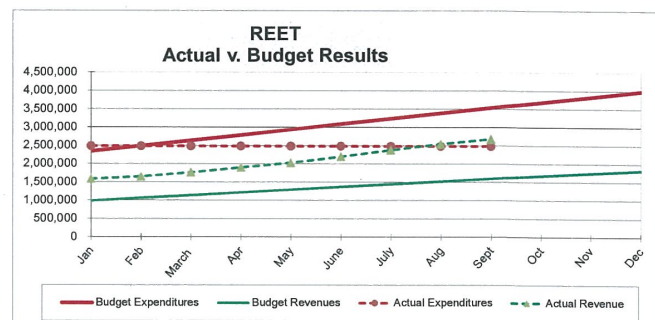
City of Kenmore, Washington
Other Funds Monthly Activity
September 30, 2016

SAMMAMISH BRIDGE REPLACEMENT FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	0	3
Jan	0	0	0	3
Feb	0	0	0	3
March	0	0	0	3
Apr	0	0	0	3
May	0	0	0	3
June	0	0	0	3
July	0	0	0	3
Aug	0	0	0	3
Sept	0	0	0	3
Oct	0		0	
Nov	0		0	
Dec	0		0	
2015-16	0		0	
Total Actual to Date vs Total Budget		0%		0%



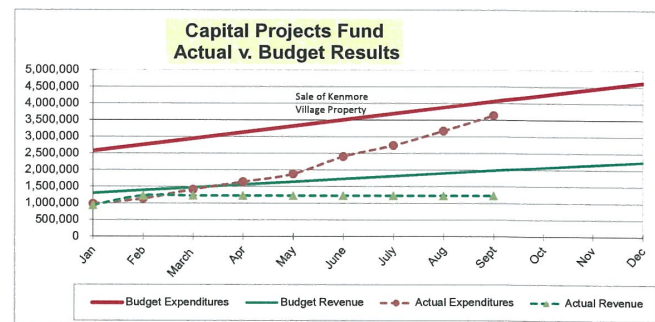
The Sammamish Bridge Replacement fund is a fund used to put money aside for the replacement of the West Sammamish bridge.

REAL ESTATE EXCISE TAX FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,191,250	2,484,359	914,000	1,464,658
Jan	2,340,921	2,484,359	990,083	1,587,477
Feb	2,490,593	2,484,359	1,066,167	1,657,623
March	2,640,264	2,484,359	1,142,250	1,767,689
Apr	2,789,935	2,484,359	1,218,333	1,900,850
May	2,939,607	2,484,359	1,294,417	2,030,449
June	3,089,278	2,484,359	1,370,500	2,198,025
July	3,238,949	2,484,359	1,446,583	2,375,450
Aug	3,388,621	2,484,359	1,522,667	2,540,847
Sept	3,538,292	2,484,359	1,598,750	2,677,023
Oct	3,687,963		1,674,833	
Nov	3,837,635		1,750,917	
Dec	3,987,306		1,827,000	
2015-16	3,987,306		1,827,000	
Total Actual to Date vs Total Budget		62%		147%



The Real Estate Excise Tax Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include transfers to the Park Capital Fund for park improvements and Transportation Capital Fund for transportation improvements.

KENMORE VILLAGE FUND				
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,389,500	1,003,897	1,219,200	939,764
Jan	2,576,306	986,635	1,304,842	939,764
Feb	2,763,112	1,139,797	1,390,483	1,230,764
March	2,949,917	1,420,862	1,476,125	1,230,764
Apr	3,136,723	1,646,817	1,561,767	1,230,764
May	3,323,529	1,885,567	1,647,408	1,230,764
June	3,510,335	2,406,844	1,733,050	1,230,825
July	3,697,140	2,743,193	1,818,692	1,230,825
Aug	3,883,946	3,175,933	1,904,333	1,230,825
Sept	4,070,752	3,643,133	1,989,975	1,230,825
Oct	4,257,558		2,075,617	
Nov	4,444,363		2,161,258	
Dec	4,631,169		2,246,900	
2015-16	4,631,169		2,246,900	
Total Actual to Date vs Total Budget		79%		55%

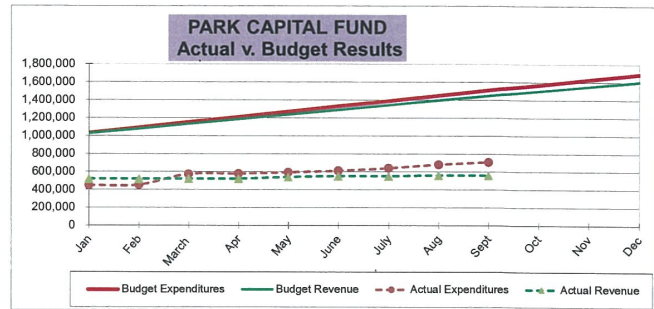


The Kenmore Village Fund accounts for leasing activity and property transactions within Kenmore Village

City of Kenmore, Washington
Other Funds Monthly Activity
September 30, 2016

PARK CAPITAL FUND

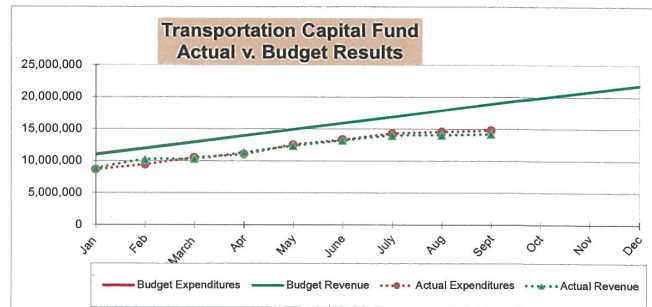
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	974,000	437,373	975,200	521,437
Jan	1,033,769	448,504	1,027,698	521,437
Feb	1,093,539	453,784	1,080,196	521,437
March	1,153,308	575,191	1,132,694	521,437
Apr	1,213,078	579,697	1,185,191	521,437
May	1,272,847	594,898	1,237,689	540,100
June	1,332,617	612,207	1,290,187	550,100
July	1,392,386	642,264	1,342,685	550,100
Aug	1,452,155	681,534	1,395,183	558,632
Sept	1,511,925	709,740	1,447,681	558,632
Oct	1,571,694		1,500,178	
Nov	1,631,464		1,552,676	
Dec	1,691,233		1,605,174	
2015-16	1,691,233			
Total Actual to Date vs Total Budget		42%		35%



The Park Capital fund will account for Park Capital Projects formerly included in the Municipal Capital fund. In addition, distributions from the King County Proposition 2 Parks Expansion Levy will be receipted into this fund

TRANSPORTATION CAPITAL FUND

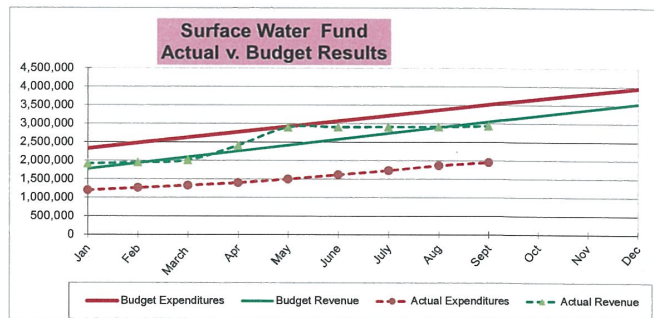
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	10,039,810	8,637,374	9,989,310	8,681,369
Jan	11,023,357	8,669,016	10,977,781	8,856,349
Feb	12,006,905	9,485,351	11,966,251	10,236,046
March	12,990,452	10,529,365	12,954,722	10,363,204
Apr	13,973,999	11,119,674	13,943,192	11,342,241
May	14,957,546	12,551,558	14,931,663	12,391,433
June	15,941,094	13,336,533	15,920,133	13,237,420
July	16,924,641	14,305,057	16,908,604	13,997,197
Aug	17,908,188	14,578,716	17,897,074	14,057,854
Sept	18,891,735	14,830,167	18,885,545	14,223,423
Oct	19,875,283		19,874,015	
Nov	20,858,830		20,862,486	
Dec	21,842,377		21,850,956	
2015-16	21,842,377			
Total Actual to Date vs Total Budget		68%		65%



The Transportation Capital Fund accounts for capital improvements to the City's streets and SR 522, funded by various grants plus City resources from real estate excise tax and transportation impact fees. All phases of improvements to SR 522 are now accounted for in this fund. There is a time lag between project expenditures and reimbursements from grants; this accounts for the lower revenues compared to the expenditures.

SURFACE WATER MANAGEMENT FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	2,188,308	1,115,684	1,620,000	1,915,280
Jan	2,336,430	1,207,683	1,780,000	1,922,104
Feb	2,484,563	1,275,765	1,940,000	1,955,947
March	2,632,675	1,338,128	2,100,000	2,017,402
Apr	2,780,797	1,411,134	2,260,000	2,414,992
May	2,928,920	1,510,556	2,420,000	2,903,331
June	3,077,042	1,627,886	2,580,000	2,910,391
July	3,225,164	1,742,858	2,740,000	2,915,373
Aug	3,373,287	1,874,837	2,900,000	2,917,128
Sept	3,521,409	1,962,670	3,060,000	2,942,016
Oct	3,669,531		3,220,000	
Nov	3,817,654		3,380,000	
Dec	3,965,776		3,540,000	
2015-16	3,965,776			
Total Actual to Date vs Total Budget		49%		83%

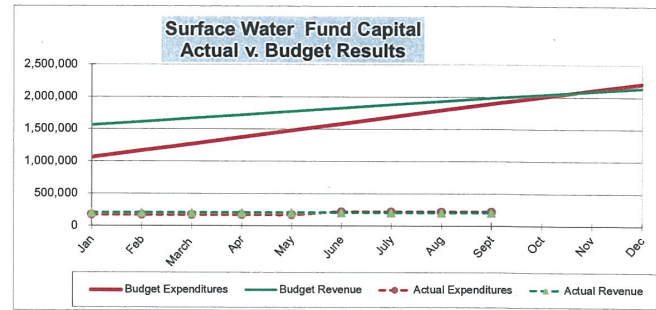


This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.

City of Kenmore, Washington
Other Funds Monthly Activity
September 30, 2016

SURFACE WATER CAPITAL FUND

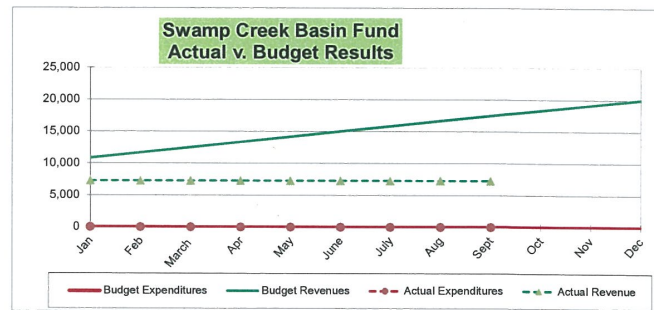
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	960,611	176,312	1,506,266	204,826
Jan	1,064,685	176,312	1,559,036	204,826
Feb	1,168,759	176,312	1,611,805	204,826
March	1,272,833	176,312	1,664,575	204,826
Apr	1,376,907	176,312	1,717,344	204,826
May	1,480,981	176,312	1,770,114	204,826
June	1,585,056	220,678	1,822,883	204,826
July	1,689,130	220,678	1,875,653	204,826
Aug	1,793,204	220,678	1,928,422	204,826
Sept	1,897,278	220,678	1,981,192	204,826
Oct	2,001,352		2,033,961	
Nov	2,105,426		2,086,731	
Dec	2,209,500		2,139,500	
2015-16	2,209,500		2,139,500	
Total Actual to Date vs Total Budget		10%		10%



This fund accounts for the expenditures for Surface Water Capital Improvements. Revenue sources for this fund include a variety of federal, state, or local grants, surface water management fees transferred from the Surface Water Management Fund and real estate excise taxes.

SWAMP CREEK BASIN FUND

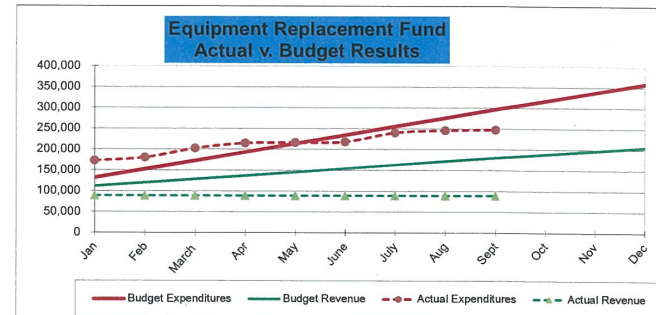
	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	0	0	10,000	7,271
Jan	0	0	10,833	7,271
Feb	0	0	11,667	7,271
March	0	0	12,500	7,271
Apr	0	0	13,333	7,271
May	0	0	14,167	7,271
June	0	0	15,000	7,271
July	0	0	15,833	7,271
Aug	0	0	16,667	7,271
Sept	0	0	17,500	7,271
Oct	0		18,333	
Nov	0		19,167	
Dec	0		20,000	
2015-16	0		20,000	
Total Actual to Date vs Total Budget		0%		36%



This fund accounts for the Memorandum of Agreement with King County which provided funds reserved for surface water projects, improvements, and maintenance within the Swamp Creek Basin.

EQUIPMENT REPLACEMENT FUND

	2015-2016 Budget Expenditures	2015-2016 Actual Expenditures	2015-2016 Budget Revenue	2015-2016 Actual Revenue
2015	112,000	173,486	103,000	89,227
Jan	132,531	173,486	111,583	89,227
Feb	153,063	181,188	120,167	89,227
March	173,594	203,245	128,750	89,227
Apr	194,125	215,636	137,333	89,227
May	214,656	217,102	145,917	89,227
June	235,188	218,920	154,500	89,227
July	255,719	240,629	163,083	89,227
Aug	276,250	246,347	171,667	89,227
Sept	296,781	247,695	180,250	89,227
Oct	317,313		188,833	
Nov	337,844		197,417	
Dec	358,375		206,000	
2015-16	358,375		206,000	
Total Actual to Date vs Total Budget		69%		43%



This fund is used to maintain a reserve for future replacement of equipment, including, but not limited to furniture, computers and vehicles. Payments are received from various operating departments and funds that benefit from or use the assets.

City of Kenmore, Washington
Investment Schedule
September 30, 2016



Report by Security	Investment #	Type	Average Yield to Maturity-Securities				Possible Call Date	Overall Average Yield Principal or Balance	0.70% Yield Equivalents
			Maturity Date	Purchase Date	Rate	Yield			
Piper Jaffray									
	31771J4M9	FICO	9/26/2017	8/14/2012	1.13%	1.13%	non callable	894,731.88	10,137.31
Total Piper Jaffrey Purchases								894,731.88	10,137.31
Time Value Investments									
	31359MEL3	FNMA	4/22/2017	10/22/2012	0.86%	0.86%	no call	999,468.08	8,595.43
	31771EAL5	FICO	2/8/2018	1/13/2015	1.15%	1.15%		999,114.48	11,489.82
	3134G43V8	FHLB	5/15/2018	7/23/2014	1.36%	1.36%		988,450.00	13,462.69
	3135G0XK4	FNMA	5/25/2018	11/25/2013	1.38%	1.38%		985,750.00	13,583.64
	3135G0XK4	FNMA	5/25/2018	2/27/2014	1.30%	1.30%		989,691.00	12,865.98
	3135G0G23	FNMA	4/29/2019	11/24/2015	1.35%	1.35%	4/26/2016	998,326.00	13,477.40
Total TVI Purchases								5,960,799.56	73,474.95
Sound Community Bank CD's									
	18299229	CD	2/11/2016	2/14/2014	0.80%	0.80%		1,000,000.00	8,000.00
Total Sound Community Bank CD's								1,000,000.00	8,000.00
Opus Bank CD's									
	11495975	CD	2/10/17	6/10/15	0.35%	0.35%		1,000,000.00	3,500.00
	11539715	CD	3/29/18	3/30/16	0.85%	0.85%		1,000,000.00	8,500.00
	11527322	CD	6/30/16	6/30/2015	0.45%	0.45%		1,000,000.00	4,500.00
Total Cascade Bank CD's								3,000,000.00	16,500.00
TOTAL ALL SECURITIES								\$ 10,855,531.44	\$ 108,112.26
Banner Checking and Savings						0.07% Banner		3,357,095.57	2,349.97
Cash								1,005.00	-
Local Government Investment Pool						0.42% LGIP		3,768,081.46	15,829.71
Total Accounts								\$ 17,981,713.47	126,291.94

City of Kenmore, Washington
Cash and Investment Report
September 30, 2016



<u>Fund</u>	<u>Beg. Cash & Inv.</u> <u>from Prev. Mo.</u>	<u>Monthly</u> <u>Revenues</u>	<u>Monthly</u> <u>Expenditures</u>	<u>End. Cash & Inv.</u> <u>Current Month</u>
General	\$4,222,430	\$654,526	\$914,688	3,962,268
Street	412,689	44,612	78,520	378,780
Transportation Capital	-520,465	165,569	251,451	(606,347)
Public Art	67,107	0	0	67,107
Park Impact Fee	1,494,479	12,825	0	1,507,304
Transportation Impact Fee	885,008	43,943	0	928,951
Swamp Creek Basin	1,404,934	0	0	1,404,934
Transportation Benefit District	261,764	35,224	0	296,988
Sammamish Bridge Replacement	516	0	0	516
Real Estate Excise Tax	2,470,701	136,176	0	2,606,877
Kenmore Village	441,139	0	467,200	(26,061)
Park Capital	-122,335	0	28,206	(150,541)
Surface Water Management	2,524,671	24,888	87,833	2,461,726
Surface Water Capital	-32,202	0	0	(32,202)
Strategic Reserve	1,264,465	0	0	1,264,465
Strategic Opportunities	2,979,675	2,400	12,792	2,969,283
Equipment Replacement	297,554	0	1,348	296,206
Trust & Agency	589,615	76,850	15,000	651,465
Totals	\$18,641,745	\$1,197,012	\$1,857,038	\$17,981,719

<u>Fund</u>	<u>Cash, Savings,</u> <u>Local Govt Investment Pool</u>	<u>(> One Year)</u> <u>Fixed</u> <u>Investments</u>	<u>Total</u>
General	-\$1,308,263	\$5,270,532	3,962,268
Street	-471,220	850,000	378,780
Transportation Capital	-606,347	0	(606,347)
Public Art	52,107	15,000	67,107
Park Impact Fee	577,304	930,000	1,507,304
Transportation Impact Fee	898,951	30,000	928,951
Swamp Creek Basin	4,934	1,400,000	1,404,934
Transportation Benefit District	296,988	0	296,988
Sammamish Bridge Replacement	516	0	516
Real Estate Excise Tax	2,606,877	0	2,606,877
Kenmore Village	-476,061	450,000	(26,061)
Park Capital	-150,541	0	(150,541)
Surface Water Management	1,951,726	510,000	2,461,726
Surface Water Capital	-32,202	0	(32,202)
Strategic Reserve	414,465	850,000	1,264,465
Strategic Opportunities	2,969,280	0	2,969,280
Equipment Replacement	-153,795	450,000	296,205
Trust & Agency	551,464	100,000	651,464
Totals	\$7,126,183	\$10,855,532	\$17,981,715

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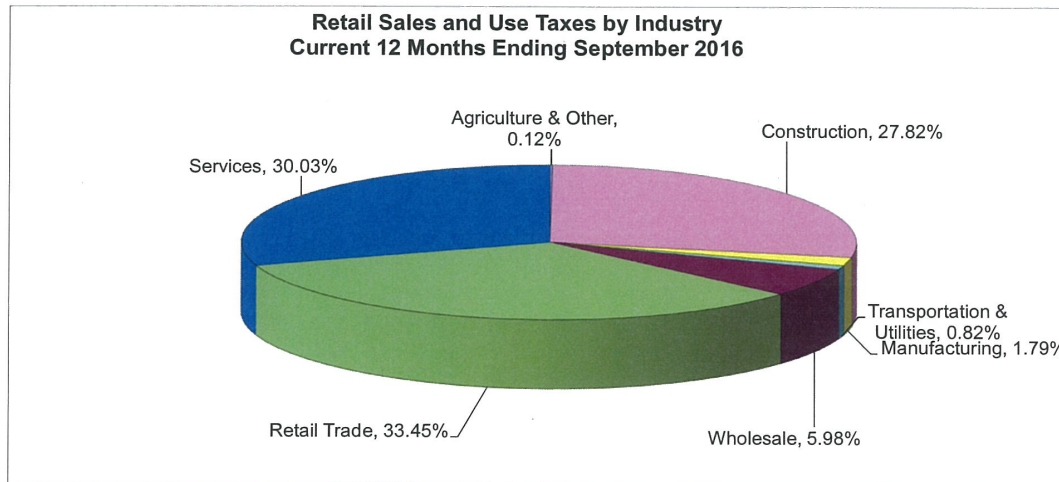
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 September 2016

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	272.87	0.00	272.87	0.1%
CONSTRUCTION	116,307.24	-629.65	115,677.59	44.6%
MANUFACTURING	2,839.52	3.82	2,843.34	1.1%
TRANSPORTATION & UTILITIES	840.14	1,360.01	2,200.14	0.8%
WHOLESALE	9,128.85	127.83	9,256.68	3.6%
RETAIL TRADE	62,356.45	115.89	62,472.34	24.1%
SERVICES	55,076.69	380.50	55,457.18	21.4%
INFORMATION	8,203.95	10.31	8,214.25	3.2%
PUBLIC SERVICES	11.55	2,827.63	2,839.18	1.1%
	<u>255,037.25</u>	<u>4,196.33</u>	<u>259,233.58</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
September 30, 2016

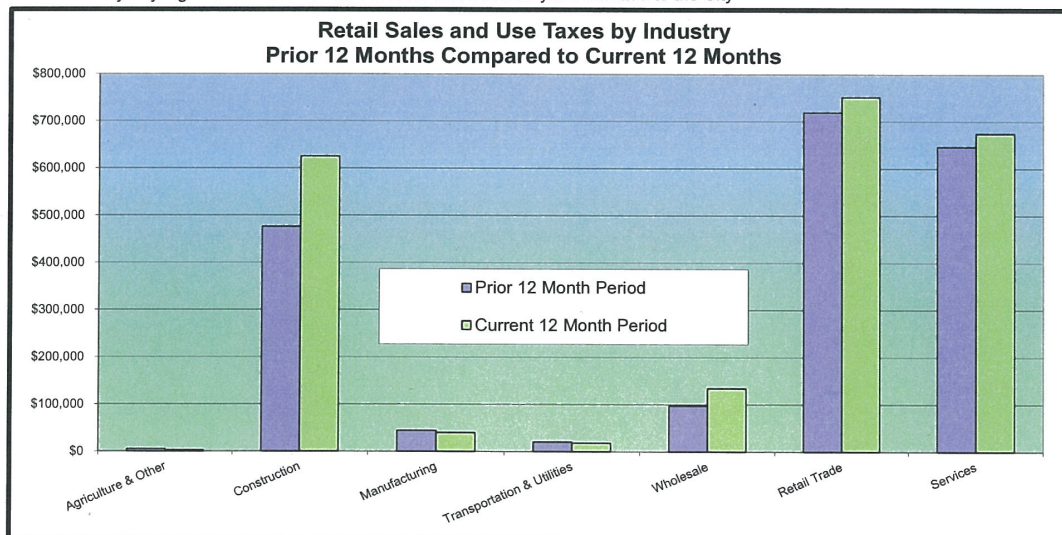


Industry	Prior 12 Months ending September 2015	Current 12 Months ending September 2016	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$5,086	\$2,594	-49.01%	0.12%
Construction	475,812	625,064 *	31.37%	27.82%
Manufacturing (Printing, Publishing, Other Manuf.)	44,444	40,131	-9.70%	1.79%
Transp/Comm/Utilities (Telecomm., Air Transport.)	20,333	18,348	-9.76%	0.82%
Wholesale (Lumber, Other Wholesale)	97,472	134,265	37.75%	5.98%
Retail Trade (Eating, Merchandise, Food Stores)	719,446	751,419	4.44%	33.45%
Services (Auction, Recreation, Auto Repair, Financial)	646,401	674,631	4.37%	30.03%
Totals	\$2,008,994	\$2,246,452	11.82%	100%
Increase/(Decrease)		\$237,458	11.82%	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



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City of Kenmore, Washington
Real Estate Excise Tax Report
September 30, 2016

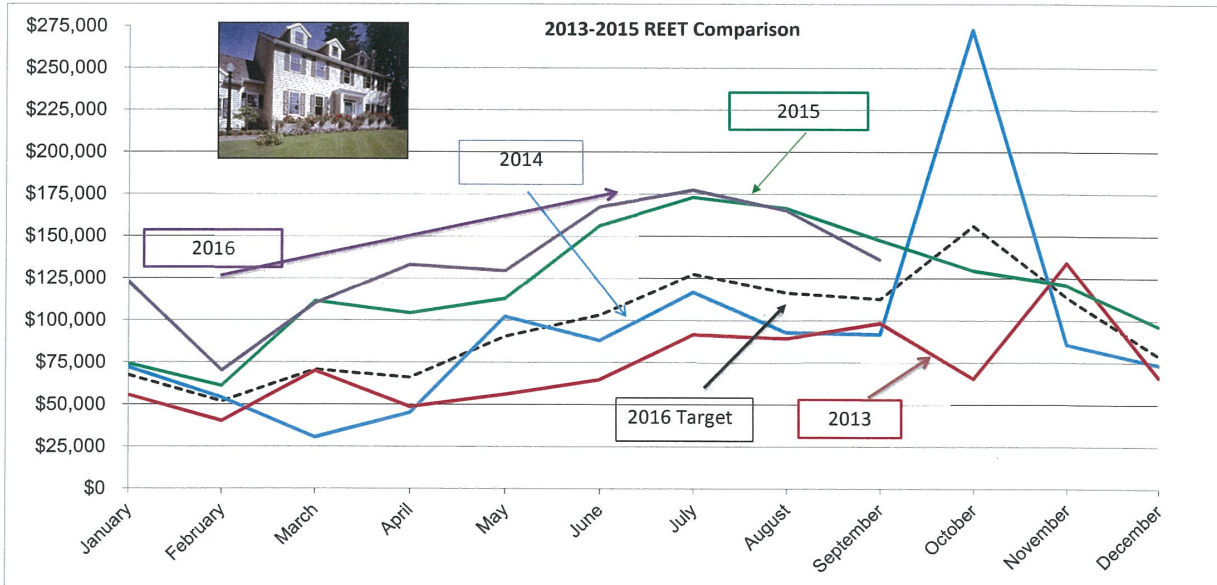


Real Estate Excise Taxes (REET) 2012 - 2016 Monthly Receipts						
	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Target 2016
January	54,359	55,801	72,106	74,259	122,819	67,389
February	18,064	40,281	54,038	61,070	70,146	51,797
March	29,691	69,946	30,426	111,337	110,066	70,570
April	30,662	48,671	45,118	104,280	133,161	66,023
May	52,575	56,178	102,257	112,927	129,599	90,454
June	60,408	64,938	88,070	156,338	167,575	103,116
July	81,316	91,779	116,858	173,095	177,426	127,244
August	56,626	89,496	92,932	166,651	165,397	116,360
September	82,785	98,573	91,812	147,668	136,176	112,684
October	60,265	65,596	272,842	129,678		156,039
November	88,057	134,286	85,748	120,907		113,647
December	152,262	66,342	73,582	96,566		78,830
	\$767,070	\$881,886	\$1,125,790	\$1,454,776	\$1,212,365	\$924,916

For 2016, REET is \$104,740 more than the same period last year and more than the 2016 target by \$406,728

* NOTE THE 2016 target is computed on a 3 year average (2013-2015) of actual receipts

Real Estate Excise Taxes (REET) 2012 - 2016 Property Sales > \$500,000									
The sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the revenue									
	Taxes from > \$500,000 Sale Amounts								
	2012	2013	2014	2015	2016	2013	2014	2015	2016
January	5,515,283	3,380,165	4,699,850	7,418,000	18,590,517	16,732	23,264	36,719	92,023
February	1,152,000	3,417,500	3,930,920	6,607,900	9,701,034	16,917	19,458	32,709	48,020
March	750,000	3,514,000	2,175,430	7,874,934	15,147,174	17,394	10,768	38,981	74,979
April	870,000	1,570,450	4,266,725	14,291,370	21,160,913	7,774	21,120	70,742	104,747
May	2,796,250	3,634,210	12,347,730	14,068,904	19,813,122	17,989	61,121	69,641	98,075
June	1,215,000	2,761,500	7,353,999	20,361,466	26,065,161	13,669	36,402	100,789	129,023
July	4,196,500	8,478,706	15,071,601	25,571,387	24,020,546	41,970	74,604	126,578	118,902
August	1,756,200	6,131,455	5,882,306	22,614,538	21,648,781	30,351	29,117	111,942	107,161
September	4,859,500	10,911,500	8,437,700	18,821,380		54,012	41,767	93,166	0
October	3,087,500	5,568,400	44,456,605	16,519,240		27,564	220,060	81,770	0
November	8,334,960	18,620,230	8,922,100	14,736,156		92,170	44,164	72,944	0
December	23,033,200	4,606,450	7,142,900	13,187,535		22,802	35,357	65,278	0
	\$57,566,393	\$72,594,566	\$124,687,866	\$182,072,810	\$156,147,248	359,344	617,202	901,259	772,930



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City of Kenmore, Washington
Monthly Report for Kenmore Village Fund
September 30, 2016



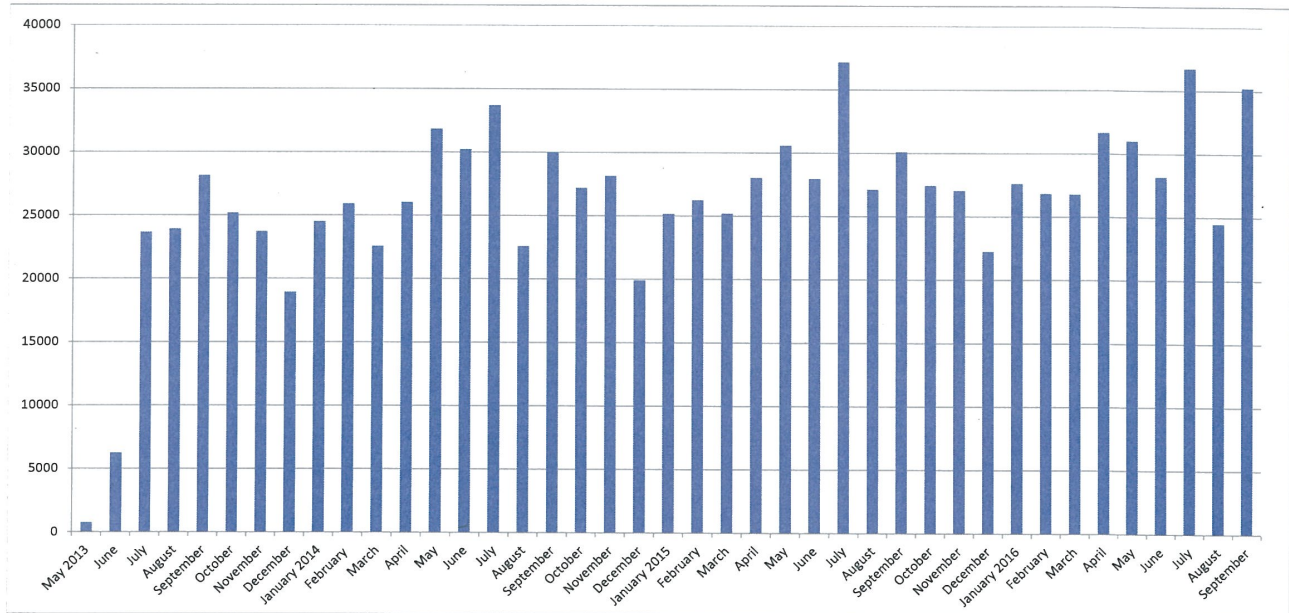
<u>Revenues</u>	<u>September 2016</u>	<u>Biennium-to- Date</u>	<u>Biennium Budget</u>
Lease Income (USPS & Kenmore Village)	0	25,000	67,000
Investment Interest	0	12,216	23,000
Sale of Property	0	901,302	903,000
Event Sponsorship	0	0	1,500
Grant for Public Square	0	291,000	270,000
Transfer From General Fund	0	0	60,000
Leasehold Excise Returned	0	1,307	2,400
	0		
Total Revenues	0	1,230,825	1,326,900
<u>Expenditures</u>			
Salaries/Wages/Benefits	2,540	8,353	0
6700 Building Improvements	0	72,028	0
Downtown Plan Services	0	59,270	0
Property Management	0	0	19,000
Utilities and Insurance - Kenmore Village	0	3,405	0
Repairs, Maintenance, Other Services	0	11,198	133,240
Surface Water and Fire Benefit Fees	0	8,462	0
Transfer to Park Capital Fund	0	134,929	134,929
Kenmore Village Public Square	464,660	3,345,490	3,365,000
Total Expenditures	467,200	3,643,134	3,652,169
Net Income (Loss)	-467,200	-2,412,310	-2,325,269

NOTE: This schedule only reflects activity occurring on the City books and does not include the lease revenue and expenditures accounted for by the property management firm.

Kenmore Transportation Benefit District
Monthly Report
September 30, 2016



Revenues	September 2016	Biennium-to- Date	Percent of Budget	Biennium Budget
Vehicle Fees	35,224	603,170	95.71%	630,200
Investment Interest	0	112		
Total Revenues	\$35,224	\$603,282	95.73%	\$630,200
Expenditures				
WCIA Insurance	0	5,000	100.00%	5,000
Reimbursement to Street Fund	0	232,000	48.84%	475,000
State Auditor	0	3,220		0
Overlay	0	75,000	50.00%	150,000
Total Expenditures	0	315,220	50.03%	630,000
Net Income (Loss)	\$35,224	\$288,062		\$200





**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic:

Adopt Ordinance No. 16-0435 of the City of Kenmore, Washington, Relating to the 2017 Excess Property Tax Levy

For Council Meeting Agenda of: December 12, 2016

Department: Finance and Administration

Prepared by: Joanne Gregory, Director of Finance and Administration

Proposed Council Action/Motion:

Adopt Ordinance No. 16-0435 of the City of Kenmore, Washington, Relating to the 2017 Excess Property Tax Levy; Providing for Severability and Establishing an Effective Date

Initial & Date
 Approved by Department Head: *JG 12/6/16*
 Approved by City Attorney: *email DG*
 Approved by Finance Director: *JG 12/6/16*
 Approved by City Manager: *PGK*

Exhibits/Attachments:

Ordinance No. 16-0435
Bond Debt Service Schedule

Expenditure Required N/A

Amount Budgeted N/A

Appropriation Required N/A

INFORMATION/BACKGROUND:

On November 8, 2016, voters in the City of Kenmore approved the issuance of unlimited tax general obligation (UTGO) bonds in the aggregate principal amount up to \$19,750,000 to provide the funds to construct, develop, equip, upgrade, acquire, and improve arterial walkways and waterfront parks and access in the City.

The City Council passed Bond Ordinance No. 16-0434 on November 21, 2016 authorizing the City to issue up to \$10,000,000 of UTGO bonds and on December 5, 2016 the City Manager executed a bond purchase agreement to sell bonds in the principal amount of \$9,220,000. This transaction is scheduled to close on December 21, 2016.

In 2017 the City will begin making principal and interest debt service payments on these bonds. The excess tax levy approved by the voters will provide the funds needed to make these annual payments and each year the City must submit the levy requirement to King County.

FISCAL CONSIDERATION:

The City's bond underwriter (D.A. Davidson & Co.) and financial advisor (Piper Jaffrey) have collaborated with the City to develop the debt service schedule for the 2016 bonds. \$1,136,502.78 is the amount of the payment required during 2017. The financial advisor recommends that 110% of this amount be levied in the first year in order to collect sufficient funds considering that some delinquencies may occur. For that reason the City is requesting an excess levy in the amount of \$1,250,000. The City's assessed value (AV) is \$3,903,423,117 which will result in a tax levy rate of \$.32 per \$1,000 of AV for this purpose.

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COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

RCW 35A.33.055 The legislative body must schedule hearings on the budget or parts of the budget prior to the final approval.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0435**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
LEVYING AN EXCESS PROPERTY TAX LEVY FOR THE
PURPOSE OF PAYING DEBT SERVICE ON THE CITY'S
UNLIMITED TAX GENERAL OBLIGATION BONDS ISSUED IN
2016; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE.**

WHEREAS, at an election held in the City of Kenmore, Washington (the "City") on November 8, 2016, the City submitted the question to the qualified electors of the City of whether the City shall issue unlimited tax general obligation bonds in the aggregate principal amount of not to exceed \$19,750,000 ("Bond Authorization") to provide the funds to construct, develop, equip, upgrade, acquire, and improve arterial walkways and waterfront access in the City, including the acquisition of property, as identified in Exhibit A attached to Ordinance No. 16-0422 (the "Election Ordinance") passed by the City Council on June 13, 2016 (the "Project"); and

WHEREAS, the number and proportion of the qualified electors of the City required by law for the adoption thereof voted in favor of the Bond Authorization and the election results were certified by King County Elections, as *ex officio* supervisor of elections in King County, Washington, on November 29, 2016; and

WHEREAS, the City, pursuant to Bond Ordinance No. 16-0434, adopted by the City Council on November 21, 2016, has authorized the issuance and sale of \$9,220,000 principal amount of Unlimited Tax General Obligation Bonds, 2016 (the "Bonds"), and has determined that to provide the money necessary to pay the debt service requirement on the Bonds in the year 2017 an excess property tax levy in the amount of \$1,250,000 for the Bonds must be levied for collection in 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Voter Approved Excess Tax Levy for Unlimited General Obligation Bonds. A tax is hereby levied to raise revenue for the purpose of debt service payments on the voter-approved unlimited tax general obligation bonds for the fiscal year of 2017 in the amount of \$1,250,000 on all taxable property in the City of Kenmore, Washington,

Section 2. Transmittal. The City Clerk is directed to transmit a certified copy of this Ordinance to the Office of the Auditor of the State of Washington, Division of Municipal Corporations, to the King County Assessor, to the Clerk of the King County Council, and to any

other agency required by law to receive a copy of this Ordinance.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by State or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
12th DAY OF DECEMBER, 2016.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

APPROVED AS TO FORM:

Rod P. Kaseguma

BOND DEBT SERVICE

City of Kenmore
UTGO Bonds, 2016

Dated Date 12/21/2016
Delivery Date 12/21/2016

Period Ending	Principal	Coupon	Interest	Debt Service
12/01/2017	845,000	2.000%	291,502.78	1,136,502.78
12/01/2018	930,000	2.000%	291,750.00	1,221,750.00
12/01/2019	950,000	3.000%	273,150.00	1,223,150.00
12/01/2020	285,000	3.000%	244,650.00	529,650.00
12/01/2021	295,000	3.000%	236,100.00	531,100.00
12/01/2022	305,000	3.000%	227,250.00	532,250.00
12/01/2023	310,000	3.000%	218,100.00	528,100.00
12/01/2024	320,000	3.000%	208,800.00	528,800.00
12/01/2025	330,000	4.000%	199,200.00	529,200.00
12/01/2026	345,000	4.000%	186,000.00	531,000.00
12/01/2027	360,000	4.000%	172,200.00	532,200.00
12/01/2028	375,000	4.000%	157,800.00	532,800.00
12/01/2029	385,000	4.000%	142,800.00	527,800.00
12/01/2030	405,000	4.000%	127,400.00	532,400.00
12/01/2031	420,000	4.000%	111,200.00	531,200.00
12/01/2032	435,000	4.000%	94,400.00	529,400.00
12/01/2033	455,000	4.000%	77,000.00	532,000.00
12/01/2034	470,000	4.000%	58,800.00	528,800.00
12/01/2035	490,000	4.000%	40,000.00	530,000.00
12/01/2036	510,000	4.000%	20,400.00	530,400.00
	9,220,000		3,378,502.78	12,598,502.78



City of Kenmore, Washington

Memorandum

Date: December 6, 2016

To: Rob Karlinsey, City Manager

Cc: Nancy Ousley, Assistant City Manager

From: Bryan Hampson, Development Services Director 

Re: Update on Ordinance No. 15-0398, Temporarily Eliminating the Traffic Impact Fee and Parking Requirements in the RB North Zone

As a pilot program, Council passed Ordinance No. 15-0398 on July 27, 2015, which temporarily eliminated the traffic impact fees and parking requirements for start-up businesses along the north side of NE 175th Street. This Ordinance will automatically expire on December 31, 2016 if no action is taken. This pilot also included a \$7,500 per year in-lieu of fee for not being required to meet current parking standards.

The City's goal by passing this Ordinance was to encourage new public-oriented businesses, such as breweries and wineries to be able to start-up in the pilot area, that otherwise may not have been able to do because of parking requirements or traffic impact fees associated with a change of use.

To date, no businesses have taken advantage of this incentive. The three newly established breweries in this area managed to move in without going through a formal change of use permit. The change of use permit triggers parking and traffic review; whereas, by not changing the use, parking and traffic are not reviewed. However, by not going through the change of use process, the businesses are limited to the number of occupants they can have at one time.

Staff seeks City Council direction on whether to continue this program. I understand it is your recommendation to discuss this at the retreat in January.

Attachment: Ordinance No. 15-0398

18120 68th Ave NE · PO Box 82607 · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov · www.kenmorewa.gov

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 15-0398**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
RELATING TO THE NORTH SUBAREA OF THE REGIONAL
BUSINESS ZONE, EAST OF 68TH AVENUE NE, AND TEMPORARILY
ELIMINATING THE ROAD IMPACT FEE AND MINIMUM PARKING
SPACE REQUIREMENTS FOR CHANGES OF USE OF EXISTING
BUILDINGS IN SUCH ZONE.**

WHEREAS, the City desires to encourage new businesses to locate in existing buildings in the North Subarea of the Regional Business Zone, East of 68th Avenue NE ("RB North Zone"); and

WHEREAS, the City has determined that the road impact fee and minimum parking space requirements discourage new businesses from locating in existing buildings in the RB North Zone; and

WHEREAS, the City desires to eliminate temporarily the road impact fee and the minimum parking space requirements for changes of use of existing buildings in the RB North Zone while the City considers and analyzes the reasonableness and appropriateness of such requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council enters the following findings of fact to explain and support Sections 2 and 3 of this Ordinance:

- A. Because economic development is an important issue for the City, the City desires to promote the retention of existing businesses and the creation of new businesses, and desires to explore opportunities to promote development in areas targeted for investment by using tools and incentives. See, Goal II and strategy C.2 in the Economic Development Strategy, and Policy LU-25.2.4 in the Comprehensive Plan.
- B. The City desires to:
 - a. Create job opportunities for all citizens;
 - b. Create vibrant and successful commercial areas to provide employment and generate tax revenue;
 - c. Create a climate of business creation and retention;
 - d. Encourage the provision of commercial services;
 - e. Actively support expansion of the local economic base;
 - f. Use zoning to stimulate business revitalization and creation;
 - g. Use zoning and infrastructure incentives to achieve redevelopment and infill in the downtown; and
 - h. Create regulations and incentives that, in conjunction with market influences, will result in an inviting and vital central core that is self-supporting.

See, Goal 25, Objectives 25.1, 25.2 and 25.3, Land Use Element, Comprehensive Plan; Policies LU-25.2.1, LU-25.2.3, and LU-25.5.3, Comprehensive Plan.

- C. The Regional Business Zone, East of 68th Avenue NE (“RB North Zone”) currently has a diversity of existing businesses, including office, retail, light manufacturing, breweries and wholesaling.
- D. The RB North Zone is unique because it:
 - a. Supports a concentration and diversity of existing businesses, such as office, retail, light manufacturing, breweries and wholesaling;
 - b. Has small buildings (ranging in size from 4,000 square feet to 12,000 square feet), which are divided into smaller spaces (ranging in size from 2,000 square feet to 4,000 square feet), which are attractive to small entrepreneurial and start-up businesses;
 - c. Is located near transportation routes, such as State Route 522 and the regional Burke Gilman pedestrian and bicycle trail, which provide important visibility and access to customers of new businesses; and
 - d. Is located near recreational opportunities, such as the Burke Gilman pedestrian and bicycle trail and Squires Landing Park, which are amenities and attractions for customers of new businesses.
- E. Two examples of permitted uses in the RB North Zone are “eating and drinking places” and “retail sales.” The road impact fee of KMC Chapter 20.47 for new uses of this type in the RB North Zone is extremely high, which will discourage new uses of this type in RB North Zone existing buildings.
- F. Temporarily eliminating the road impact fee for changes of use in RB Zone North existing buildings will encourage new permitted uses and businesses to locate in these existing buildings.
- G. Two examples of land uses for purposes of applying minimum parking space requirements are “restaurants” and “wineries/breweries.” In the RB North Zone, there are a limited number of onsite parking spaces available for compliance with minimum parking space requirements, thereby discouraging new land uses to locate in RB North Zone existing buildings.
- H. Temporarily eliminating the minimum parking space requirements of KMC18.40.030 for changes of use in RB North Zone existing buildings will encourage new land uses to locate in RB North Zone existing buildings.
- I. A pilot program that temporarily eliminates the road impact fee and temporarily eliminates the minimum parking space requirements for changes of use in RB North Zone existing buildings will provide an incentive for new businesses to locate in these existing buildings and will create a new business cluster, until the market is ready for new development or redevelopment in the RB North Zone.
- J. For the reasons stated in the findings above, the City Council finds that the impact fee and the minimum parking space requirements for changes of use in RB North Zone existing buildings should be temporarily eliminated for a period of eighteen (18) months, as a pilot program, in order to study and analyze the impact fee and minimum parking space requirements for such changes of use.

Section 2. New Municipal Code Section. A new City of Kenmore Municipal Code Section 20.47.035 is hereby created to read as follows:

20.47.035 Temporary suspension of road impact fees relating to change of use.

Notwithstanding any other provision of this chapter, the city temporarily eliminates the collection of the road impact fee from any applicant seeking development approval from the city for any change of use in an existing building in the North Subarea of the Regional Business Zone, East of 68th Avenue NE; provided that this section shall not apply to dwelling units; provided further that this section shall not apply to projects that add to, increase or expand the gross floor area of an existing building; and provided further that this section shall apply only to the use, renovation or remodeling of an existing building and shall not apply to redevelopment projects or other projects in which an existing building is replaced or substantially redeveloped. The term “existing building” in this section means a building that was constructed before July 1, 2015. This section shall apply to projects for which a complete development approval application is filed with the city on July 1, 2015 through December 31, 2016. This section shall automatically expire on December 31, 2016.

Section 3. New Municipal Code Section. A new City of Kenmore Municipal Code Section 18.40.035 is hereby created to read as follows:

18.40.035 Temporary suspension of required off-street parking spaces.

- A. Notwithstanding any other provision of this chapter, the city temporarily eliminates the minimum number of parking spaces for any applicant seeking development approval from the city for any change of use of an existing building in the North Subarea of the Regional Business Zone, East of 68th Avenue NE; provided that this section shall not apply to dwelling units; provided further that this section shall not apply to projects that add to, increase or expand the gross floor area of an existing building; and provided further that this section shall apply only to the use, renovation or remodeling of an existing building and shall not apply to redevelopment projects or other projects in which an existing building is replaced or substantially redeveloped. Although the minimum number of parking spaces is temporarily eliminated, the applicant shall provide as many parking spaces as is feasible for the project. The term “existing building” in this section means a building that was constructed before July 1, 2015. This section shall apply to projects for which a complete development approval application is filed with the city on July 1, 2015 through December 31, 2016. This section shall automatically expire on December 31, 2016.
- B. Any applicant seeking development approval from the city for the change of use described in subsection (A) of this Section is encouraged to enter into a written contract with a property owner who will make available to the occupants, users or customers of the building the number of parking spaces equal to the difference between the number of parking spaces required by KMC 18.40.030 and the number of parking spaces that are feasible for the project. This written contract must be

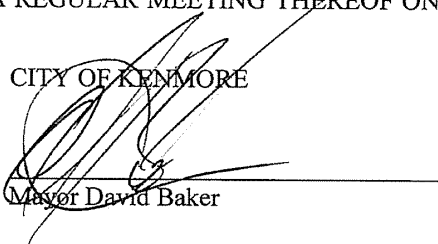
C. reviewed and approved, and must remain in force, as provided for in KMC 18.40.020(C). If this written contract is not entered into prior to development approval, the applicant must pay to the city (1) \$7,500.00 within sixty (60) days of the date of the development approval, and (2) \$7,500.00 within (60) days of the next four (4) anniversary dates of the development approval, or until the applicant enters into a written contract with a property owner as provided for in this subsection (B). The payments shall be deemed to be consideration for eliminating the change of use from the minimum parking space requirement of subsection (A) of this Section and the road impact fee of KMC Chapter 20.47. The payments shall be used by the City for parking-related purposes, including but not limited to installation of new parking lots. The payments shall not be returned to the applicant after expiration of the temporary elimination.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by State or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27th DAY OF JULY, 2015.

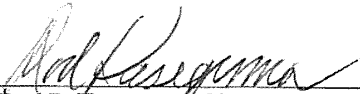
CITY OF KENMORE


Mayor David Baker

ATTEST/AUTHENTICATED:


Patty Safrin, City Clerk

Approved as to form:


Rod P. Kaseguma, City Attorney

FILED WITH THE CITY CLERK: July 17, 2015
PASSED BY THE CITY COUNCIL: July 27, 2015
ORDINANCE NO. 15-0398
PUBLISHED: July 31, 2015
EFFECTIVE DATE: August 5, 2015





City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: City Manager Employment Agreement Proposed Council Action/Motion: Approve the amended and restated City Manager's employment agreement as shown in Exhibit A.	For Council Meeting Agenda of: December 12, 2016 Department: City Manager's Office <table border="0"> <tr> <td></td> <td style="text-align: right;"><u>Initial & Date</u></td> </tr> <tr> <td>Approved by Department Head:</td> <td></td> </tr> <tr> <td>Approved by City Attorney:</td> <td><u>Rod K. VIA EMAIL</u></td> </tr> <tr> <td>Approved by Finance Director:</td> <td><u>JMB</u></td> </tr> <tr> <td>Approved by City Manager:</td> <td><u>N/A</u></td> </tr> </table> Exhibits/Attachments: Exhibit A, Amended and Restated Employment Agreement		<u>Initial & Date</u>	Approved by Department Head:		Approved by City Attorney:	<u>Rod K. VIA EMAIL</u>	Approved by Finance Director:	<u>JMB</u>	Approved by City Manager:	<u>N/A</u>
	<u>Initial & Date</u>										
Approved by Department Head:											
Approved by City Attorney:	<u>Rod K. VIA EMAIL</u>										
Approved by Finance Director:	<u>JMB</u>										
Approved by City Manager:	<u>N/A</u>										
<u>INFORMATION/BACKGROUND:</u> The City Manager's employment agreement provides for annual performance-based merit increases at the City Council's discretion. The City Council recently evaluated the performance of the City Manager. Based on completion of work plan items and progress toward City Council goals as well as general management and leadership of the City organization, members of the City Council propose to increase the City Manager's base salary by as shown in the attached agreement. Other changes, including severance pay and voluntary resignation notice requirement are also included in the attached employment agreement.											
<u>FISCAL CONSIDERATION:</u> Employee salaries, including estimated merit increases, are included in the City's adopted budget.											
<u>COUNCIL GOALS ADDRESSED:</u> All City Council Goals											

AMENDED AND RESTATED EMPLOYMENT AGREEMENT FOR CITY MANAGER

THIS AMENDED AND RESTATED EMPLOYMENT AGREEMENT ("Agreement") is made and entered into between the **CITY OF KENMORE**, King County, Washington ("City") and **ROBERT G. KARLINSEY** ("Manager") to describe the terms and conditions of the Manager's employment by the City.

1. Replacement of Prior Agreement: Effective Date: Term.

This Agreement supersedes and replaces the Employment Agreement for City Manager, which became effective on April 23, 2012. This Agreement shall be effective on January 1, 2017, and shall continue indefinitely until the City Council removes the Manager from his position pursuant to RCW 35A.13.130 and 35A.13.140, as applied and interpreted in this Agreement.

2. Employment Status.

The Manager shall serve at the pleasure of the City Council. The Manager shall be an "at will" employee of the City and shall be an exempt employee under the Fair Labor Standards Act, receiving no overtime payments and compensatory time.

3. Powers, Duties and Status--Personnel Policies.

- A. The Manager shall serve as the City's chief administrative employee, and shall manager, administer and direct the City's overall functions and operations in accordance with Chapter 35A.13 RCW. Subject to the general supervision and direction of the City Council consistent with Chapter 35A.13 RCW, the Manager shall perform such legally permissible and proper duties and responsibilities as provided for by State of Washington laws, City ordinances and resolutions and City Council directives.
- B. Except as otherwise provided in this Agreement, the Manager shall be subject to the City's personnel policies and procedures.
- C. The Manager shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations of the State of Washington and the City and the Code of Ethics of the International City/County Management Association ("ICMA").
- D. The Manager shall not engage in any activity or enter into a contract that is, or may become, a conflict of interest as defined by State of Washington laws and City ordinances, or that is, or may become, incompatible with the position of Manager.
- E. The Manager shall remain in the exclusive employ of the City and shall neither accept other employment nor become employed by any other employer without the prior written approval of the City Council. The term "employed" and derivations of that term as used in the preceding sentence shall include employment by another legal entity or self employment, but shall not be construed to prohibit occasional teaching,

writing, consulting or military reserve service performed on the Manager's own time, and with the advance approval of the City Council.

4. Salary.

The City shall pay the Manager a salary of \$172,190 per year, payable in equal installments in accordance with the City's normal payroll schedule. In subsequent years, the Manager's salary shall be increased each January 1 by a cost of living adjustment equal to the cost of living increase for other full-time City employees, if any, or a merit increase in accordance with paragraph 5 of this Agreement, whichever is greater. This Agreement shall be deemed to be automatically amended to reflect any salary increases.

5. Priority Setting and Performance Reviews.

- A. The City Council and the Manager shall participate in a City goal, priority and objective setting workshop in January or February each year. At this workshop, the City Council shall determine preliminarily the City goals, priorities and objectives for the remainder of the year. Also at this workshop, the City Council, with input from the Manager, shall determine preliminarily the Manager's attainable performance measures for the remainder of the year, taking into account such goals, priorities and objectives and the City's operating and capital budgets. At the next or subsequent City Council meeting, the City Council shall establish formally the City goals, priorities and objectives and the Manager's performance measures for the remainder of the year.
- B. With the assistance of a facilitator selected by the City Council, the City Council shall evaluate the performance of the Manager annually in October or November each year. The evaluation shall take into account the Manager's performance measures as established by the City Council, and any other relevant criteria determined by the City Council.
- C. Within 5 days after the City Council's evaluation, the Mayor shall provide to the Manager a written evaluation, and shall discuss the evaluation with the Manager. If requested by the Manager within 5 days, the Mayor shall provide for an opportunity to discuss the evaluation with the City Council at the next or subsequent City Council meeting. After completion of the discussions, the evaluation shall become final.
- D. After completion of the evaluation, the City Council may grant to the Manager a salary increase based upon merit of up to five percent of the Manager's salary at that time.

6. Residence.

The Manager shall reside within the City.

7. Benefits.

- A. Except as otherwise provided in this Agreement, the City shall provide vacation, sick leave, holidays, leaves, medical, dental, insurance and retirement benefits and payments in the same manner and to the same extent as for other full-time City employees.
- B. The amount of life insurance shall not exceed the Manager's annual salary.
- C. The termination or expiration of this Agreement and of the Manager's employment shall be deemed a "layoff" or "resignation" for purposes of payment of unused sick leave.
- D. The City shall enroll the Manager in the Public Employee Retirement System of Washington ("PERS") and make all legally required City contributions for the Manager's participation in PERS. The Manager shall be responsible for paying all legally required employee contributions for the Manager's participation in PERS.
- E. If the Manager participates in an IRS Section 457 plan, or similar deferred compensation plan, the City shall match the Manager's contribution to the plan up to a maximum of five percent of the Manager's current annual base salary.
- F. The Manager is aware that the City participates in a 401A Program that is in lieu of the Social Security program.

8. Professional Development.

- A. In accordance with City policies and procedures, the City shall pay for travel, lodging, meals and registration at conferences of the Washington City/County Managers Association ("WCMA"), and as the City budget allows, at the conferences of the ICMA.
- B. The City shall pay for membership dues for the ICMA and WCMA.
- C. The City shall pay for membership dues in up to four civic clubs or organizations that hold their meetings in or serve the area of the City. The Manager shall report to the City on each membership that he has taken out at City expense.

9. Reimbursable Expenses.

- A. In lieu of expense reimbursement for City-related travel, and except as provided in sub-paragraphB below, the Manager shall receive \$450 per month to defray the expense of using a personal automobile for such travel.
- B. For City business trips over 50 miles (one-way), the Manager may use City vehicles, subject to availability, or the Manager may use his personal automobile and be reimbursed at the then-current IRS car mileage reimbursement rate.
- C. The City shall reimburse the Manager for other reasonable and actual expenses incurred in the course of City business, pursuant to City policies and procedures.

10. Termination and Resignation.

- A. The City Council may terminate the Manager “without cause” at any time pursuant to the general procedures of RCW 35A.13.130 and 35A.13.140. For such a termination “without cause,” the parties agree that the reasons for termination under RCW 35A.13.130 shall be “mutual agreement of the parties pursuant to employment agreement,” and that the Manager shall not reply in writing to the notice of termination pursuant to RCW 35A.13.140.
- B. The City Council may terminate the Manager “for cause” upon 30 days notice of termination pursuant to the general procedures of RCW 35A.13.130 and 35A.13.140. The term “cause” shall mean:
 - 1. Conviction of, plea of guilty to, or no contest of a felony;
 - 2. Conviction of, plea of guilty to, or no contest of a criminal act relating to employment with the City or otherwise involving dishonesty, fraud or physical violence;
 - 3. Repeated neglect of duties and responsibilities under this Agreement;
 - 4. Loss of legal capacity;
 - 5. Long-term disability that prevents the Manager from performing the essential duties of the position, without or without reasonable accommodation;
 - 6. Repeated refusal to follow one or more reasonable instructions or requests of the City Council consistent with Chapter 35A.13 RCW;
 - 7. Conduct, relating to City employment, which, while not criminal in nature, violates the City’s personnel policies or other reasonable standards of professional and personal conduct in some substantial manner injurious to the business or reputation of the City; or
 - 8. Material breach of this Agreement.
- C. The City’s personnel policies and procedures regarding discipline and termination shall not apply to the Manager’s termination under this paragraph.
- D. The Manager may resign voluntarily following at least sixty (60) days prior written notice. In the event of the Manager’s resignation, the City reserves the right, in its discretion, to earlier terminate the Manager’s employment and to pay the Manager his regular base salary through the effective resignation date, in lieu of his working the entire notice period.

11. Severance Pay.

- A. If the City Council terminates the Manager's employment under paragraph 10 this Agreement "without cause," the City shall pay the Manager severance pay in the amount of the Manager's regular base salary for a period of seven months; the severance pay period shall increase by one month for every year of the Manager's employment served after January 1, 2017, up to a maximum of twelve (12) months. The severance payments shall be paid in installments over the severance period in accordance with the City's normal payroll schedule, starting after the termination date or after the effective date of the legal release of sub-paragraph below, whichever occurs last. During the severance period, the City shall continue and pay for the Manager's health insurance benefits that applied to the Manager and any covered dependents during the Manager's employment, at the level of coverage in effect for City employees during the severance period.
- B. As a condition to receive severance pay under this paragraph, the Manager shall sign, concurrent with his separation and in a form provided by the City, a legal release of any and all claims of any kind against the City (except for earned and unpaid wages and benefits under this Agreement), agreeing neither to bring any litigation or claims against the City and its officers, employees and agents, nor to make any written or oral communications that are harmful to the reputation of the City or any elected or unelected City official or employee.

12. Addresses for Notices and Deliverable Materials.

All notices and other material to be delivered under this Agreement shall be in writing and shall be delivered or mailed to the following addresses:

City
Attention: City Council
P.O. Box 82607
Kenmore, WA 98028

Manager
(Address as shown on the most
current City roster at the
time of mailing)

or such other addresses as either party may, from time to time, designate in writing.

13. Bond.

As required by RCW 35A.13.070, the Manager shall file with the City Clerk a bond in favor of the City in the amount of \$50,000. The City shall pay for the premium of the bond.

14. Entire Agreement—Amendment.

This Agreement constitutes the entire agreement between the parties, and shall supersede, modify, and/or rescind all prior written or oral understandings and agreements between the parties. This Agreement may be amended only by written agreement signed by the parties.

15. Rights and Remedies.

The rights and remedies provided in this Agreement are cumulative, and the use of any one right or remedy by any party shall not preclude not waive its rights to use any or all other remedies. Any rights provided to the parties under this Agreement are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

MANAGER

CITY OF KENMORE

Robert G. Karlinsey Date

By _____
Mayor David Baker Date



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Contract No. 16-C1622, an interlocal agreement for regional emergency management with the City of Lake Forest Park, Northshore Utility District and Northshore Fire District Proposed Council Action/Motion: Motion to Authorize the City Manager to Execute Contract No. 16-C1622 an Interlocal Agreement with the City of Lake Forest Park, Northshore Utility District and Northshore Fire District for Regional Emergency Management, Substantial to the Contract Attached.	For Council Meeting Agenda of: <u>December 12, 2016</u> Department: <u>Development Services</u> Prepared by: <u>Bryan Hampson</u> Approved by Department Head: Approved by City Attorney: Approved by Finance Director: Approved by City Manager: <u>Initial & Date</u> <i>[Signature]</i> <u>11/28/16</u> <i>[Signature]</i> <u>VIA EMAIL</u> <i>[Signature]</i> <u>11/20/16</u> <i>[Signature]</i> Exhibits/Attachments: #1: Contract No. 16-C1622, ILA for Regional Emergency Management #2: Resolution No. 15-270, Joint Local Emergency Management Organization			
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;">Expenditure Required \$86,000</td> <td style="width: 33%; border: none;">Amount Budgeted \$100,000 budgeted in 2017 & 2018 Biennial Budget</td> <td style="width: 33%; border: none;">Appropriation Required: NA</td> </tr> </table>		Expenditure Required \$86,000	Amount Budgeted \$100,000 budgeted in 2017 & 2018 Biennial Budget	Appropriation Required: NA
Expenditure Required \$86,000	Amount Budgeted \$100,000 budgeted in 2017 & 2018 Biennial Budget	Appropriation Required: NA		
<u>INFORMATION/BACKGROUND:</u> On November 23, 2015 the City Council approved Resolution No. 15-270, to establish a joint emergency management organization with the City of Lake Forest Park and authorized the City Manager to execute the interlocal agreement (Contract No. 15-C1488) with the City of Lake Forest Park, Northshore Utility District and Northshore Fire District for regional emergency management. The initial interlocal agreement, 15-C1488, was only effective for 2016. The 2017 interlocal agreement (16-C1622) would be effective for a minimum of three years. The operating budget in the 2017 interlocal agreement includes a full time emergency manager. The City of Lake Forest Park will be the employer of record of the emergency manager. The cities will continue to rely on King County, Office of Emergency Management (OEM), to be a key resource and provider of emergency services. OEM has told the cities that we have access to all of their regional services, regardless of whether or not we form a joint local organization or a local coalition. We will be coordinating our planning, emergency volunteers, training and exercises, EOC support, response, mitigation, and recovery efforts with OEM.				
<u>FISCAL CONSIDERATION:</u> As outlined in the 2017 ILA the City of Kenmore will contribute an annual fee of \$42,909. Receiving the EMPG funds would reduce the City's financial commitment even further.				
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> To provide a safe and secure community				

Interlocal Agreement for Regional Emergency Management

Kenmore Contract No. 16-C1622 **Lake Forest Park Contract No. _____**

This interlocal agreement for regional emergency management ("Agreement") is made pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW, by and between the following parties:

- The City of Lake Forest Park, a Washington State municipal corporation, ("LFP")
- The City of Kenmore, a Washington State municipal corporation, ("Kenmore")
- King County Fire District No. 16, a Washington State special purpose district and municipal corporation, ("KCFD16")
- Northshore Utility District, a Washington State special purpose district and municipal corporation, ("NUD")

LFP, Kenmore, KCFD16 and NUD are also referred to collectively as "Parties" and individually as "Party."

RECITALS

- (1) LFP and Kenmore are adjacent cities located along the north shores of Lake Washington. KCFD16 and NUD are local municipal service providers to LFP and Kenmore (See Exhibit "A" for boundaries of the Parties).
- (2) Each Party has responsibilities and obligations to prepare for emergencies. Pursuant to RCW 38.52.070, LFP and Kenmore are required to establish local organizations for emergency management. LFP and Kenmore have established a joint local organization for emergency management, as authorized by RCW 38.52.070 (also known as a joint emergency management organization). The same requirement does not apply to KCFD 16 or NUD.
- (3) The Parties agree that it is in the best interest of their local communities to administer and coordinate their emergency management plans and programs.

AGREEMENT

To that end, the Parties agree as follows:

- (4) Purpose. The purpose and intent of this Agreement is to provide an economical mechanism for the efficient administration and coordination of emergency management plans and programs, generally to protect the public peace, health and safety, to preserve the lives and property of the people served by the Parties and to ensure the continuation of municipal services during emergencies.
- (5) Effective Date and Duration. This Agreement shall take effect January 1, 2017. This Agreement shall remain in effect for a period of 36 months (December 31, 2019) ("Initial Term").

- (6) Term Extension and Early Termination. Following the Initial Term, this Agreement shall extend automatically for additional twelve-month periods, unless one or more Parties gives notice of withdrawal to all other Parties at least six months prior to the end of the then current term. All Parties are responsible for any residual liabilities, obligations or costs incurred prior to the termination of this Agreement.
- (7) No Separate Entity. This Agreement establishes a joint operation of the Parties and does not create a separate legal or administrative entity. The joint operation shall be called the "Northshore Emergency Management Coalition" or "NEMCo."
- (8) No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other enterprise between the Parties.
- (9) Administration. Subject to the directives of the "NEMCo Committee" established in Section (10) below, LFP shall serve as the Lead Agency ("Lead Agency") for the Parties and NEMCo. As Lead Agency, LFP shall select and appoint an employee to serve as the Emergency Manager identified in Section (11), which employee generally shall administer and coordinate the joint operation, oversee and supervise all agreements of the Lead Agency or any Party made on behalf of NEMCo, and serve as the point of contact for the Parties. The Lead Agency shall be the employer of record for the Emergency Manager and all necessary personnel authorized by NEMCo, and shall contract for goods and services in its own name on behalf of NEMCo. The Lead Agency shall share all reports, documents and written work products with all Parties.
- (10) Governance. A decision making body, called the "NEMCo Committee," shall govern and administer this Agreement and direct the Lead Agency's actions, functions and duties, consistent with the terms and conditions of this Agreement, and consistent with the Comprehensive Emergency Management Plans and Emergency Management Program Papers of LFP and Kenmore, pursuant to Chapter 38.52 RCW. Each Party shall appoint a representative to the NEMCo Committee. The NEMCo Committee shall meet at least quarterly and at such other times as is determined by the Committee. At the request of one Party for a special or emergency meeting, the NEMCo Committee shall meet within a reasonable time after the request. The NEMCo Committee shall strive to make decisions by consensus. Voting shall be on a "one Party, one vote" basis. Other than votes to increase NEMCo's operating budget or expenditures, which require unanimous vote, voting that results in a 2-2 tie shall be resolved by a weighted vote, using the percentage share of Section (14). The NEMCo Committee shall comply with all provisions of the Washington Open Public Meetings Act and Public Records Act.
- (11) Operating Budget. NEMCo's operating budget of \$139,540 for 2017 consists only of the costs necessary to employ and retain the service of an Emergency Manager with approved salary, benefits, and overhead. Any other costs incurred by the Lead Agency or any Party for or on behalf of the NEMCo must be approved in advance by the NEMCo Committee in writing. The NEMCo Committee shall meet in the third calendar quarter of each calendar year to approve and finalize the operating budget for the following calendar year.

- (12) NUD Provisions. For its participation, 300 hours per year of the Emergency Manager's time is allocated to functions primarily for NUD as identified in Exhibit "B", Functions for Northshore Utility District. The Emergency Manager shall keep track of the actual time needed to perform those services. NUD has the option of using the 300 hours for these or other functions. If NUD fails to use its annual allotted hours, the unused hours shall be rolled forward to be used in the following year(s), provided the accumulated unused rolled forward hours do not exceed 80 at any time. If NUD uses the Emergency Manager for more than 300 (plus any unused hours rolled forward from the previous years) hours in a calendar year, NUD shall pay NEMCo for the overage at a rate of \$70 per hour at the annual Reconciliation (See Section 16).
- (13) Contribution Payments. The non-Lead Agency Parties shall pay their respective shares of the approved annual operating budget to the Lead Agency by January 31st of the budget year. The Lead Agency shall not send a bill, invoice or reminder.
- (14) Cost-sharing. Each Party shall be responsible for its own internal costs of participating in NEMCo, such as costs for staff time and facilities used for pre-emergency planning, training and meeting. All costs incurred by the Lead Agency on behalf of the NEMCo, shall be shared as follow:

Party	Total	Kenmore	LFP	KCFD 16	NUD
Percentage Share (for all years)	100%	30.75%	30.75%	23.50%	15.00%
2017 Operating Budget	\$139,540	\$42,909	\$42,909	\$32,792	\$20,931

- (15) Finance and Accounting Services. As additional contribution to NEMCo, the Lead Agency will provide finance and accounting services for the Parties, at its own cost, according to this Agreement, and will maintain a separate fund in its accounting system for this purpose.
- (16) Annual Reconciliation. Within thirty (30) days after the end of a calendar year, the Lead Agency shall prepare and deliver to the Parties a reconciliation of expenditures and fees collected for the previous calendar year. Any surplus resulting from the reconciliation shall be shared by the Parties proportionally, based on the cost-sharing percentages in Section (14) above or as agreed to by the Parties, as applicable, and shall be credited against future contributions to NEMCo (likely contributions due in the next year).
- (17) Ownership of Property. Except as agreed otherwise by the Parties in writing, title to property owned by a Party and used by NEMCo shall not be transferred to NEMCo or any other Party. All Parties must agree in advance to the acquisition or lease of new property used by NEMCo, and such property shall be jointly owned by all Parties unless agreed otherwise by the Parties in writing.
- (18) Regular Agency Operations: Each Party shall continue to fulfill its respective municipal functions and duties without reimbursement from any other Party to this Agreement. Although the Parties are administering and coordinating their emergency management plans and programs under this

Agreement, each Party shall retain sole discretion and full control over its own emergency plans, programs and resources.

- (19) Joint Emergency Operations Center (EOC): Whenever an EOC activation is necessary in response to natural or human caused disaster within the city boundaries of LFP and Kenmore, the Parties agree to operate together from a joint facility. The headquarters fire station in Kenmore has been identified as the primary EOC location. Activation of the EOC should occur whenever circumstances justify or when requested by one or more of the Parties. Because half of NUD's service area is outside the city boundaries of LFP and Kenmore, it will not staff such EOC. However, NUD will keep close communication with the Parties during any emergency involving the Parties.
- (20) Mutual-aid: During an emergency, the individuals listed under the "Notices" section, or their successors as set forth in a notice to the other Parties, are authorized to request assistance from any other Party for services outside of the regular roles and municipal duties of that Party. The requested Party is not obligated to fulfill any request. If assistance is rendered, the requesting Party shall pay for the assistance, on a time, equipment and material basis, at the rates published on the responding Party's website.
- (21) Notices: All NEMCo email notices shall be sent to the Parties at the following addresses:

LFP	Pete Rose	prose@ci.lake-forest-park.wa.us
LFP	Steve Sutton	ssutton@ci.lake-forest-park.wa.us
LFP	Frank Zenk	fzenk@ci.lake-forest-park.wa.us
Kenmore	Rob Karlinsey	rkarlinsey@kenmorewa.gov
Kenmore	Bryan Hampson	bhampson@kenmorewa.gov
Kenmore	Jennifer Gordon	jgordon@kenmorewa.gov
KCFD16	Jim Torpin	jtorpin@northshorefire.com
KCFD16	Eric Magnuson	emagnuson@northshorefire.com
KCFD16	Doug Knight	dknight@northshorefire.com
NUD	Fanny Yee	fyee@nud.net
NUD	Al Nelson	anelson@nud.net

Each Party is responsible for prompt notification to the other Parties of any personnel change.

- (22) Written notices shall be sent by mail or hand-delivered to:

Pete Rose, City Administrator
City of Lake Forest Park
 17425 Ballinger Way NE
 Lake Forest Park, WA 98155

Rob Karlinsey, City Manager
City of Kenmore
 18120 68th Ave NE
 Kenmore, WA 98028

Jim Torpin, Fire Chief
King County Fire District 16
 7220 NE 181st Street
 Kenmore, WA 98028

Fanny Yee, General Manager
Northshore Utility District
 6830 NE 185th Street
 Kenmore, WA 98028

- (23) Indemnification: Except in those situations where the Parties have statutory or common law immunity for their actions and/or inactions and to the extent permitted by state law, and for the limited purposes set forth in this Agreement, each Party shall protect, defend, hold harmless and indemnify each other Party, its officers, elected officials, agents and employees, while acting within the scope of their employment as such, from and against any and all claims (including demands, suits, penalties, liabilities, damages, costs, expenses, or losses of any kind or nature whatsoever including attorney's fees) arising out of or in any way resulting from such Party's own negligent acts, errors, or omissions or willful misconduct related to such Party's participation and obligations under this Agreement. Each Party agrees that its obligations under this section extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees or agents. For this purpose, each Party, by mutual negotiation, hereby waives, with respect to the other Parties only, any immunity that would otherwise be available against such claims under the industrial insurance act provisions of Title 51 RCW.
- (24) No Third Party Beneficiaries: This Agreement is for the sole benefit of the Parties. No other persons shall be deemed to have any rights in, under, or to this Agreement.

The Parties have executed this Agreement on the dates written below:

LFP:

Kenmore:

 By Jeff Johnson, its Mayor
 City of Lake Forest Park
 Date Signed: _____

 By Rob Karlinsey, its City Manager
 City of Kenmore
 Date Signed: _____

KCFD16:

NUD:

 By Jim Torpin, its Fire Chief
 King County Fire District 16
 Date Signed: _____

 By Fanny Yee, its General Manager
 Northshore Utility District
 Date Signed: _____

OVERLAPPING BOUNDARIES OF THE PARTIES

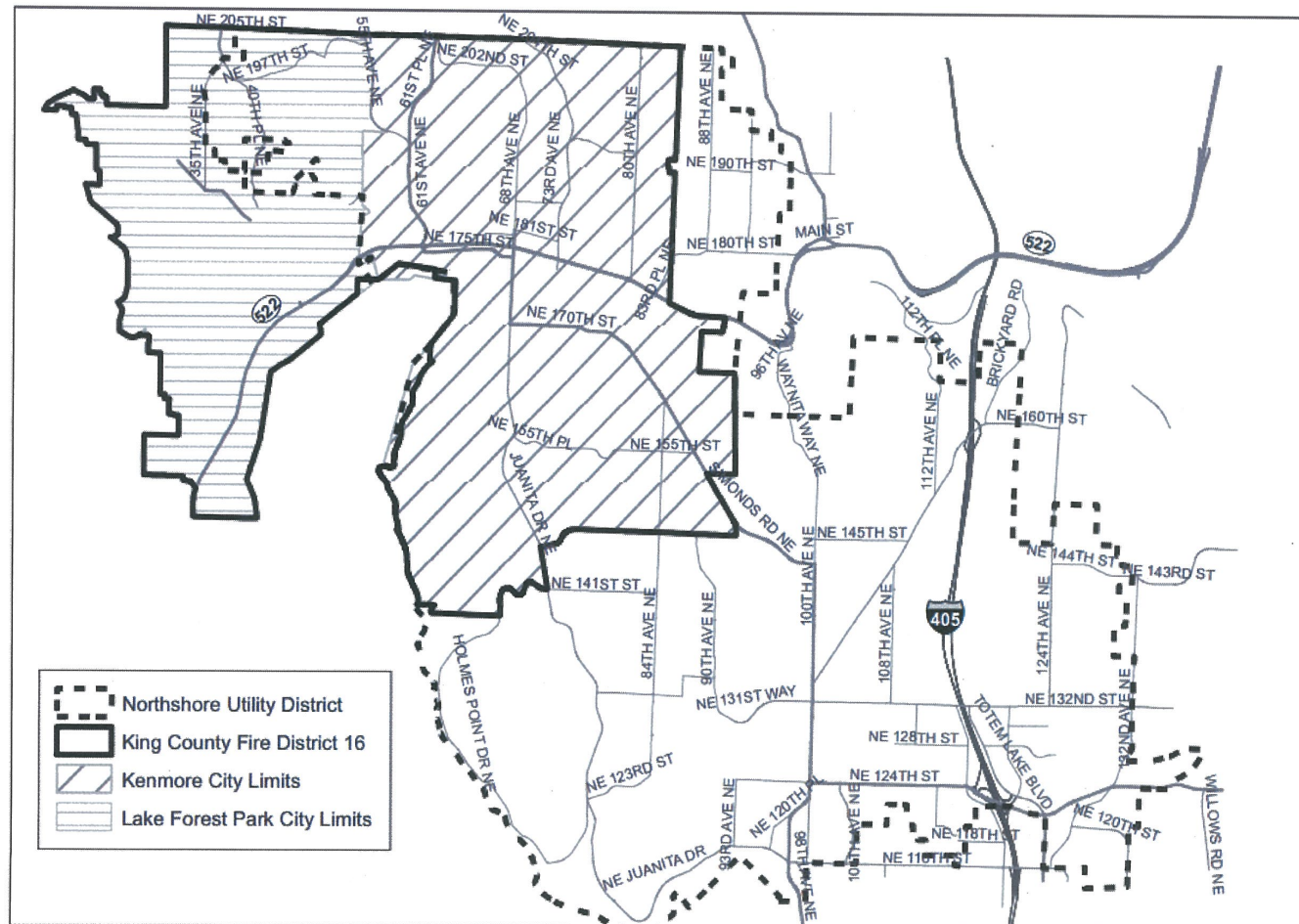


EXHIBIT “B”**Emergency Manager Duties and Responsibilities**

The following is a list of job duties and responsibilities of the Emergency Manager of the Northshore Emergency Management Coalition (NEMCo). The list includes examples of the duties and responsibilities, and shall not be considered exhaustive or complete.

Functions and Activities for Kenmore, Lake Forest Park and KCFD 16

- (1) **Volunteer Coordination and Management-** Coordinate CERT, RACES, and other emergency volunteers programs. Volunteer Reception Center (VRC), credentialing, sheltering, etc.
- (2) **Joint EOC Development-** Develop the Joint EOC and its tiered activation system. Ensure activation levels are developed, practiced and carried out.
- (3) **Staff Training and Exercises-** Develop yearly staff training and exercise schedule supported by the Operational Annex of LFP's and Kenmore's CEMP. Example- EOC, VRC, position specific, emergency notification system, and joint city team building training. Ensure staff NIMS compliance and schedule ICS courses as needed.
- (4) **EOC Activation-** Monitor conditions and circumstances within the community that may require EOC activation. When circumstances justify or when requested by a Party, act as the EOC manager and develop appropriate staffing levels before, during, and after an event.
- (5) **Citizen Training/Community Education-** Coordinate two CERT training opportunities, two emergency management work-shops, and an annual preparedness fair for NEMCo area citizens. May provide community education on related preparedness/prevention topics. Introduce Map Your Neighborhood to neighborhoods as a next step in community involvement.
- (6) **Coordinated Communication-** Develop coordinated notification system for NEMCo Parties and the community before, during, and after events. The system should include: Code Red and each City's Emergency Notification System. Development of a web presence (website).
- (7) **Resource Management-** Maintain resources that will be called upon in an emergency. Evaluate and possibly renew standing agreements, memorandums of understanding or mutual aid arrangements. Update other resource lists and accompanying documents. Evaluate standing agreements and needs of each Party to identify and report gaps in anticipated resource needs.
- (8) **Northshore Emergency Management Council -**Coordinate with and support the Northshore Emergency Management Council, which is comprised of business leaders, service providers, school representatives, Kenmore Air and other community groups. The council would meet quarterly and link our efforts together in a more comprehensive manner.
- (9) **Emergency Plans-** Maintain the CEMP, COOP, Hazard Mitigation plan.

Functions for Northshore Utility District

- (a) **Monthly Training-** Prepare for and hold 12 one-hour safety meetings at NUD.
- (b) **First Aid Training-** Prepare for and conduct CPR and First Aid training once every three years.
- (c) **New Employee Training-** Prepare and deliver flagging classes for newly hired employees once per year.
- (d) **Staff Training-** Prepare for & deliver two water/sewer system emergency drills per year (two 8 hour days).
- (e) **Emergency Plan Update-** Annually review and consult on emergency response plans.

**CITY OF KENMORE *
WASHINGTON
RESOLUTION NO. 15-270**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
KENMORE, WASHINGTON, ESTABLISHING A JOINT EMERGENCY
MANAGEMENT ORGANIZATION WITH THE CITY OF LAKE
FOREST PARK, AND AUTHORIZING THE CITY MANAGER TO
EXECUTE AN INTERLOCAL AGREEMENT WITH LAKE FOREST
PARK FOR EMERGENCY MANAGEMENT SERVICES**

WHEREAS, pursuant to Chapter 39.34 RCW, local governments may exercise jointly their powers, privileges and authorities through interlocal agreements, in order to use efficiently their powers and to cooperate with other localities on a basis of mutual advantage, thereby providing services and facilities in a manner that will accord best with geographical, economic, population, or other factors of their respective communities; and

WHEREAS, pursuant to RCW 38.52.070, political subdivisions must either establish their own local organizations for emergency management or provide for membership in a joint local organization for emergency management; and

WHEREAS, the City of Kenmore and the City of Lake Forest Park ("Cities") desire to provide for membership in a joint emergency management organization; and

WHEREAS, under RCW 38.52.070, the Director of the Washington State Military Department may authorize membership of the Cities in a joint emergency management organization, after reviewing an interlocal agreement for such membership and the approving resolutions for such membership; and

WHEREAS, the Cities have agreed upon the terms and conditions of an interlocal agreement for membership in a joint emergency management organization;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENMORE AS FOLLOWS:

Section 1. Joint Emergency Management Organization Established. The City of Kenmore hereby authorizes the establishment of a joint emergency management organization with the City of Lake Forest Park, under the terms and conditions stated in the interlocal agreement authorized in Section 2 of this Resolution. The method of sharing the costs of supporting the organization are stated in such interlocal agreement. The organization shall be headed by a director of emergency management who shall be appointed by and be directly responsible to the City Manager of Kenmore and the Mayor of Lake Forest Park, and who shall be responsible for the organization, administration and operation of the organization.

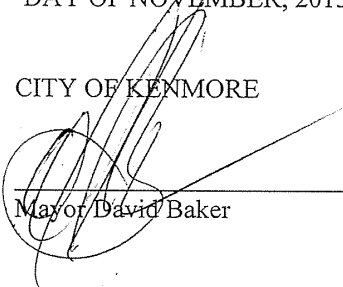
Section 2. ILA Authorized. The City Manager of Kenmore is authorized to execute the interlocal agreement for emergency management with the City of Lake Forest Park attached hereto and incorporated herein.

Section 3. Submittal of Resolution and ILA. The City Manager of Kenmore, or designee, is directed to submit a copy of this Resolution and the interlocal agreement for emergency management to the Director of the Washington State Military Department, and to request the Director to authorize and approve the joint emergency management organization.

Section 4. Corrections. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON,
AT A REGULAR MEETING THEREOF THIS 23rd DAY OF NOVEMBER, 2015.

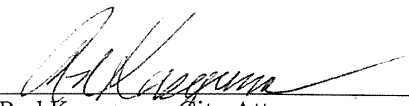
CITY OF KENMORE


Mayor David Baker

ATTEST/AUTHENTICATED:


Patty Safrin, City Clerk

APPROVED AS TO FORM:


Rod Kaseguma, City Attorney



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Adopt Ordinance 16-0431 Amending the 2015-2016 Biennial Budget Proposed Council Action/Motion: Adopt Ordinance 16-0431 Amending the 2015-2016 Biennial Budget	For Council Meeting Agenda of: December 12, 2016 Department: Finance and Administration Prepared by: Joanne M. Gregory Initial & Date Approved by Department Head: <u>mg 12/1/16</u> Approved by City Attorney: _____ Approved by Finance Director: <u>mg 12/1/16</u> Approved by City Manager: <u>Rox</u> Exhibits/Attachments: Ordinance 16-0431 November 10, 2016 Memorandum Powerpoint Presentation from the November 21, 2016 Public Hearing	
Expenditure Required N/A	Amount Budgeted (As Amended) \$59,692,797 All Funds Revenue \$69,265,349 All Funds Expenditures	Appropriation Required \$1,509,728 Adjustment to Revenues \$1,594,100 Adjustment to Expenditures
<u>INFORMATION/BACKGROUND:</u> On December 8, 2014 the City of Kenmore adopted the 2015-2016 biennial budget which included revenue (\$52,089,453) and expenditure (\$59,750,318) estimates for both years which support the City Council priorities, departmental work programs, various municipal obligations, as well as Federal and State mandates. On November 23, 2015 the Council adopted mid-biennial budget amendment Ordinance 15-0413 as prescribed by State law. There have been no budget amendments since that time. Prior to the close of 2016, which will be the end of the 2015-2016 biennial budget period, it is important to review all funds' budgets, consider actions taken by the City Council since the last budget amendment, consider any significant unappropriated expenditures, and adjust fund budgets accordingly so as not to exceed approved legal fund budgets. On November 21, 2016 the City Council held a public hearing on amendments to the budget. The Ordinance to formally amend the budget is presented for approval this evening. Note that the proposed amendments are for budgeting authority purposes. Fund balance projections in the preliminary 2017-2018 budget differ. For example, while this budget amendment shows a General Fund ending balance of \$2,146,022 for 2015-2016, the projected General Fund balance is \$3,131,687.		

FISCAL CONSIDERATION:

See attached November 10, 2016 Memorandum for detail of proposed revenue and expenditure adjustments.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Per RCW 35A the budget is the legal authority to expend public funds and controls those expenditures by setting the amount of the appropriation at the fund level by ordinance.

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**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0431**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, RELATING TO THE 2015-2016 BUDGET; AMENDING THE 2015-2016 BUDGET, TO ADJUST REVENUES AND APPROPRIATIONS FOR THE GENERAL FUND, THE STREET FUND, THE PUBLIC ART FUND, THE PARK IMPACT FEE FUND, THE KENMORE VILLAGE FUND, AND THE PARK CAPITAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council (the “Council”) of the City of Kenmore, Washington, (the “City”), is required by applicable State law to finalize its biennial budget prior to the commencement of the first fiscal year of the biennium; and

WHEREAS, the amount of revenue and expenditures can only be estimated at the time of finalization of the budget; and

WHEREAS, by Ordinance No. 14-0389, the City Council adopted the 2015-2016 Biennial Budget; and

WHEREAS, by Ordinance No. 15-0413, the City Council amended the 2015-2016 Biennial Budget; and

WHEREAS, the City Council scheduled and held a Public Hearing on the proposed amendments to the 2015-2016 Biennial Budget on November 21, 2016; and

WHEREAS, the City Council finds it in the best interest of the City to adjust revenues and expenditures in the General Fund, the Street Fund, the Public Art Fund, the Park Impact Fee Fund, the Kenmore Village Fund, and the Park Capital Fund;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Funds Appropriated. The 2015-2016 Biennial Budget, as amended, is further amended by fund to reflect the adjustments to revenues and appropriations as shown below:

FUND	Amended 2015-2016 Revenue Budget as of November 23, 2015	Amendment	Amended 2015-2016 Revenue Budget as of December 12, 2016
General Fund	\$21,048,270	\$977,000	\$22,025,270
Street Fund	2,359,531	200,000	2,559,531
Public Art Fund	200	728	928
Park Impact Fee Fund	234,063	0	234,063
Transportation Impact Fee Fund	1,397,257	0	1,397,257
Strategic Reserve Fund	0	0	0
Strategic Opportunities Fund	1,217,946	0	1,217,946
Sammamish River Bridge Fund	0	0	0
Real Estate Excise Tax Fund	1,827,000	0	1,827,000
Kenmore Village Fund	2,246,900	180,000	2,426,900
Park Capital Fund	1,605,174	152,000	1,757,174
Transportation Capital Fund	21,850,956	0	21,850,956
Surface Water Management Fund	3,540,000	0	3,540,000
Surface Water Capital Fund	2,139,500	0	2,139,500
Swamp Creek Basin Fund	20,000	0	20,000
Equipment Replacement Fund	206,000	0	206,000
Total Budget	\$59,692,797	\$1,509,728	\$61,202,525

FUND	Amended 2015-2016 Expenditure Budget as of November 23, 2015	Amendment	Amended 2015-2016 Expenditure Budget as of December 12, 2016
General Fund	\$22,772,720	\$1,328,000	\$24,100,720
Street Fund	2,771,277	95,000	2,866,277
Public Art Fund	1,000	100	1,100
Park Impact Fee Fund	703,416	152,000	855,416
Transportation Impact Fee Fund	2,760,000	0	2,760,000
Strategic Reserve Fund	0	0	0
Strategic Opportunities Fund	1,571,200	0	1,571,200
Sammamish River Bridge Fund	0	0	0
Real Estate Excise Tax Fund	3,987,306	0	3,987,306
Kenmore Village Fund	4,631,169	30,000	4,661,169
Park Capital Fund	1,691,233	-11,000	1,680,233
Transportation Capital Fund	21,842,377	0	21,842,377
Surface Water Management Fund	3,965,776	0	3,965,776
Surface Water Capital Fund	2,209,500	0	2,209,500
Swamp Creek Basin Fund	0	0	0
Equipment Replacement Fund	358,375	0	358,375
Total Budget	\$69,265,349	\$1,594,100	\$70,859,449

The City Manager is hereby authorized and instructed to effectuate the necessary changes to the 2015-2016 Biennial Budget and to make any necessary and appropriate line item entries and adjustments in order to reflect the amendments of this ordinance.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by State or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of the publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF DECEMBER, 2016.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

Approved as to form:

Rod Kaseguma, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date:



The City of Kenmore

PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Mayor, Members of the City Council

FROM: Rob Karlinsey, City Manager;
Joanne Gregory, Finance Director

DATE: November 10, 2016

RE: Recommended 2015-2016 Final Budget Amendments

On December 8, 2014, the City of Kenmore adopted the 2015-2016 biennial budget. The city wide budget (excluding the Transportation Benefit District) included revenue (\$52,089,453) and expenditure (\$59,750,318) estimates for both years which support the City Council priorities, departmental work programs, various municipal obligations, as well as Federal and State mandates.

On November 23, 2015 the Council adopted mid-biennial budget amendment Ordinance 15-0413 as prescribed by State law. At that time the amended revenue budget became \$59,692,797 and the amended expenditure budget was \$69,265,349. There have been no budget amendments since that time. This is the final review and opportunity to amend fund budgets prior to the close of the 2015-2016 budget period. The attached adjustments would result in an amended city wide revenue budget of \$61,202,525 and expenditure budget of \$70,859,449.

The management team has reviewed the budgets and recommends the adjustments outlined below. During the course of the current year, the City Council has discussed and authorized certain actions, not yet budgeted, which should now be considered as amendments to the budget.

General Fund revenues have been better than anticipated, especially sales taxes and development revenues. Favorable new construction going on the tax rolls in 2016 resulted in an unbudgeted increase in property tax revenues. Water and sewer franchise fees, a relatively new revenue source, were better than anticipated. These revenues are passed through to the Street Fund. Also \$150,000 is expected in 2016 as a reimbursement for costs incurred regarding the St. Edward Seminary Environmental Impact Statement. Total General Fund revenues adjustments would add \$977,000 to the total revenue budget.

General Fund expenditures across departments are reasonably close to budget with a few exceptions, detailed below, and these total \$1,328,000.

At adoption, the General Fund budget was balanced with \$20,553,270 in budgeted revenues and \$20,538,937 in budgeted expenditures. At the mid-biennium review, the General Fund ending fund balance was \$2,497,022 after several adjustments including a transfer of \$1,180,786 to the

Mid Biennium Budget Amendment
November 10, 2016

Strategic Opportunity Fund. The total of the proposed adjustments to the General Fund at this time reduce the budgeted ending fund balance by \$351,000 to \$2,146,022. This balance continues to exceed the \$2,111,550 minimum general fund balance required for 2016 by the City's financial policies. The amended expenditure budget for the General Fund will be \$24,100,723 as compared to the projected expenses of \$23,605,641. The amended revenue budget will be \$22,025,270 compared to the projected revenues of \$22,515,853.

Note that the proposed amendments are for budgeting authority purposes. Fund balance projections in the preliminary 2017-2018 budget differ. For example, while this budget amendment shows a General Fund ending balance of \$2,146,022 for 2015-2016, the projected General Fund balance is \$3,131,687.

All adjustments recommended at this time are presented in the table below. The adjustments are grouped by fund, displayed in a table on separate pages which follow. Revenue accounts are shaded in green and expenditure accounts are shaded in pink. The net effect of budget amendments are shown as a net adjustment to the budgeted ending fund balance at the end of each table.

Mid Biennium Budget Amendment
November 10, 2016

Description	2015-2016 Amended Budget	Proposed Increase (Decrease)	2015-2016 Final Amended Budget	Explanation
General Fund				
Beginning Fund Balance	\$4,221,475	\$0	\$4,221,475	No Change
Property Tax Revenue	\$8,948,766	\$127,000	\$9,075,766	Increase in new construction over budget for 2016 tax levy
Sales Tax Revenue	\$3,749,580	\$300,000	\$4,049,580	Favorable year to date results of sales tax from construction, wholesale and retail
Water Sewer Franchise Fees	\$800,000	\$200,000	1,000,000	Better than anticipated
Building Permit Revenue	\$734,004	\$200,000	\$934,004	Better than anticipated building and construction activity
Miscellaneous Reimbursements	\$17,400	\$150,000	\$167,400	Reimbursements for St. Edward Seminary EIS
Total Additional Resources		\$977,000		
Expenditures: City Manager Budget Electric Power Reliability Audit	\$0	\$60,000	\$60,000	Exponent retained to perform electric power reliability audit
Legal Budget City Attorney Costs	\$400,000	\$260,000	\$660,000	Code violations, land use appeals, other significant non - recurring actions requiring City Attorney attention
Finance Budget Liability Insurance	\$318,000	\$50,000	\$368,000	Higher premiums from providers, increased claims, worker hours
Finance Budget Financial Software Purchase-Tyler	\$0	\$98,000	\$98,000	\$155,000 approved by the City Council on April 25, 2016; unspent balance to be carried into 2017
Public Safety Budget District Court Costs	\$180,000	\$84,000	\$264,000	Increasing costs not offset by revenue from tickets, fines or forfeitures

Mid Biennium Budget Amendment
November 10, 2016

Non Department Budget Transfer to Street Fund	\$800,000	\$200,000	\$1,000,000	Better than anticipated revenues which can be passed through to Street Fund
Non Department Budget Transfer to Kenmore Village Fund	\$800,000	\$150,000	\$950,000	Increase transfer to provide funds for Tenant Improvements
Public Works Engineering Salary and Benefits for Capital Project Engineer	\$1,081,029	\$216,000	\$1,297,028	Provide salary and benefits budget for Capital Project Engineer; originally anticipated to be funded completely from Sammamish River Bridge Project. Budget should have been included in General Fund as well with reimbursement due for time spent on project.
Development Services Lakepointe Consulting	\$0	\$100,000	\$100,000	Consulting costs related to project to include Parametrix and MuniManage. 50% of project manager to be paid for by developer.
Development Services Fee Study	\$0	\$35,000	\$35,000	Retained consulting firm FCS to perform rate study of development services and fees
Park & Facility Maintenance Public Works Service Analysis	\$0	\$75,000	\$75,000	Retained consulting firm of FCS to perform analysis of service provision in public works, maintenance, and surface water
Total Additional Expenditures		\$1,328,000		
Ending Fund Balance	\$2,497,022	(\$351,000) net change	\$2,146,022	

Mid Biennium Budget Amendment
November 10, 2016

Description	2015-2016 Amended Budget	Proposed Increase (Decrease)	2015-2016 Final Amended Budget	Explanation
Street Fund				
Beginning Fund Balance	\$899,288	\$0	\$899,288	No Change
Transfer from General Fund	\$833,000	\$200,000	\$1,033,000	Water Sewer franchise fees from General Fund better than expected
Total Additional Resources		\$200,000		
Salaries and Benefits	\$577,783	\$77,000	\$654,783	Reclassify (add) 50% of Traffic Engineer for 2016 for work programs relevant to the Street Fund
Liability Insurance	\$18,000	\$18,000	\$36,000	City wide higher premiums from providers, increased claims, worker hours affecting allocation to the Street Fund
Total Additional Expenditures		\$95,000		
Ending Fund Balance	\$487,542	\$105,000 net change	\$592,542	

Description	2015-2016 Amended Budget	Proposed Increase (Decrease)	2015-2016 Final Amended Budget	Explanation
Public Art Fund				
Beginning Fund Balance	\$67,131	\$728	\$67,849	2014 Ending Fund Balance better than budgeted
Total Additional Resources		\$728		
1% for Arts Program	\$1,000	\$100	\$1,100	Provide for additional cost of art purchases
Total Additional Expenditures		\$100		
Ending Fund Balance	\$66,331	\$628 net change	\$66,959	

Mid Biennium Budget Amendment
November 10, 2016

Description	2015-2016 Amended Budget	Proposed Increase (Decrease)	2015-2016 Final Amended Budget	Explanation
Kenmore Village Fund				
Beginning Fund Balance	\$2,386,249	\$0	\$2,386,249	No Change
Miscellaneous Revenue	\$0	\$30,000	\$30,000	Reimbursement from MSPT XI (Main Street) for costs associated with soil testing
* Interfund Transfer From General Fund	\$860,000	\$150,000	\$1,010,000	Transfer to provide funds for tenant improvements
Total Additional Resources		\$180,000		
*Town Square/Hangar	\$4,265,000	\$30,000	\$4,295,000	Increase budget due to cost of soil testing – reimbursed by Main Street
Total Additional Expenditures		\$30,000		
Ending Fund Balance	\$1,980	\$150,000 net change	\$151,980	

Description	2015-2016 Amended Budget	Proposed Increase (Decrease)	2015-2016 Final Amended Budget	Explanation
Park Impact Fee Fund				
Beginning Fund Balance	\$752,774	\$0	\$752,774	No Change
Total Additional Resources		\$0		
Transfer to Park Capital Fund	\$703,416	\$152,000	\$855,416	To fund design and permitting costs associated with St. Edward Ballfields; construction budget not yet established
Total Additional Expenditures		\$152,000		
Ending Fund Balance	\$283,421	(\$152,000) net change	\$131,421	
Description	2015-2016	Proposed	2015-2016	Explanation

Mid Biennium Budget Amendment
November 10, 2016

	Amended Budget	Increase (Decrease)	Final Amended Budget	
Park Capital Fund				
Beginning Fund Balance	\$567	\$0	\$567	No Change
Interfund Transfer From Park Impact Fee Fund	\$703,146	\$152,000	\$855,146	To fund design and permitting costs associated with St. Edward Ballfields; construction budget not yet established
Total Additional Resources		\$152,000		
P29 St. Edward Ballfields	\$0	\$152,000	\$152,000	To fund design and permitting costs associated with St. Edward Ballfields; construction budget not yet established
Park Project Management	\$163,000	(\$163,000)	\$0	Line item not needed as costs are associated to individual park projects.
Total Additional Expenditures		(\$11,000)		
Ending Fund Balance	(\$85,492)	\$163,000 net change	\$77,508	

SUMMARY OF ALL FUNDS

The proposed revenue adjustments (not including changes in beginning fund balances) represent an increase of \$1,509,728 from the 2015-2016 amended biennial revenues of \$59,692,797 bringing the total adjusted revenues, for all funds, to \$61,202,525. Interfund transactions of \$502,000 are included in the proposed revenue adjustments.

The proposed expenditure adjustments, for all funds, represent an increase of \$1,594,100 to the 2015-2016 amended biennial expenditure budget of \$69,265,349 bringing the total amended expenditure budget to \$70,859,449. Of the total expenditure adjustments, interfund transactions represent \$502,000.

This represents the second and final amendment to the adopted 2015-2016 biennial budget. After the public hearing on November 21, 2016 the budget amendment ordinance will be brought forward for adoption on December 12, 2016.

Please let me know if there are questions that can be addressed prior to the November 21, 2016 City Council meeting.

City of Kenmore



City of Kenmore, Washington

PUBLIC HEARING on 2015-2016 Budget Amendments

City Council Meeting November 21, 2016





Prior to closing the 2015-2016 Budget period
Need to ensure expenditures do not exceed legally
adopted budgets



Adjust for previously approved Council actions and/or
direction since the Mid Biennial review and adjustment



Unanticipated increases in certain expenditures as well
as better than expected revenues

December 1, 2016

City of Kenmore, Washington

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City of Kenmore

General Fund Adjustments:

General Fund overall

Revenues tied to development remain strong in 2016
Several expenditures have exceeded established budgets

Recommended revenue adjustments
\$977,000

\$127,000 increase in property tax revenues
\$300,000 increase in sales tax revenue
\$200,000 increase in water sewer franchise fees
\$200,000 increase in building permit revenue
\$150,000 St Edward Seminary EIS reimbursement

December 1, 2016 City of Kenmore, Washington 3

General Fund Adjustments:

Recommended expenditure adjustments
\$1,328,000

- \$260,000 increase in legal budget
- \$ 50,000 increase in liability insurance
- \$ 98,000 increase for Tyler Technologies financial software
- \$ 84,000 increase for district court
- \$ 75,000 for public works service analysis
- \$ 35,000 for development services fee study
- \$ 60,000 for energy audit
- \$100,000 for Lakepointe consulting
- \$216,000 for Capital Project manager, not budgeted
- \$200,000 for franchise fees transferred to Street Fund
- \$150,000 transferred to Kenmore Village Fund for tenant improvements

December 1, 2016 City of Kenmore, Washington 4

City of Kenmore

General Fund Adjustments:

Summary 2015-2016 Amended General Fund Budget

Total Amended Revenues	\$22,025,270
Total Amended Expenditures	\$24,100,723

Net impact to Ending Fund Balance

General Fund Budgeted Amended Ending Fund Balance =	\$2,497,022
Add: Revenue adjustments	977,000
Less: Expenditure adjustments	(1,328,000)
Current Amended Ending Fund Balance	\$2,146,022

December 1, 2016

City of Kenmore, Washington

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Other Fund Adjustments:

Street Fund

- **Revenues:**
\$200,000 increase in FF transfer from General Fund
- **Expenditures:**
 - \$77,000 = 50% of Traffic Engineer for 2016
 - \$18,000 Higher liability insurance premiums

Public Art Fund

- **Revenues:**
\$728 better than budgeted beginning fund balance
- **Expenditures:**
\$100 due to art purchases exceeding budget by \$92

Kenmore Village Fund

- **Revenues:**
\$30,000 reimbursement for soil testing costs
- \$150,000 transfer from General Fund for tenant improvements
- **Expenditures:**
\$30,000 increase in Town Square budget

December 1, 2016

City of Kenmore, Washington

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City of Kenmore

Other Fund Adjustments:

Park Impact Fee Fund

- **Expenditures:**
 - Transfer resources to Park Capital Fund \$152,000 for St. Edward Ballfields preliminary project costs

Park Capital Fund

- **Revenues:**
 - \$152,000 Transfer from Park Impact Fees for St. Edward Ballfields preliminary project costs
- **Expenditures:**
 - \$152,000 St. Edward Ballfields costs for 2016 not yet budgeted
 - (\$163,000) Reduce Park Project Management line item cost; staff charges are applied directly to projects.

December 1, 2016

City of Kenmore, Washington

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Total City wide Budget Amendments

City Wide: Total Revenue Adjustments

- Revenues: \$1,509,728
- Includes Interfund of \$502,000
- Total Amended Revenues
- \$61,202,525

City Wide: Total Expenditure Adjustments

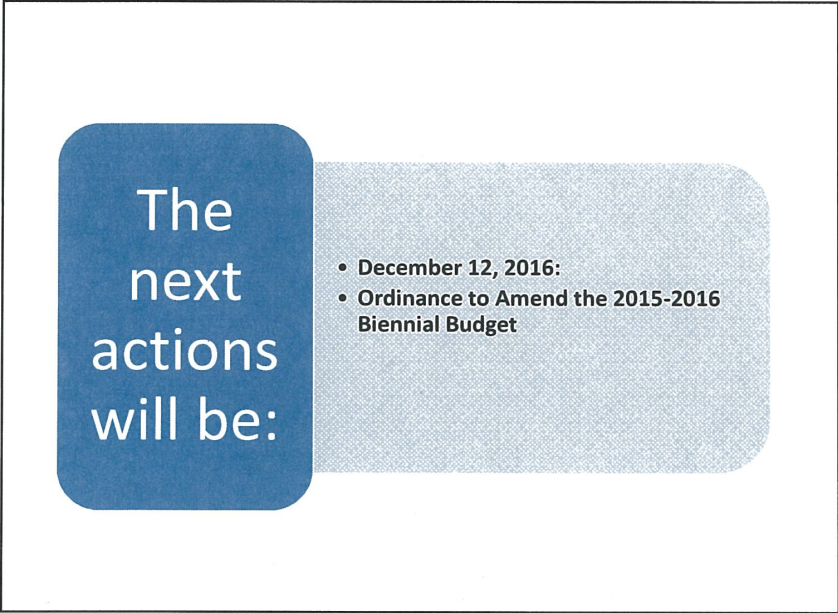
- Expenditures: \$1,594,100
- Includes Interfund of \$502,000
- Total Amended Expenditures
- \$70,859,449

December 1, 2016

City of Kenmore, Washington

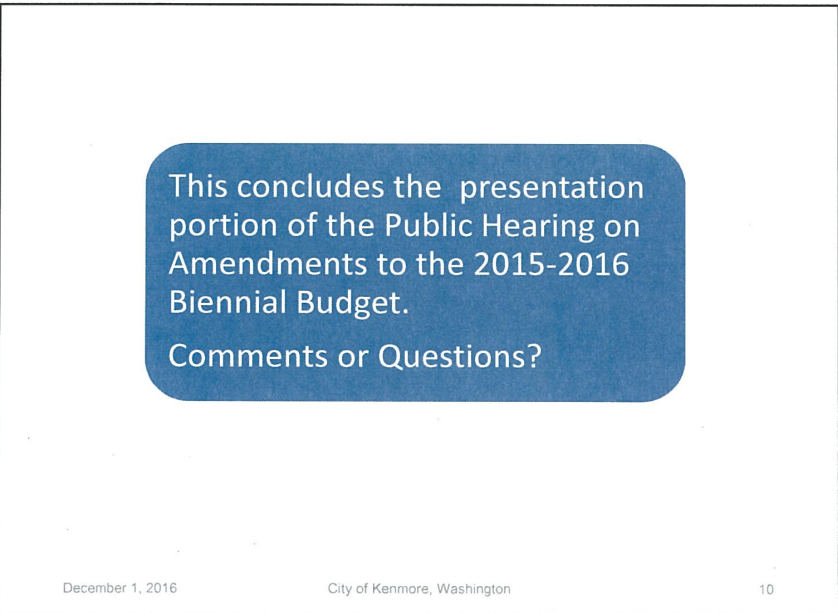
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City of Kenmore



The next actions will be:

- December 12, 2016:
- Ordinance to Amend the 2015-2016 Biennial Budget



This concludes the presentation portion of the Public Hearing on Amendments to the 2015-2016 Biennial Budget.

Comments or Questions?

December 1, 2016 City of Kenmore, Washington 10

Subject/Topic: Ordinance No. 16-0429 Adopting the 2017-2018 Biennial Budget Proposed Council Action/Motion: Adopt Ordinance No. 16-0429 Adopting a Biennial Budget for the Period January 1, 2017 through December 31, 2018, Establishing Appropriations of Funds for the 2017-2018 Biennium and Approving the 2017-2018 Employee Salary Plan	For Council Meeting Agenda of: December 12, 2016 Department: Finance and Administration Prepared by: Joanne M. Gregory Approved by Department Head: <u> </u> Approved by City Attorney: <u> </u> Approved by Finance Director: <u> </u> Approved by City Manager: <u> </u> Exhibits/Attachments: Ordinance No. 16-0429 (Exhibit A to be uploaded and attached during the week of December 5, 2016.)	
Expenditure Required \$0	Amount Budgeted \$0	Appropriation Required All Fund Revenue: \$54,396,768 All Fund Expenditures: \$56,711,949
<u>INFORMATION/BACKGROUND:</u> On October 24, 2016 the proposed 2017-2018 biennial budget was presented to the City Council. Budget review sessions and discussions of budget related topics were conducted from November 7 through November 28, 2014. The attached ordinance reflects the 2017-2018 biennial budget as directed and adjusted by the City Council. Public hearings were held to receive public comment and testimony on November 14 and 28, 2016.		
<u>FISCAL CONSIDERATION:</u> Total budgeted revenues for the biennium are \$54,396,768 and total budgeted expenditures for the biennium are \$56,711,949. The General Fund is balanced in that budgeted expenditures do not exceed budgeted revenues. Other special revenue funds, capital funds, and enterprise funds utilize fund reserves to support capital improvement programs and interfund transactions. The 2017-2018 Biennial Budget for the Transportation Benefit District (TBD) is included in this Ordinance. On November 28, 2016, the City Council passed Ordinance No. 16-0424 and assumed the rights, powers, functions, immunities, and obligations of the Kenmore Transportation Benefit District. The Biennial Budget also includes an Employee Salary Plan for 2017-2018 which will be Exhibit A to the Ordinance. The Salary Plan will be uploaded to the agenda during the week of December 5, 2016. A 2% CPI based wage adjustment for all employees is recommended to be included effective January 1, 2017.		
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Council Policy: Deliver services at a level greater than prior to incorporation of the City. Washington State statutes require adoption of the budget prior to the beginning of the ensuing fiscal year.		

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0429**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING A BIENNIAL BUDGET FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2018; ESTABLISHING APPROPRIATIONS OF FUNDS FOR THE 2017-2018 BIENNIUM; AND ESTABLISHING POSITIONS AND SALARY SCHEDULES FOR 2017-2018; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a Preliminary 2017-2018 Biennial Budget was submitted to the City Council and the City Clerk on October 24, 2016; and

WHEREAS, the City Council scheduled and held Public Hearings on the Proposed 2017-2018 Biennial Budget on November 14 and November 28, 2016,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Funds Appropriated. The Budget for January 1, 2017 through December 31, 2018 is appropriated by fund as follows:

FUND	2017-2018 Revenue Budget
General Fund	\$23,533,174
Street Fund	2,912,304
Public Art Fund	150
Park Impact Fee Fund	412,000
Transportation Impact Fee Fund	905,500
Transportation Benefit District	680,800
Strategic Reserve Fund	0
Strategic Opportunities Fund	280,000
Sammamish River Bridge Fund	3,009,961
Real Estate Excise Tax Fund	1,403,000
Kenmore Village Fund	424,628
Park Capital Fund	4,332,020
Transportation Capital Fund	9,109,211
Surface Water Management Fund	3,543,400
Surface Water Capital Fund	3,625,634
Swamp Creek Basin Fund	14,000
Equipment Replacement Fund	210,986
Total Budget	\$54,396,768

Ordinance Budget 2017-2018 Ordinance

FUND	2017-2018 Expenditure Budget
General Fund	\$23,366,621
Street Fund	2,909,009
Public Art Fund	11,000
Park Impact Fee Fund	754,500
Transportation Impact Fee Fund	982,098
Transportation Benefit District	669,000
Strategic Reserve Fund	0
Strategic Opportunities Fund	305,000
Sammamish River Bridge Fund	3,009,961
Real Estate Excise Tax Fund	2,184,895
Kenmore Village Fund	292,228
Park Capital Fund	4,493,956
Transportation Capital Fund	9,426,560
Surface Water Management Fund	4,729,487
Surface Water Capital Fund	3,458,634
Swamp Creek Basin Fund	0
Equipment Replacement Fund	119,000
Total Budget	\$56,711,949

Section 2. Wage Adjustment. The 2017-2018 Biennial Budget includes a 2.0% CPI based wage adjustment for City employees, effective January 1, 2017.

Section 3. Positions and Salary Schedules. The various positions and salary ranges for City employees for the biennium are attached to this Ordinance as Exhibit A.

Section 4. Transmittal. A complete copy of the budget as adopted, together with a copy of this adopting Ordinance, shall be transmitted by the City Clerk to the Division of Municipal corporations of the Office of the State Auditor and to the Association of Washington Cities.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by State or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF DECEMBER 2016.

Ordinance Budget 2017-2018 Ordinance

CITY OF KENMORE

Mayor David Baker

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

Approved as to form:

Rod P. Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

City of Kenmore
Proposed 2017-2018 Pay Ranges

EXHIBIT A ORDINANCE 16-0429

Position	2017-2018 Proposed Monthly Pay Ranges	
	Low	High
Assistant City Manager	9,498	13,107
Finance & Administration Director	8,832	12,188
Public Works Director/City Engineer	8,832	12,188
Community Development Director	8,713	12,024
Development Services Director	8,713	12,024
Public Works Operations Manager	6,976	9,627
Capital/Parks Projects Manager	6,364	8,782
Senior Engineer	6,364	8,782
Surface Water Program Manager	6,364	8,782
Traffic Engineer	6,364	8,782
Senior Planner	6,236	8,606
Community Relations Manager/Policy Analyst	6,094	8,410
Civil Engineer	5,939	8,196
City Clerk	5,815	8,024
Building Inspector/Plans Examiner	5,419	7,479
Associate Planner	5,193	7,167
Accountant	4,938	6,815
Building Inspector/Code Compliance	4,938	6,815
Management Analyst	4,850	6,693
Executive Assistant	4,821	6,652
ROW Inspector	4,736	6,536
Surface Water Technician	4,450	6,141
Assistant Planner	4,373	6,034
Volunteer & Events Supervisor	4,155	5,733
Permit & Administrative Specialist	3,962	5,468
Public Records Officer/Administrative Assistant	3,962	5,468
Payroll & Accounting Specialist	3,962	5,468
Maintenance Worker	3,931	5,424
Administrative Assistant	3,746	5,169
Facility Maintenance Technician	3,523	4,862
Receptionist	3,292	4,543
Maintenance Custodian	3,115	4,299
Seasonal Maintenance Worker	\$15/hr	\$19/hr
Intern or Temp Office Aide	\$15/hr	\$22/hr

12/8/2016 2:28 PM

XII. C. Adopt Ordinance No. 16-0428, Integrating Low Impact ...

FISCAL CONSIDERATION:

The estimated cost of this project is \$50,000, of which \$25,000 is being covered by a grant awarded to the City by Ecology. The other \$25,000 was budgeted in the adopted 2015-2016 biennial budget.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

7 – To address watershed and water quality issues affecting the City.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 16-0428**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADDRESSING KENMORE MUNICIPAL CODE REGULATIONS FOR THE USE OF LOW IMPACT DEVELOPMENT BEST MANAGEMENT PRACTICES AND PRINCIPLES WITHIN THE CITY; AMENDING CHAPTERS 12.50, STREET STANDARDS, AND 12.70, SIDEWALKS, PLANTING STRIPS AND STREET TREES; AMENDING SECTION 13.30.030, SURFACE WATER MASTER PLAN; ADOPTING A NEW CHAPTER 13.32, DEFINITIONS; REPEALING EXISTING CHAPTER 13.35, SURFACE WATER RUNOFF POLICY; ADOPTING NEW CHAPTER 13.35, SURFACE WATER RUNOFF POLICY; REPEALING CHAPTER 13.40, SURFACE WATER MANAGEMENT PROGRAM; ADOPTING NEW CHAPTER 13.40, SURFACE WATER MANAGEMENT PROGRAM; REPEALING EXISTING CHAPTER 13.45, WATER QUALITY; ADOPTING NEW CHAPTER 13.45, WATER QUALITY; AMENDING CHAPTER 15.25, LAND ALTERATIONS; AMENDING SECTION 17.20.130, LOT SEGREGATIONS – CLUSTERED DEVELOPMENT; AMENDING CHAPTERS 18.20, TECHNICAL TERMS AND DEFINITIONS, 18.21, RESIDENTIAL ZONES, 18.23, COMMUNITY BUSINESS ZONE, 18.25, DOWNTOWN COMMERCIAL ZONE, 18.25A, URBAN CORRIDOR ZONE, 18.25B, WATERFRONT COMMERCIAL ZONE, 18.26, REGIONAL BUSINESS ZONE, 18.27, PUBLIC AND SEMI-PUBLIC ZONE, 18.28, PARKS ZONE, 18.28A, GOLF COURSE ZONE, 18.29, TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY, 18.30, DEVELOPMENT STANDARDS – GENERAL, 18.35, DEVELOPMENT STANDARDS – LANDSCAPING, 18.40, DEVELOPMENT STANDARDS – PARKING AND CIRCULATION, 18.50, DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS FOR SPECIFIC USES, AND 18.52, DOWNTOWN DESIGN STANDARDS; ADOPTING SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Department of Ecology, authorized by the United States Environmental Protection Agency, through the City’s National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit, requires that the City integrate low impact development (LID) principles and best management practices (BMPs) into its regulations and codes by December 31, 2016; and

WHEREAS, on October 7, 2014, the Planning Commission recommended Council adoption of the proposed amendments to the Surface Water Element of the Comprehensive Plan, including Policy SW-1.1.4 that states “Where feasible, the City will make low impact development (LID) the preferred and commonly-used approach to site development.”; and

WHEREAS, on November, 17, 2014, the City Council approved the update to the Surface Water Element of the Comprehensive Plan; and

WHEREAS, on April 20, 2015, the City Council adopted the Surface Water Master Plan, which included a review and discussion of surface water management policies and codes, including the integration of low impact development principles and best management practices; and

WHEREAS, the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the proposed amendments; and

WHEREAS, the Washington State Department of Commerce was notified of the proposed amendments pursuant to RCW 36.70A.106; and

WHEREAS, on September 13, 2016, the City Council reviewed and considered the proposed amendments; and

WHEREAS, on September 27, 2016, the City held a morning public open house on the proposed amendments to obtain public input; and

WHEREAS, on September 29, 2016, the City held an afternoon public open house on the proposed amendments to obtain public input; and

WHEREAS, on October 24, 2016, the City held an evening public open house on the proposed amendments to obtain public input; and

WHEREAS, on October 24, 2016, the City Council continued its review and consideration of the proposed amendments; and

WHEREAS, on November 14, 2016, the City Council held a public hearing and continued its review and consideration of the proposed amendments; and

WHEREAS, the proposed amendments are consistent with the Growth Management Act and the countywide planning policies through planning for infrastructure growth while protecting a high quality of life; and

WHEREAS, the proposed amendments are consistent with the policies, objectives, and goals of the Comprehensive Plan, and do not create an inconsistency within the Plan; and

WHEREAS, amendments to multiple chapters of the municipal code are proposed to eliminate inconsistencies and ensure that the proposed amendments do not duplicate or conflict with other portions of the Kenmore Municipal Code; and

WHEREAS, the proposed amendments also address changed circumstances by adopting regulations that are consistent with federal law relating to surface water management; and

WHEREAS, on November 28, 2016, the City Council approved the adoption of the proposed amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of this Ordinance. The City Council hereby finds that decision criteria set forth in KMC 19.20.090, for the amendment of development regulations, has been met. This finding is based on the incorporated recitals and the record created before the City Council.

Section 2. Amendments to Chapters 12.50, and 12.70 of the Kenmore Municipal Code. The City Council amends Chapters 12.50, Street Standards, and 12.70, Sidewalks, Planting Strips and Street Trees, of the Kenmore Municipal Code to read as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 3. Amendments to Section 13.30.030, of the Kenmore Municipal Code. The City Council amends Chapters 12.30.030, Surface Water Master Plan, of the Kenmore Municipal Code to read as set forth in Attachment B, attached hereto and incorporated herein by reference.

Section 4. Adoption of new Chapter 13.32 of the Kenmore Municipal Code. The City Council adopts a new Chapter 13.32, Technical Terms and Definitions, of the Kenmore Municipal Code to read as set forth in Attachment C, attached hereto and incorporated herein by reference.

Section 5. Repeal of Chapter 13.35 of the Kenmore Municipal Code. The City Council repeals existing Chapter 13.35, Surface Water Runoff Policy, of the Kenmore Municipal Code.

Section 6. Adoption of new Chapter 13.35 of the Kenmore Municipal Code. The City Council adopts a new Chapter 13.35, Surface Water Runoff Policy, of the Kenmore Municipal Code to read as set forth in Attachment D, attached hereto and incorporated herein by reference.

Section 7. Repeal of Chapter 13.40 of the Kenmore Municipal Code. The City Council repeals existing Chapter 13.40, Surface Water Management Program, of the Kenmore Municipal Code.

Section 8. Adoption of new Chapter 13.40 of the Kenmore Municipal Code. The City Council adopts a new Chapter 13.40, Surface Water Management Program, of the Kenmore Municipal Code to read as set forth in Attachment E, attached hereto and incorporated herein by reference.

Section 9. Repeal of Chapter 13.45 of the Kenmore Municipal Code. The City Council repeals existing Chapter 13.45, Water Quality, of the Kenmore Municipal Code.

Section 10. Adoption of new Chapter 13.45 of the Kenmore Municipal Code. The City Council adopts a new Chapter 13.45, Water Quality, of the Kenmore Municipal Code to read as set forth in Attachment F, attached hereto and incorporated herein by reference.

Section 11. Amendments to Chapter 15.25 of the Kenmore Municipal Code. The City Council adopts amendments to Chapter 15.25, Land Alterations, of the Kenmore Municipal Code to read as set forth in Attachment G, attached hereto and incorporated herein by reference.

Section 12. Amendments to Section 17.20.130 of the Kenmore Municipal Code. The City Council adopts amendments Section 17.20.130, Lot Segregations – Clustered Development, of the Kenmore Municipal Code to read as set forth in Attachment H, attached hereto and incorporated herein by reference.

Section 13. Amendments to Chapters 18.20, 18.21, 18.23, 18.25, 18.25A, 18.25B, 18.26, 18.27, 18.28, 18.28A, 18.29, 18.30, 18.35, 18.40, 18.50, 18.52 of the Kenmore Municipal Code. The City Council adopts amendments to Chapters 18.20, Technical Terms and Definitions, 18.21, Residential Zones, 18.23, Community Business Zone, 18.25, Downtown Commercial Zone, 18.25A, Urban Corridor Zone, 18.25B, Waterfront Commercial Zone, 18.26, Regional Business Zone, 18.27, Public and Semi-Public Zone, 18.28, Parks Zone, 18.28A, Golf Course Zone, 18.29, Transit Oriented Development (TOD) District Overlay, 18.30, Development Standards – General, 18.35, Development Standards – Landscaping, 18.40, Development Standards – Parking and Circulation, 18.50, Development Standards – Design Requirements for Specific Uses, and 18.52, Downtown Design Standards, of the Kenmore Municipal Code to read as set forth in Attachment I, attached hereto and incorporated herein by reference.

Section 14. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 15. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in force on December 31, 2016.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF DECEMBER, 2016.

ATTEST/AUTHENTICATED:

CITY OF KENMORE

Patty Safrin, City Clerk

David Baker, Mayor

Approved as to form:

Rod P. Kaseguma, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

ORDINANCE 16-0428

ATTACHMENT A – AMENDMENTS TO CHAPTERS 12.50 AND 12.70

TITLE 12 – STREETS AND BRIDGES

Chapter 12.50 – Street Standards

12.50.010 – Adoption:

B. Consistent with the council’s direction and intent in adopting the standards, the department of public works is hereby authorized to develop public rules and make minor changes to the standards, or the referenced companion documents, in order to better implement the standards and as needed to stay current with changing design, environmental, and construction technology and methods.

Chapter 12.70 – Sidewalks, Planting Strips and Street Trees

12.70.010 – Definitions:

A. “Curb” means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the streetway and to separate the vehicular portion from that provided for pedestrians and to control surface drainage.

B. “Planting strip” means that portion of the right-of-way behind the curb line and between the curb line and the sidewalk or between the sidewalk and the right-of-way line used for the planting of trees, grass, shrubs or ground cover. Landscape-based stormwater management facilities may also be placed within this area where feasible.

C. “Sidewalk” means that property between the curb line and the adjacent property, set aside and intended for the use of pedestrians, improved by paving with permeable or impermeable cement concrete or asphaltic concrete.

12.70.040 – Planting Strip Maintenance:

Maintenance of planting strips including trees, shrubbery, grass, landscape-based stormwater management facilities, or other ground cover shall be the responsibility of the abutting property owner. Should the director of public works find that such property is not being properly maintained, a notice shall be forwarded as provided in KMC 12.70.030 specifying a reasonable time within which such maintenance shall be accomplished. If the owner fails to proceed, the department of public works will have the maintenance performed, and the cost will be assessed against the property owner as provided in KMC 12.70.030.

ORDINANCE 16-0428

ATTACHMENT B – AMENDMENTS TO SECTION 13.30.030

13.30.030 Surface water master plan.

The City hereby adopts by reference the 2015 City of Kenmore Surface Water Master Plan, attached to the ordinance codified in this section as Exhibit A.* [Ord. 16-0428 § 1.]

December 12, 2016

ORDINANCE 16-0428

ATTACHMENT C – ADOPTION OF NEW CHAPTER 13.32

CHAPTER 13.32
TECHNICAL TERMS AND DEFINITIONS

Sections:

13.32.010	Scope of Chapter.
13.32.020	Adjustment
13.32.030	AKART
13.32.040	Applicant
13.32.050	Basin
13.32.060	Basin plan
13.32.070	Best Management Practices
13.32.080	City
13.32.090	City Manager
13.32.100	Clean Water Act
13.32.110	Closed Depression
13.32.120	Construct or modify
13.32.130	Conveyance system
13.32.140	County
13.32.150	Developed parcel
13.32.160	Development
13.32.170	Discharge
13.32.180	Drainage
13.32.190	Drainage easement

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13.32.200	Drainage facility
13.32.210	Drainage review
13.32.220	Erosion and sediment control
13.32.230	Financial guarantee
13.32.250	Flow control BMP
13.32.260	Flow control BMP design and maintenance details
13.32.270	Flow control BMP site plan (FCBMP site plan)
13.32.280	Flow control facility
13.32.290	Full drainage review
13.32.300	Hard surface
13.32.310	Groundwater
13.32.320	High-use site
13.32.330	Hydraulically connected
13.32.340	Impervious surface
13.32.350	Improvement
13.32.370	Land disturbing activity
13.32.390	Landslide hazard drainage area
13.32.410	Licensed civil engineer
13.32.420	LID
13.32.430	LID best management practices (LID BMPs)
13.32.440	LID principles
13.32.450	Low impact development

December 12, 2016

13.32.460	Maintenance
13.32.480	MS4
13.32.490	Municipal separate storm sewer system
13.32.500	Native vegetated surface
13.32.510	National Pollutant Discharge Elimination System
13.32.520	Natural discharge location
13.32.530	New impervious surface
13.32.540	New pervious surface
13.32.550	New pollution generating impervious surface (New PGIS)
13.32.560	New pollution generating pervious surface (New PGPS)
13.32.570	NPDES
13.32.580	Open space
13.32.590	Parcel
13.32.600	Permeable pavement
13.32.610	Permeable soils
13.32.620	Person
13.32.630	Pervious surface
13.32.640	Pollution generating impervious surface (PGIS)
13.32.650	Pollution generating pervious surface (PGPS)
13.32.660	Project
13.32.670	Project site
13.32.680	Rate Category

December 12, 2016

13.32.690	Redevelopment project
13.32.700	Replaced impervious surface
13.32.710	Replaced pollution generating impervious surface (Replaced PGIS)
13.32.720	Residence
13.32.730	Residential parcel
13.32.740	Runoff
13.32.770	Shared facility
13.32.790	Site
13.32.800	Stormwater
13.32.820	Stormwater pollution prevention manual
13.32.830	Sub-basin
13.32.840	Surface water
13.32.850	Surface water design manual (SWDM)
13.32.860	Surface water and stormwater management
13.32.870	Stormwater management program
13.32.880	Stormwater management program plan
13.32.890	Surface water master plan
13.32.900	Targeted drainage review
13.32.910	Undeveloped parcel
13.32.920	Waters of the state
13.32.930	Water quality treatment facility
13.32.940	Western Washington phase II municipal stormwater permit

December 12, 2016

13.32.010 Scope of Chapter

The definitions of this chapter shall apply to Title 13 Division II KMC, and shall prevail over any conflicting definition in the Surface Water Design Manual, as defined in this chapter.

13.32.020 Adjustment

“Adjustment” means a variation from the requirements of KMC [13.35.050](#) and the Surface Water Design Manual approved by the city manager for a particular project in accordance with KMC [13.35.050](#)(C). The term “adjustment” replaces the term “variance,” which was used in prior editions of the Surface Water Design Manual.

13.32.030 AKART

“AKART” means “all known, available, and reasonable methods of prevention, control, and treatment.” AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. “AKART” applies to both point and nonpoint sources of pollution.

13.32.040 Applicant

“Applicant” means a property owner or a public agency or public or private utility which owns a right-of-way or other easement, or has been adjudicated the right to such an easement pursuant to RCW [8.12.090](#), or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

13.32.050 Basin

“Basin” means a geographic area that contains or drains to a stream or river named or noted on common maps, such as Swamp Creek, or a geographic area that drains to a nonflowing water body named and noted on common maps, such as Lake Washington.

13.32.060 Basin plan

“Basin plan” means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface water and stormwater within individual subbasins.

13.32.070 Best Management Practices

December 12, 2016

"Best Management Practices" or "BMPs" means the best available and reasonable physical, structural, managerial, or behavioral activities, that, when used singly or in combination, eliminate or reduce the contamination of both surface and groundwaters.

13.32.080 City

"City" means the City of Kenmore.

13.32.090 City Manager

"City manager" means the City of Kenmore city manager or his or her designee(s).

13.32.100 Clean Water Act

"Clean Water Act" means 33 U.S.C. 1251 et seq., as amended.

13.32.110 Closed Depression

"Closed depression" means an area greater than 5,000 square feet at overflow elevation that is low-lying and that has no or such a limited surface water outlet that the area acts as a stormwater retention facility.

13.32.120 Construct or modify

"Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to concentrate previously unconcentrated surface water and stormwater runoff, or serves to increase, decrease and/or redirect the conveyance of surface water and stormwater runoff. "Construct or modify" does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit.

13.32.130 Conveyance system

"Conveyance system" means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface water and stormwater from the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels and most flow control and water quality treatment facilities.

13.32.140 County

December 12, 2016

“County” means King County, Washington.

13.32.150 Developed parcel

“Developed parcel” means any parcel altered from its native state by the construction, creation or addition of impervious or pervious surfaces, including the alteration of soil conditions, ground cover, and species of vegetation (such as landscaping).

13.32.160 Development

“Development” means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance, zone reclassification, subdivision, short subdivision, binding site plan, site plan review or right-of-way use permit.

13.32.170 Discharge

“Discharge” means throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

13.32.180 Drainage

“Drainage” means the collection, conveyance, containment or discharge, or any combination thereof, of surface water and stormwater runoff.

13.32.190 Drainage easement

“Drainage easement” means a legal encumbrance that is placed against a property’s title to reserve specified privileges for the users and beneficiaries of the drainage facilities contained within the boundaries of the easement.

13.32.200 Drainage facility

“Drainage facility” means a constructed or engineered feature that collects, conveys, stores, treats, or otherwise manages stormwater runoff or surface water. “Drainage facility” includes, but is not limited to, a constructed or engineered stream, lake, wetland, or closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control BMP, water quality facility, erosion and sediment control facility, and any other structure and appurtenance that provides for drainage.

December 12, 2016

13.32.210 Drainage review

“Drainage review” means an evaluation by the City staff of a proposed project’s compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: simplified drainage review, targeted drainage review, directed drainage review, full drainage review and large project drainage review.

13.32.220 Erosion and sediment control

“Erosion and sediment control” means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or enter into wetlands or aquatic areas.

13.32.230 Financial guarantee

“Financial guarantee” means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with this code; or provide secured warranty of materials, workmanship of improvements and design. “Financial guarantee” includes assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the city manager. “Performance guarantee,” “maintenance guarantee” and “defect guarantee” are considered subcategories of financial guarantee.

13.32.250 Flow control BMP

“Flow control BMP” means a small scale drainage facility or feature that is part of a development site strategy to use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention, and reduced impervious surface footprint to mimic pre-developed hydrology and minimize stormwater runoff.

13.32.260 Flow control BMP design and maintenance details

“Flow control BMP design and maintenance details” means the diagrams/figures, design specifications, and maintenance instructions for each flow control BMP proposed on an individual site/lot that does not contain a flow control or water quality facility. These details are intended to be recordable to facilitate attachment to the declaration of covenant and grant of easement required for implementation of flow control BMPs on individual sites/lots. The City may waive all or a portion of this component if it determines there is no need to specify design details or maintenance instructions for certain proposed BMPs.

13.32.270 Flow control BMP site plan (FCBMP site plan)

December 12, 2016

“Flow control BMP site plan (FCBMP site plan)” means a scale drawing of an individual site/lot used to show how required flow control BMPs will be applied to the target surfaces of an individual site/lot that does not contain a flow control or water quality facility. The FCBMP site plan is intended to be a recordable document (or reducible to a recordable document) that can be attached to the declaration of covenant and grant of easement required for implementation of flow control BMPs on individual sites/lots. DPER may allow a written version of this plan if they determine there is no need to illustrate the size and location of proposed flow control BMPs.

13.32.280 Flow control facility

“Flow control facility” means a drainage facility designed to mitigate the impacts of increased surface water and stormwater runoff generated by site development pursuant to the drainage requirements in Title 13 Division II KMC. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

13.32.290 Full drainage review

“Full drainage review” means the evaluation required by KMC 13.35.040 of a proposed project’s compliance with the full range of core and special requirements in the surface water design manual. Full drainage review is required for any proposed project, unless the project is subject to simplified drainage review, targeted drainage review, directed drainage review, or large project drainage review that (1) would result in two thousand square feet or more of new plus replaced impervious surface; or (2) would result in 7,000 square feet or more of land disturbing activity.

13.32.300 Hard surface

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

13.32.310 Groundwater

“Groundwater” means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

13.32.320 High-use site

December 12, 2016

"High-use site" means a commercial, industrial or street intersection site that generates a higher-than-average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. High-use sites include:

1. Commercial or industrial sites subject to:
 - a. An expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area;
 - b. Petroleum storage or transfer in excess of 1,000 gallons per year, not including routine fuel oil storage or transfer; or
 - c. Use, storage or maintenance of a fleet of 25 or more diesel vehicles each weighing over 10 tons; or
2. Street intersections with average daily traffic counts of 25,000 vehicles or more on the main streetway and 15,000 or more vehicles on any intersecting streetway (excluding pedestrian or bicycle use improvement projects).

13.32.330 Hydraulically connected

"Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

13.32.340 Impervious surface

"Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development; or that causes water to run off the surface in greater quantities or at an increased rate of flow compared to the flow present under natural conditions prior to development (see also "new impervious surface"). Common impervious surfaces include, but are not limited to, roof, walkways, patios, driveways, parking lots, or storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface water or stormwater. For the purposes of applying the impervious surface thresholds and exemptions contained in the surface water design manual, permeable pavement, vegetated roofs, and pervious surfaces with underdrains designed to collect stormwater runoff are considered impervious surface while an open uncovered flow control or water quality facility is not. However, for the purposes of computing runoff, uncovered flow control or water quality facilities shall be modeled as impervious surfaces.

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13.32.350 Improvement

“Improvement” means a permanent, human-made physical change to land or real property including, but not limited to, buildings, streets (with or without curbs or gutters), sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and landscaping.

13.32.370 Land disturbing activity

“Land disturbing activity” means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. “Land disturbing activity” includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. “Land disturbing activity” does not include tilling conducted as part of agricultural practices, landscaping maintenance or gardening.

13.32.390 Landslide hazard drainage area

“Landslide hazard drainage area” means an area tributary to a landslide hazard area (KMC [18.20.1570](#)) where the City has determined that overland flows from new projects will pose a significant threat to health and safety because of their close proximity to the landslide hazard area. A delineation of known landslide hazard areas can be found in the Kenmore Critical Areas – Geologic Hazard Areas Map (KMC [18.55.130](#)).

13.32.410 Licensed civil engineer

“Licensed civil engineer” means a person registered with the State of Washington as a professional engineer in civil engineering.

13.32.420 LID

“LID” means low impact development.

13.32.430 LID best management practices (LID BMPs)

“LID best management practices” or “LID BMPs” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs are referred to as flow control BMPs in the surface water design manual and include, but are not limited to, bioretention, permeable pavements, limited infiltration systems, roof downspout controls, dispersion, soil quality and depth, and minimal excavation foundations.

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13.32.440 LID principles

"LID principles" means land use management strategies that emphasize conservation, on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss and stormwater runoff.

13.32.450 Low impact development

"Low impact development" or "LID" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. Other common names for "LID" are "Green Stormwater Infrastructure" or "Natural Drainage Systems".

13.32.460 Maintenance

"Maintenance" means those usual activities taken to prevent a decline, lapse, or cessation in the use of currently serviceable structures, facilities, BMPs, equipment, or systems if there is no expansion of any of these, and there are no significant hydrologic impacts. Maintenance includes the repair or replacement of non-functional facilities and BMPs, and the replacement of existing structures with different types of structures, if the repair or replacement is required to meet current engineering standards or is required by one or more environmental permits and the functioning characteristics of the original facility or structure are not changed. For the purposes of applying this definition to the thresholds and requirements of Title 13 Division II KMC, the city manager will determine whether the functioning characteristics of the original facility, structure, or BMP will remain sufficiently unchanged to consider replacement as maintenance. Drainage review is not required for projects proposing only maintenance.

13.32.480 MS4

"MS4" means the municipal separate storm sewer system.

13.32.490 Municipal separate storm sewer system

"Municipal separate storm sewer system" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State law such as a

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sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of Washington State;

- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer;
- (iv) Which is not part of a Publically Owned Treatment Works as defined at 40 CFR 122.2; and
- (v) Which is defined as "large" or "medium" or "small" or otherwise designated by the Washington State Department of Ecology pursuant to 40 CFR 122.26.

13.32.500 Native vegetated surface

"Native vegetated surface" means a surface in which the soil conditions, ground cover, and species of vegetation are like those of the original native condition for the site. More specifically, this means (1) the soil is either undisturbed or has been treated according to the "native vegetated landscape" specifications in SWDM Appendix C, Section C.2.1.8; (2) the ground is either naturally covered with vegetation litter or has been top-dressed between plants with 4 inches of mulch consistent with the native vegetated landscape specifications in SWDM Appendix C; and (3) the vegetation is either (a) comprised predominantly of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and that reasonably could have been expected to occur naturally on the site or (b) comprised of plant species specified for a native vegetated landscape in SWDM Appendix C. Examples of these plant species include trees such as douglas fir, western hemlock, western red cedar, alder, big-leaf maple and vine maple; shrubs such as willow, elderberry, salmonberry and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

13.32.510 National Pollutant Discharge Elimination System

"National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

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13.32.520 Natural discharge location

"Natural discharge location" means the location where surface water and stormwater runoff leaves (or would leave if not infiltrated or retained) the site or project site under existing site conditions.

13.32.530 New impervious surface

"New impervious surface" means the addition of a hard or compacted surface such as roofs, pavement, gravel or dirt; or the addition of a more compacted surface, like paving over pre-existing dirt or gravel. Permeable pavement and vegetated roofs are considered new impervious surface for purposes of determining whether the thresholds for application of minimum requirements are exceeded in the SWDM, as are lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains designed to collect stormwater runoff. Open, uncovered retention/detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements in the SWDM are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

13.32.540 New pervious surface

"New pervious surface" means the conversion of native vegetated surface or other native surface to a nonnative pervious surface (e.g., conversion of forest or meadow to pasture land, grass land, cultivated land, lawn, landscaping, bare soil, etc.) or any alteration of existing nonnative pervious surface that significantly increases surface water and stormwater runoff (e.g., conversion of pasture land, grass land, or cultivated land to lawn, landscaping or bare soil; or alteration of soil characteristics).

13.32.550 New pollution generating impervious surface (New PGIS)

"New PGIS" means new impervious surface that is pollution-generating impervious surface or any alteration of existing pollution-generating impervious surface that changes the type of pollutants or results in increased pollution loads and/or concentrations.

13.32.560 New pollution generating pervious surface (New PGPS)

"New PGPS" means new pervious surface that is pollution-generating pervious surface or any alteration of existing pollution-generating pervious surface that changes the type of pollutants or results in increased pollution loads and/or concentrations.

13.32.570 NPDES

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"NPDES" means National Pollutant Discharge Elimination System.

13.32.580 Open space

"Open Space" means any parcel, property or portion thereof classified for current use taxation under Chapter [84.34](#) RCW, or for which the development rights have been sold to the City. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in Chapter [84.34](#) RCW.

13.32.590 Parcel

"Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.

13.32.600 Permeable pavement

"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

13.32.610 Permeable soils

"Permeable soils" means soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface water and stormwater runoff.

13.32.620 Person

"Person" means an individual, and his or her agent or assign, municipality, political subdivision, government agency, partnership, corporation, business, or any other entity.

13.32.630 Pervious surface

"Pervious surface" means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, and native vegetation areas. Note for purposes of threshold determination and runoff volume modeling for detention and treatment in the SWDM, vegetated roofs and permeable pavements are to be considered impervious surfaces along with lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains.

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13.32.640 Pollution generating impervious surface (PGIS)

"Pollution-generating impervious surface (PGIS)" means an impervious surface considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those that are subject to: vehicular use, industrial activities, or storage of erodible or leachable materials, wastes, or chemicals; and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. PGIS includes metal roofs unless they are coated with an inert, non-leachable material (see SWDM Reference 11-E). PGIS includes roofs that are exposed to the venting of significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities. PGIS includes vegetated roofs exposed to pesticides, fertilizers, or loss of soil. Other roofing types that may pose risk but are not currently regulated are listed in the SWDM Reference 11-E. Lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains that have the pollution generating characteristics described under the "pollution-generating pervious surface" definition are also considered PGIS.

13.32.650 Pollution generating pervious surface (PGPS)

"Pollution-generating pervious surface (PGPS)" means a non-impervious surface considered to be a significant source of pollutants in surface water and stormwater runoff. Such surfaces include those that are *subject to vehicular use*, industrial activities, storage of *erodible or leachable materials, wastes, or chemicals*, and that receive direct rainfall or the run-on or blow-in of rainfall; or subject to use of pesticides and fertilizers, or loss of soil. Such surfaces include, but are not limited to, the lawn and landscaped areas of a residential, commercial, or industrial site or land use, golf courses, parks, sports fields (natural and artificial turf), cemeteries, and County-standard grassed modular grid pavement.

13.32.660 Project

"Project" means any proposed action to alter or develop a site which may also require drainage review.

13.32.670 Project site

"Project site" means the portion of a site and any off-site areas subject to proposed project activities, alterations and improvements including those required by this code.

13.32.680 Rate Category

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"Rate category" means the classification in Title 13 Division II KMC given to a parcel in the City based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

13.32.690 Redevelopment project

"Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:

1. Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
2. Has an existing impervious surface coverage of 35 percent or more.

13.32.700 Replaced impervious surface

"Replaced impervious surface" means any existing impervious surface on the project site that is proposed to be removed and re-established as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance on underground infrastructure. For structures, "removed" means the removal of buildings down to the foundation. For other impervious surfaces, "removed" means the removal down to base course or bare soil. It does not include the removal of pavement material through grinding or other surface modification unless the entire layer of PCC or AC is removed. Replaced impervious surface also includes impervious surface that is moved from one location to another on the project site where the following two conditions are met: (a) the area from which the impervious surface is moved from will be restored to the same or better runoff discharge characteristics as the area being covered by the moved impervious surface, and (b) impervious surface at the new location is either designated as non- pollution generating or the pollution generating characteristics remain unchanged compared to that of the original location.

13.32.710 Replaced pollution generating impervious surface (Replaced PGIS)

"Replaced PGIS" means replaced impervious surface that is pollution-generating impervious surface.

13.32.720 Residence

"Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.

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13.32.730 Residential parcel

“Residential parcel” means any parcel which contains no more than three residences or three residential units which are within a single structure and used primarily for residential purposes.

13.32.740 Runoff

“Runoff” means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and shallow groundwater as well as on ground surfaces. For the purposes of this definition, “groundwater” means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

13.32.770 Shared facility

“Shared facility” means a drainage facility designed to meet one or more of the requirements of KMC [13.35.050](#) for two or more separate projects contained within a basin. Shared facilities usually include shared financial commitments for those drainage facilities.

13.32.780 Simplified drainage review

“Simplified drainage review” means the drainage review for a proposed single family residential project or agricultural project that: results in less than 5,000 square feet of new plus replaced pollution generating impervious surface, results in less than $\frac{3}{4}$ acre of pollution generating pervious surface, limits target impervious and pervious surface as specified in SWDM Section 1.1.2.1 , and meets the simplified drainage requirements specified in SWDM Appendix C , including flow control best management practices, erosion and sediment control measures, and drainage plan submittal requirements.

13.32.790 Site

“Site” means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for the purposes of applying this code to a proposed project. For projects located primarily within dedicated rights-of-way, “site” includes the entire width of right-of-way subject to improvements proposed by the project.

13.32.800 Stormwater

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“Stormwater” means the water produced during precipitation or snowmelt, which runs off, soaks into the ground, or is dissipated through evapotranspiration. Stormwater that runs off or soaks into the ground ultimately becomes surface water or groundwater.

13.32.820 Stormwater pollution prevention manual

“Stormwater Pollution Prevention Manual” means the manual (and supporting documentation referenced or incorporated in the manual) describing best management practices and procedures for existing facilities and existing and new activities not covered by the Surface Water Design Manual.

13.32.830 Sub-basin

“Sub-basin” means a geographic area that:

1. Drains to a stream or water body named and noted on common maps; and
2. Is contained within a basin of the stream or water body.

13.32.840 Surface water

“Surface water” means the water that exists on land surfaces before, during, and after stormwater runoff occurs and includes, but is not limited to, the water found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands, and Puget Sound. It also includes shallow groundwater.

13.32.850 Surface Water Design Manual (SWDM)

“Surface Water Design Manual” means the King County Surface Water Design Manual, dated April 24, 2016, and supporting documentation referenced or incorporated in the Manual, describing surface water and stormwater design and analysis requirements, procedures and guidance adopted pursuant to KMC 13.35.025. A link to obtain an electronic version of the Surface Water Design Manual is available on King County’s webpage.

13.32.860 Surface water and stormwater management

“Surface water and stormwater management” means the services provided by the surface water management program, including but not limited to planning, maintenance and operations, regulation, financial administration, public involvement, outreach and education, drainage investigation and enforcement, aquatic resource restoration, surface water and stormwater quality and environmental monitoring, intergovernmental relations and facility design and construction.

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13.32.870 Stormwater management program

"Stormwater Management Program" means the set of actions and activities designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in the City's Western Washington Phase II Municipal Stormwater Permit.

13.32.880 Stormwater management program plan

"Stormwater Management Program Plan" means the documentation submitted to the Washington State Department of Ecology describing the status of implementation of the requirements of the City's Western Washington Phase II Municipal Stormwater Permit.

13.32.890 Surface Water Master Plan

"Surface Water Master Plan" means the 2015 City of Kenmore Surface Water Master Plan, which was an update to the 2001 and 2008 City of Kenmore Surface Water Management Plans.

13.32.910 Undeveloped parcel

"Undeveloped parcel" means any parcel which has not been altered from its native state by the construction, creation or addition of impervious or pervious surfaces, including the alteration of soil conditions, ground cover, and species of vegetation (such as landscaping).

13.32.920 Waters of the state

"Waters of the State" means those waters as defined as "waters of the United States" in 40 CFR within the boundaries of Washington State and "waters of the state" as defined in chapter 90.48 RCW.

13.32.930 Water quality treatment facility

"Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface water and stormwater runoff. A water quality treatment facility is the structural component of best management practices (BMPs). When used singly or in combination, a water quality treatment facility reduces the potential for contamination of both surface and groundwaters. [Ord. 11-0329 § 10; Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.020).]

13.32.940 Western Washington Phase II Municipal Stormwater Permit

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"Western Washington Phase II Municipal Stormwater Permit" means the National Pollutant Discharge Elimination System and State Waste Discharge General Permit for discharges from Small Municipal Separate Storm Sewers in Western Washington issued to the City by the Washington State Department of Ecology.

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ORDINANCE 16-0428

ATTACHMENT D – ADOPTION OF NEW CHAPTER 13.35

CHAPTER 13.35
SURFACE WATER RUNOFF POLICY

Sections:

- 13.35.010 Scope.
- 13.35.020 Purposes.
- 13.35.030 King County Surface Water Design Manual adopted.
- 13.35.040 Critical drainage and/or erosion areas.
- 13.35.050 Construction timing and final approval.
- 13.35.060 Liability insurance required.
- 13.35.070 Financial guarantees authorized.
- 13.35.080 Hazards.
- 13.35.090 Administration.
- 13.35.100 Enforcement.
- 13.35.110 Liberal construction.
- 13.35.120 Penalty.

13.35.010 Scope.

Compliance with the standards in this chapter and the Surface Water Design Manual does not necessarily mitigate all probable and significant environmental impacts to aquatic biota. Fishery resources and other living components of aquatic systems are affected by a complex set of factors. While employing a specific flow control standard may prevent stream channel erosion or instability, other factors affecting fish and other biotic resources (such as increases in stream flow velocities) are not directly addressed by the Surface Water Design Manual. Thus, compliance with this Manual should not be construed as mitigating all probable and significant stormwater impacts, and additional mitigation may be required to protect aquatic biota in streams and wetlands. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.005).]

13.35.020 Purposes.

The city council finds that this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface water and stormwater and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation. The city council also finds that the City shall conduct programs to reduce flooding, erosion, and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge, and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance in order to promote the effectiveness of the requirements contained in this

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chapter. The city council also finds that elements of this chapter fulfill certain requirements of the Western Washington Phase II Municipal Stormwater Permit, issued to the City by the Washington State Department of Ecology, pursuant to the federal Water Pollution Control Act ([33](#) U.S.C. Section [1251](#)) and the State law governing water pollution control (Chapter [90.48](#) RCW). [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.010).]

13.35.030 King County Surface Water Design Manual adopted.

A. The King County Surface Water Design Manual (SWDM), dated April 24, 2016, as modified by KMC 13.35.030.B, is hereby adopted for use in the City. Revisions of the SWDM by King County shall be applicable in the City only if approved by the city council.

B. Modifications to the Surface Water Design Manual. The city council adopts the Kenmore Addendum to the 2016 King County Surface Water Design Manual for the following purposes:

1. To translate specific wording or reference from King County to the City;
2. To cross-reference City ordinances and City maps in lieu of King County ordinances and maps;
3. To provide a linkage or reference to other City requirements such as more restrictive requirements outlined in basin plans and the City's Critical Areas Ordinances; and
4. To provide exceptions and additions to the KCSWDM.

C. Interpretation. The city manager is authorized to interpret the Surface Water Design Manual, as amended, adopt interpretive guidelines, promulgate rules, and resolve conflicts or inconsistencies. [Ord. 11-0329 § 9; Ord. 10-0305 § 2; Ord. 02-0132 §§ 3, 4, 5.]

13.35.040 Critical drainage and/or erosion areas.

Development in areas where the city manager has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the city manager until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features or other controls necessary to protect against community hazard. Where alternate facility designs or methods will produce a compensating or comparable result in the public interest and which will meet this section's objectives of safety, function, appearance, environmental protection and maintainability, based upon sound engineering judgment, an adjustment to the special drainage requirements promulgated under this section may be proposed; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. Where application of this section will deny all reasonable use of a property and a facility or design that produces a compensating or

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comparable result cannot be obtained, then a best practicable alternative may be obtained, to be determined by the city manager according to the adjustment process defined in the Surface Water Design Manual. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.060).]

13.35.050 Construction timing and final approval.

A. No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the city manager.

B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and
2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for on-site erosion has passed.

C. The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site before the construction of any other improvements or buildings on the site, or to final recording of a plat or short plat, unless upon written request of the applicant, the city manager authorizes recording before construction of facilities in order to minimize impacts that may result from construction of facilities during inappropriate times of the year. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.090).]

13.35.060 Liability insurance required.

The applicant required to construct the drainage facility pursuant to this chapter shall maintain a combined single limit per occurrence liability policy in the amount established by the City risk management program, which shall name the City as an additional insured and protect the City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the city manager prior to commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, the City may initiate enforcement action pursuant to Chapter [1.20](#) KMC. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.100).]

13.35.070 Financial guarantees authorized.

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The city manager is authorized to require all applicants who are issued permits or approvals under the provisions of Title 13 Division II to post financial guarantees consistent with the provisions of KMC Title [21](#). [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.105).]

13.35.080 Hazards.

A. Whenever the city manager determines that any existing construction site, erosion and sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City, the applicant/person to whom the permit was issued pursuant to KMC [13.35.040](#), the owner of the property within which the drainage facility is located, the applicant/person responsible for operation and maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the city manager shall, within the period specified therein, repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

B. Should the city manager have reasonable cause to believe that the situation is so hazardous as to preclude written notice, the city manager may take the measures necessary to eliminate the hazardous situation; provided, that the city manager shall first make a reasonable effort to locate the owner before acting. In such instances the applicant of whom a drainage plan was required pursuant to KMC [13.35.040](#), the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or other City requirement has been posted, the city manager shall have the authority to collect against the financial guarantee to cover costs incurred. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.130).]

13.35.090 Administration.

A. The city manager is authorized to promulgate and adopt administrative rules for the purpose of implementing and enforcing the provisions of this chapter. The administrative rules shall be on file with the city manager.

B. The city manager is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.

C. The city manager is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

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D. Whenever necessary to enforce any of the provisions of this chapter or to monitor for proper function of drainage facilities, or whenever the city manager has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the city manager may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the city manager by this chapter; provided, that if such premises or portion thereof is occupied, the city manager shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

E. Proper ingress and egress shall be provided to the city manager to inspect, monitor or perform any duty imposed upon the city manager by this chapter. The city manager shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the city manager may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.140).]

13.35.100 Enforcement.

The city manager is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapters [1.15](#) and [1.20](#) KMC. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.180).]

13.35.110 Liberal construction.

This chapter is exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. [Ord. 10-0305 § 2; Ord. 02-0132 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.04.192).]

13.35.120 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to the civil and criminal penalties set forth in Chapter [1.15](#) KMC. [Ord. 10-0305 § 2; Ord. 01-0124 § 1; Ord. 98-0016 § 5.]

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ORDINANCE 16-0428

ATTACHMENT E – ADOPTION OF NEW CHAPTER 13.40

CHAPTER 13.40
SURFACE WATER MANAGEMENT PROGRAM

Sections:

- 13.40.010 Authority.
- 13.40.020 Purpose.
- 13.40.030 Applicability.
- 13.40.040 Policy.
- 13.40.050 Rate structure.
- 13.40.060 Rate adjustments and appeals.
- 13.40.070 Billing procedure.
- 13.40.080 Delinquencies and foreclosures.
- 13.40.090 Administrative procedures.
- 13.40.100 Report of revenue and expenditure analysis.
- 13.40.110 Penalty.

13.40.010 Authority.

A. There is hereby created and established the surface water management program of the City under which the provisions of this chapter shall be carried out.

B. The program created in this section shall be administered by the City.

C. Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the city manager may enter any property or portion thereof at reasonable times in compliance with the following procedures:

1. If the property or portion thereof is occupied, the city manager shall present identification credentials, state the reason for entry and request entry;
2. If the property or portion thereof is unoccupied, the city manager shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof and request entry; and
3. Unless entry is consented to by the owner or person in control of any property or portion thereof, the city manager, before entry, shall obtain a search warrant as authorized by the laws of the State of Washington.

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D. The city manager is authorized to enforce this chapter, the ordinances and resolutions codified in it and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Chapter [1.20](#) KMC.

E. The program may provide services related to surface water and stormwater management, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction. The program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

13.40.020 Purpose.

It is the finding of the City that the surface water management program is necessary in order to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface water and stormwater problems which would reduce flooding, erosion and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge and prevent water quality degradation. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface water and stormwater management services. It is the finding of the City that the most cost effective and beneficial approach to surface water and stormwater management is through preventative actions and protection of the natural drainage system. In approaching surface water and stormwater problems the surface water management program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface water and stormwater management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface water and stormwater, erosion, and water pollution, to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities, and to provide for the comprehensive management and administration of surface water and stormwater. [Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.040).]

13.40.030 Applicability.

A. Developed parcels within the City shall be billed each year for surface water and stormwater management services pursuant to RCW [36.89.080](#).

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13.40.040 Policy.

A. It is the finding of the City that basins are shared with other municipalities and cities. In order to achieve a comprehensive approach to surface water and stormwater management, the City and municipalities within a specific basin should coordinate surface water and stormwater management services. In addition, the program may contract for services with interested municipalities.

B. It is the finding of the City that many of the difficulties found in the management of surface water and stormwater problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface water and stormwater management. In order to achieve a comprehensive approach to surface water and stormwater management, the City should provide general information to the public about land use and human activities which impact surface water and stormwater management.

C. It is the finding of the City that developed parcels contribute to an increase in surface water and stormwater runoff. This increase in surface water and stormwater runoff results in the need to establish rates and charges to finance the City's activities in surface water and stormwater management. Developed parcels shall be subject to the rates and charges of the surface water management program based on their surface water and stormwater percentage of impervious surface coverage on the parcel and the total acreage of the parcel.

D. It is the finding of the City that undeveloped parcels do not contribute as much as developed parcels to an increase in surface water and stormwater runoff into the surface water and stormwater management system. Undeveloped properties shall be exempt from the rates and charges of the surface water management program.

E. It is the finding of the City that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on-site drainage control. Parcels served by retention/detention facilities which were required for development of the parcel pursuant to Chapter [13.35](#) KMC and approved by the City or can be demonstrated as required in KMC 13.40.060 by the property owner to provide detention/retention of surface water and stormwater to the standards in Chapter [13.35](#) KMC shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

F. It is a finding of the City that open space properties provide a benefit to the surface water and stormwater management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

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G. It is a finding of the City that the majority of parcels are residential. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel. Therefore, residential parcels shall be charged a flat charge based upon an average amount of impervious surface allowed per maximum impervious percentages set forth in chapter 18.21 KMC.

J. City streets and State highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the streets systems and their associated drainage facilities serve as an integral part of the surface water and stormwater management system. City and State streets will not be charged a service fee.

K. It is the finding of the City that comprehensive management of surface water and stormwater runoff must include anticipation of future growth and development in the design and improvement of the surface water and stormwater management system. Service charge revenue needs shall be based upon the present and future requirements of the surface water and stormwater management system, and these needs shall be considered when determining the rates and charges of the program.

L. It is the finding of the City that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface water and stormwater runoff which results from existing and anticipated development within the basin. The measures investigated to control runoff should include land use regulation such as setback requirements or community plan revisions which revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in KMC [13.40.020](#), and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

M. It is the finding of the City that areas with development related surface water and stormwater problems require comprehensive management of surface water and stormwater. The use of low impact development best management practices and principles represent the City's preferred and commonly used approach for site development.

N. It is the finding of the City that additional surface water and stormwater runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and

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through constructed improvements. The Surface Water Design Manual and KMC Titles [13](#), [15](#), [18](#) and [19](#) have been adopted by the City to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The surface water management program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The City is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish which inhabit critical areas. Based upon the findings in this subsection, and as information and methods become available, the city manager, as appropriate, shall draft and submit to the council regulations and development standards to allow protection of the surface water and stormwater management system including natural drainage systems.

O. The program will maintain long-term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach which recognizes the dynamic nature of the program's fiscal operating environment. Long-term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open, and accessible.

P. The program shall prepare an annual, multi-year capital improvement program which encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Q. The program will manage its debt, if any, to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the City's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long-term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records

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which will include all official statements, bid documents, ordinances, indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with State and federal laws. [Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.060).]

R. It is the finding of the City that surface water, groundwater and stormwater impact public properties, rights-of-way, and privately owned properties within the City. Unless the City agrees to maintain and operate a drainage facility in accordance with this section, a drainage facility shall be a private facility, and the person or persons holding title to the property shall be responsible for operation and maintenance of the drainage facility. The City may assume ownership, maintenance and/or operation of drainage facilities only if the following conditions have been met:

1. The drainage facility is located within a right-of-way; or
2. The drainage facility is not located within a right-of-way and;
 - a. All necessary easements or dedications entitling the City to properly access, operate and maintain the facility have been conveyed to the City;
 - b. The facility is located on residential property or properties;
 - c. The facility is required for reasons beyond the control of the residential property owner;
 - d. The facility does not contain waters of the State;
 - e. The facility is not required primarily as a result of impacts associated with groundwater;
 - f. The facility is not required primarily as a result of runoff from neighboring private properties;
and
 - g. Before assuming maintenance of privately maintained drainage facilities, the City will consider;
 - (1) The cost of assuming maintenance and operations
 - (2) The public benefit of assuming maintenance and operations; or
3. Operation and maintenance of the drainage facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

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- a. Flooding;
- b. Downstream erosion;
- c. Property damage due to improper function of the facility;
- d. Safety hazard associated with the facility;
- e. Degradation of water quality or in-stream resources; or
- f. Degradation to the general welfare of the community.

13.40.050 Rate structure.

A. The service charge revenue needs of the program are based upon all or any part, as determined by the city council, of the cost of surface water and stormwater management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose.

B. There is hereby imposed upon all developed properties in the City annual service charges as imposed by the city council by resolution.

13.40.060 Rate adjustments and appeals.

A. Any person billed for service charges may file a "request for rate adjustment" with the City within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

B. Requests for rate adjustment may be granted or approved by the city manager only when one of the following conditions exists:

- 1. The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low-income senior citizen property tax exemption authorized under RCW [84.36.381](#). Parcels qualifying under this subsection shall be exempt from all charges imposed in KMC [13.40.050](#);
- 2. The acreage of the parcel charged is in error;
- 3. The parcel is nonresidential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the City;

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4. The parcel is nonresidential and the parcel meets the definition of open space in KMC [13.32.580](#). Parcels qualifying under this subsection will be charged only for the area of impervious surface and at the rate which the parcel is classified under using the total parcel acreage;

5. The parcel is served by one or more retention/detention facilities required pursuant to Chapter [13.35](#) KMC, or can be demonstrated by the property owner to provide detention/retention of surface water and stormwater to the standards in Chapter [13.35](#) KMC, and is maintained at the expense of the parcel owner to the standards required by the City. Parcels served by facilities permitted 1) prior to September 1, 1998 shall receive a 10% reduction, 2) on or after September 1, 1998 and prior to January 1, 2010 shall receive a 20% reduction, 3) on or after January 1, 2010 and prior to December 31, 2016 shall receive a 30% discount, and 4) on or after December 31, 2016 shall receive a 40% reduction. Larger parcels, which are partially served by a facility, may receive a partial reduction based on the percentage of the parcel served, with only the portion of the parcel being served by the facility receiving the reduction.

6. The service charge bill was otherwise not calculated in accordance with this chapter.

C. The property owner shall have the burden of proving that the rate adjustment sought should be granted.

D. Decisions on requests for rate adjustments shall be made by the city manager based on information submitted by the applicant and by the City within 30 days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the city manager's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

E. If the city manager finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under KMC [13.40.080](#). The city manager may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

F. Decisions of the city manager on requests for rate adjustments shall be final unless, within 30 days of the date the decision was mailed, the applicant submits in writing to the city manager a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the city hearing examiner. The examiner's decision shall be a final decision pursuant to KMC [19.30.070](#). [Ord. 11-0329 § 11; Ord. 02-0139 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.080).]

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13.40.070 Billing procedure.

A. All property subject to charges of the program shall be billed based on the property characteristics existing on November 1st of the year prior to the billing year and at the rate as set forth in KMC [13.40.060](#). Billing year is the year that the bills are sent. The service charge shall be displayed and billed on the annual property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property tax bills are prepared. Parcels which are exempt from property taxes and do not receive an annual property tax statement will receive a bill only for the service charge. If a payment less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge is received for a combined property tax and service charge, and the parcel owner has not otherwise specified, the city manager shall first apply the payment to the annual property tax of the parcel pursuant to the provisions of Chapter [84.56](#) RCW and then apply any remaining amount to the service charge.

B. The total amount of the service charge shall be due and payable to the city manager on or before the thirtieth day of April and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the said thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.

C. Parcel characteristics affecting the service charge which are altered after November 1st of any year shall not be a basis for calculation of the service charge until after December 31st of the following year.

13.40.080 Delinquencies and foreclosures.

A. Delinquent service charges shall bear interest as provided in RCW [36.89.092](#) at the rate of 12 percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

B. Pursuant to RCW [36.89.093](#), the City shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Pursuant to RCW [36.89.093](#), such lien shall be effective and shall be enforced and foreclosed in the same manner as the foreclosure of real property tax liens as provided in RCW [36.94.150](#). The City may commence to foreclose a surface water management service charge lien after three years from the date surface water management charges become delinquent. Pursuant to RCW [36.94.150](#) collections shall include costs of foreclosure in addition to service charges and interest. [Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.100).]

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13.40.090 Administrative procedures.

The city manager shall develop administrative procedures relating to the implementation of this chapter. This includes but is not limited to procedures for the imposition and collection of service charges and/or for filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate. [Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.120).]

13.40.100 Report of revenue and expenditure analysis.

The surface water management program shall report to the city council every three years regarding the results of a revenue and expenditure analysis for capital improvement projects in the City.[Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.125).]

[Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.08.140).]

13.40.110 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as set forth in Chapter [1.15](#) KMC. [Ord. 98-0016 § 5.]

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ATTACHMENT F – ADOPTION OF NEW CHAPTER 13.45

**CHAPTER 13.45
WATER QUALITY**

Sections:

- 13.45.010 Purpose.
- 13.45.020 Discharges into City waters.
- 13.45.030 Stormwater Pollution Prevention Manual.
- 13.45.040 Administration.
- 13.45.050 Enforcement.
- 13.45.060 Hazards.
- 13.45.070 Criminal penalty.
- 13.45.080 Civil penalties for water quality.
- 13.45.090 Construction – Intent.
- 13.45.100 Penalty.

13.45.010 Purpose.

A. The purpose of this chapter is to protect the City's surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The city council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface water and stormwater and groundwater, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City.

B. The city council finds this chapter is necessary to protect the health, safety and welfare of the residents of the City and the integrity of the City's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The city council recognizes that implementation of this chapter is required under the Clean Water Act, [33](#) U.S.C. [1251](#) et seq. In meeting the intent of the Clean Water Act, the city council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals. [Ord. 09-0299 § 1; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.005).]

13.45.020 Discharges into City waters.

A. It is unlawful for any person to discharge any contaminants into surface water and stormwater or groundwater. Contaminants include, but are not limited to, the following:

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1. Trash or debris;
2. Construction materials;
3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, and heating oil;
4. Antifreeze and other automotive products;
5. Metals in either particulate or dissolved form;
6. Flammable or explosive materials;
7. Radioactive material;
8. Batteries;
9. Acids, alkalis, or bases;
10. Paints, stains, resins, lacquers, or varnishes;
11. Degreasers and solvents;
12. Drain cleaners;
13. Pesticides, herbicides, or fertilizers;
14. Steam cleaning wastes;
15. Soaps, detergents, or ammonia;
16. Swimming pool backwash;
17. Chlorine, bromine, and other disinfectants;
18. Heated water;
19. Domestic animal wastes;
20. Sewage;
21. Recreational vehicle waste;
22. Animal carcasses;

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23. Food wastes;
24. Bark and other fibrous materials;
25. Collected lawn clippings, leaves, or branches;
26. Silt, sediment, or gravel;
27. Dyes (except as stated in subsection (D)(1) of this section);
28. Chemicals, not normally found in uncontaminated water; and
29. Any hazardous material or waste not listed above.

B. Any connection, identified by the city manager, that could convey anything not composed entirely of surface water and stormwater directly to surface water and stormwater or groundwater is an illicit connection and is prohibited, with the following exceptions:

1. Connections conveying allowable discharges;
- b. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State waste discharge permit; and
- c. Connections conveying effluent from on-site sewage disposal systems to subsurface soils.

C. This section applies to certain business and residential activities that have the potential to contribute pollutants to stormwater runoff or directly to receiving waters. To prevent a prohibited discharge, BMPs from the Stormwater Pollution Prevention Manual, or supplemental BMPs as determined necessary by the city manager, shall be applied to the activities identified in the Stormwater Pollution Prevention Manual. Examples of common activities identified in the Stormwater Pollution Prevention Manual that might result in prohibited discharges include, but are not limited to, the following:

1. Potable water line flushing;
2. Dust control with water;
3. Automobile and boat washing;
4. Pavement and building washing;
5. Swimming pool and hot tub maintenance;

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6. Vehicle and equipment repair and maintenance;
7. Building repair and maintenance;
8. Landscaping activities and vegetation management;
9. Hazardous waste handling;
10. Solid and food waste handling; and
11. Application of pesticides or other chemicals (other than landscaping maintenance).

D. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the city manager determines that the type of discharge, whether singly or in combination with other discharges, is causing significant contamination of surface water and stormwater or groundwater:

1. Spring water;
2. Diverted stream flows;
3. Uncontaminated water from crawl space pumps, foundation drains, or footing drains;
4. Pumped groundwater flows that are uncontaminated;
5. Materials placed as part of an approved habitat restoration or bank stabilization project;
6. Natural uncontaminated surface water or groundwater;
7. Flows from riparian habitats and wetlands;
8. Collected rainwater that is uncontaminated;
9. Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems;
10. Air conditioning condensation;
11. Irrigation water from agricultural sources that is commingled with stormwater runoff; and
12. Other types of discharges as determined by the city manager.

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E. Exceptions.

1. Dye testing is allowable but requires verbal notification to the city manager at least one day prior to the date of test.
2. A person does not violate subsections A and B of this section if:
 - a. That person has properly designed, constructed, implemented and is properly maintaining BMPs, and is carrying out AKART as required by this chapter, but contaminants continue to enter surface water and stormwater or groundwater; or
 - b. That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.
3. A person who, under subsection (E)(2) of this section, is not in violation of subsections A and B of this section, is still liable for any prohibited discharges through illicit connections, dumping, spills, or other discharges not addressed by BMPs satisfying subsection (E)(2) of this section that allow contaminants to enter surface water and stormwater or groundwater.
4. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety shall be exempt from this section. The city manager may specify actions that qualify for this exception in City procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. [Ord. 09-0299 § 3; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.025).]

13.45.030 Stormwater Pollution Prevention Manual.

A. Adoption. The King County Stormwater Pollution Prevention Manual (SPPM), dated April, 2016, as modified by KMC 13.45.030.B, is hereby adopted for use in the City. Revisions of the SPPM by King County shall be applicable in the City only if approved by the city council.

B. Modifications to the Stormwater Pollution Prevention Manual. The city council adopts the Kenmore Addendum to the 2016 King County Stormwater Pollution Prevention Manual for the following purposes:

1. To translate specific wording or reference from King County to the City;

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2. To cross-reference City ordinances and City maps in lieu of King County ordinances and maps;
3. To provide a linkage or reference to other City requirements such as more restrictive requirements outlined in basin plans and the City's Critical Areas Ordinances; and
4. To provide exceptions and additions to the KCSWDM.

C. Compliance with this chapter shall be achieved through the use of best management practices described in the Stormwater Pollution Prevention Manual. In applying the Stormwater Pollution Prevention Manual, the city manager shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface water and stormwater or groundwater, the city manager may require implementation of treatment BMPs, as set forth in AKART. The city manager will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.

D. In applying the Stormwater Pollution Prevention Manual to prohibited discharges from normal single-family residential activities, the city manager shall use public education and warnings as the primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in Chapter [1.20](#) KMC, unless the city manager determines:

1. The discharge from a normal single-family residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface water and stormwater or groundwater; or
2. The discharge from a normal single-family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City right-of-way, utilities or other City-owned or maintained property.

E. Persons implementing BMPs through another federal, State, or local program shall not be required to implement the BMPs prescribed in the Stormwater Pollution Prevention Manual, unless the city manager determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make their plan available to the City upon request. Persons who qualify for exemptions include, but are not limited to, persons who are:

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1. Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
2. Implementing and maintaining, as scheduled, a City-approved farm management plan;
3. Implementing BMPs in compliance with Chapter [18.70](#) KMC;
4. Implementing BMPs in compliance with the management program of the City's NPDES permit;
5. Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use, or when regulatory authority is otherwise provided to local government by RCW [76.09.240](#); or
6. Identified by the city manager as being exempt from this section. [Ord. 09-0299 § 4; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.035).]

13.45.040 Administration.

The city manager is authorized to implement and enforce the provisions of this chapter. The city manager is authorized to promulgate and adopt administrative rules and regulations for the purpose of implementing and enforcing the provisions of this chapter. [Ord. 09-0299 § 5; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.045).]

13.45.050 Enforcement.

- A. The city manager is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of this chapter, Chapters [1.15](#) and [1.20](#) KMC. and other enforcement provisions adopted by rule.
- B. The city manager shall use public education, warnings, technical assistance and the implementation of BMPs and, when necessary, AKART, as the primary methods of gaining compliance with this chapter, unless the city manager determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in KMC [13.45.060](#), Hazards.
- C. The city managers shall develop and implement additional enforcement procedures. These procedures shall indicate how the City will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.
- D. The city manager is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

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1. The city manager may observe BMPs or examine or sample surface water and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings. The person in violation of this chapter shall be responsible for all costs and expenses related to the City's sampling, examination, analysis, application of BMPs authorized herein and/or abatement of the violation.

2. When the city manager has made a determination under subsection (D)(1) of this section that any person is violating this chapter, the city manager may require the violator to sample and analyze any discharge, surface water and stormwater, groundwater, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the city manager. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the city manager. The person in violation of this chapter shall be responsible for all costs and expenses related to the sampling, examination, analysis, application of BMPs required by the city manager and/or abatement of the violation.

E. In addition to any other penalty or method of enforcement, the City may bring actions for injunctive or other relief to enforce this chapter. [Ord. 09-0299 § 6; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.050).]

13.45.060 Hazards.

A. Whenever the city manager determines that any violation of this chapter poses a hazard to public health, safety, or welfare, endangers any property, or adversely affects the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City, the person holding title to the subject property, and/or other person or agent in control of said property, upon receipt of notice in writing from the city manager, shall within the period specified therein address the cause of the hazardous situation in conformance with the requirements of this chapter.

B. Notwithstanding any other provisions of this chapter, whenever it appears to the city manager that conditions covered by this chapter exist requiring immediate action to protect the public health and/or safety, the city manager is authorized to enter at all times in or upon any such property, public or private, for the purpose of inspecting and investigating such emergency conditions. The city manager, without prior notice, may order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a misdemeanor. [Ord. 09-0299 § 7; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.060).]

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13.45.070 Criminal penalty.

Any willful violation of an order issued pursuant to KMC [13.45.050](#) or [13.45.060](#) for which a criminal penalty is not prescribed by State law is a misdemeanor. [Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.070).]

13.45.080 Civil penalties for water quality.

The enforcement provisions for water quality are intended to encourage compliance with this chapter. To achieve this, violators will be required to take corrective action and comply with the requirements of this chapter, and may be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action.

A. The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.

B. Any person in violation of this chapter may be subject to civil penalties assessed as follows:

1. An amount reasonably determined by the city manager to be equivalent to the economic benefit the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or business value received by the violator, or savings of construction or retrofitting costs realized by the violator performing any act in violation of this chapter; and
2. An amount, not to exceed \$25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the City of enforcing this chapter against the violator.

C. Any person who, through an act of commission or omission, aids or abets in a violation shall be considered to have committed the violation for the purposes of the civil penalty.

D. Each violator is jointly and severally liable for a violation of this chapter. The city manager may take enforcement action, in whole or in part, against any violator. The decisions whether to take enforcement action, what type of action to take, and which person to take action against, are all entirely within the city manager's discretion. Factors to be used in taking such enforcement actions shall be:

1. Awareness of the violation;
2. Ability to correct the violation;
3. Cooperation with government agencies; and

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4. Degree of impact or potential threat to water or sediment quality, human health, or the environment.

E. In the event more than one person is determined to have violated the provisions of this chapter, all applicable civil penalties may be imposed against each person, and recoverable damages, costs, and expenses may be allocated among the persons on any equitable basis. Factors that may be considered in determining an equitable allocation include:

1. Awareness of the violation;
2. Ability to correct the violation;
3. Ability to pay damages, costs, and expenses;
4. Cooperation with government agencies; and
5. Degree of impact or potential threat to water or sediment quality, human health, or the environment.

F. The city manager may engage in mitigation discussions with the violator. The city manager may reduce the penalties based upon one or more of the following mitigating factors:

1. The person responded to City attempts to contact the person and cooperated with efforts to correct the violation;
2. The person showed due diligence and/or substantial progress in correcting the violation; or
3. An unknown person was the primary cause of the violation.

Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation.

G. All civil penalties recovered during the enforcement of this chapter under Chapter [1.20](#) KMC shall be deposited into a fund of the City and shall be used for the protection of surface water and stormwater or groundwater as set forth in this chapter, through education or enhanced implementation. [Ord. 09-0299 § 8; Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.080).]

13.45.090 Construction – Intent.

A. This chapter is enacted as an exercise of the City's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be

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liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the City, its officers, employees or agents, for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the City, its officers, employees or agents. [Ord. 01-0124 § 1; Ord. 98-0016 §§ 2, 3 (KCC 9.12.090).]

13.45.100 Penalty.

Except as provided in KMC [13.45.080](#)(B)(1) and (2) for civil penalties, any person violating any of the provisions of this chapter may be subject to the general penalty and enforcement provisions in this chapter and Chapters [1.15](#) and [1.20](#) KMC. [Ord. 09-0299 § 9; Ord. 01-0124 § 1; Ord. 98-0016 § 5.]

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ORDINANCE 16-0428

ATTACHMENT G – AMENDMENTS TO CHAPTER 15.25

TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.25 – Land Alterations

15.25.010 – Purpose:

This chapter is intended to regulate land alterations within the City in order to protect public health, safety and welfare by:

- A. Minimizing adverse stormwater impacts caused by land alterations;
- B. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
- C. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
- D. Encouraging the retention of native vegetation and soils during clearing and grading activities;
- E. Protecting critical areas from adverse clearing and grading activities;
- F. Preventing damage to property and harm to persons caused by land alterations;
- G. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of land alteration operations; and
- H. Providing penalties for the violation of this chapter.

15.25.030 – Definitions:

O. "Impervious surface" means a non-vegetated surface which either prevents or retards the entry of water into the soil mantle under natural conditions prior to development, and/or which causes water to run off the surface in greater quantities or at a rate of flow greater than the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, gravel areas, areas of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces for the purposes of determining whether thresholds for the application of minimum requirements are exceeded, but shall be considered impervious surfaces for the purposes of runoff modeling.

15.25.070 – Permit Required – Exception:

- C. Engineering.
 - 1. Less than 2,000 square feet of replaced impervious surface or new plus replaced impervious surface that is not within critical areas or associated buffers, and

2. Land alterations that are exempt from a grading permit and that do not alter the method by which the stormwater leaves the site.

15.25.160 – Standards:

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the city manager.

1. Slope. No slope of cut and fill of surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless approved by the geotechnical engineer of record.
2. Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection A of this section.
3. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials.
4. Fill Material. Fill material shall not include organic, frozen or other deleterious materials, and shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids. No rock or similar irreducible material greater than 18 inches in diameter shall be used.
5. Drainage. Provisions shall be made to:
 - a. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill; and
 - b. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse or public storm drain system, or by other means approved by the department of public works.
6. Compaction of Permeable Surfaces. The compaction of new permeable surfaces should protect the soil moisture holding capacity. The duff layer or native topsoil shall be retained to the maximum extent practicable. Soil amendments shall be required to mitigate for lost moisture holding capacity where compaction or removal of some or all of the duff layer or underlying topsoil has occurred. The amendment must be such that the replaced topsoil is a minimum of 8 inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture holding capacity native to the site.
7. Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.
8. Access Roads Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the city manager to minimize problems of dust, mud and traffic circulation.
9. Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the city manager.

10. Warning Signs. Signs warning of hazardous conditions, if such exist, shall be established at locations as required by the city manager. All signage and traffic control shall be compliant with Manual on Uniform Traffic Control Devices.

11. Fencing. Fencing, where required by the city manager to protect life, limb and property, must be installed with lockable gates and must be closed and locked when work is not occurring at the site. The fence must be no less than five feet in height and cannot have a horizontal opening larger than two inches.

12. Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary to protect adjacent properties and to prevent damage from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary to protect foundation support and to prevent damage from water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the city manager.

13. Easements. The applicant shall provide to the department copies of recorded and executed easements for land alterations that are proposed on neighboring properties.

ORDINANCE 16-0428

ATTACHMENT H – AMENDMENTS TO SECTION 17.20.130

TITLE 17 – LAND DIVISION

Chapter 17.20 – Subdivisions and Short Subdivisions

17.20.130 – Lot Segregations – Clustered Development:

When residential lot clustering is proposed, the following provisions shall be met:

- A. Any open space resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate tract;
- B. In the R-1 zone, open space tracts created by clustering required by KMC 18.21.030 shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan or open space functional plans; to connect and increase protective buffers for critical areas; to connect and protect wildlife habitat corridors designated by the comprehensive plan; and to connect existing or planned public parks or trails. The City may require open space tracts created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy.
- C. Open spaces created through lot clustering are encouraged to include retained native vegetation.
- D. Landscape based-stormwater management practices may be located within open spaces created through lot clustering, provided they are not located within critical areas.

ORDINANCE 16-0428

**ATTACHMENT I – AMENDMENTS TO CHAPTERS 18.20, 18.21, 18.23, 18.25,
18.25A, 18.25B, 18.26, 18.27, 18.28, 18,28A, 18.29, 18.30, 18.35, 18.40, 18.50,
AND 18.52**

TITLE 18 – ZONING

Chapter 18.20 – Technical Terms and Land Use Definitions

18.20.1400 Impervious surface.

“Impervious surface” means a non-vegetated surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater. Impervious surface shall not include areas of turf, landscaping, or natural vegetation. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces under this title, but shall be considered impervious surfaces for the purposes of runoff modeling

18.20.1671 Low impact development (LID).

“Low impact development (LID)” means a stormwater management and land development strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Chapter 18.21 – Residential Zones

18.21.030 – Residential zones R-1, R-4 and R-6 – Development standards

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S			
		R-1 ¹	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> ²		1 du/ac	4 du/ac ³	6 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> ⁴			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width ⁶		35 ft. ⁷	30 ft.	30 ft.
Minimum <i>Street Setback</i>		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum Side <i>Setback</i> ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum Rear <i>Setback</i> ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
Base Height ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
<u>Base Impervious Surface: Percentage</u>		<u>30%</u>	<u>45%</u>	<u>60%</u>
Maximum <i>Impervious Surface</i> : Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

...

¹⁴ Applies to each individual *lot*. *Impervious surface* area standards for:

- a. Regional *uses* shall be established at the time of permit review;
- b. Nonresidential *uses* in residential zones shall comply with KMC [18.21.060](#) and [18.30.170](#);
- c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;
- d. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.
- e. The base *impervious surface* percentage may be exceeded, up to the maximum *impervious surface* percentage, provided low impact development strategies are implemented subject to approval by the *City Manager*.

18.21.060 – Nonresidential land uses in residential zones:

A. Impervious surface coverage shall not exceed:

- 1. Seventy percent of the site in the R-1 through R-6 zones.
- 2. Eighty percent of the site in the R-12 through R-48 zones.

Chapter 18.22 – Neighborhood Business Zone

18.22.020 – Neighborhood business zone – Development standards:

Table B. Neighborhood Business Zone Development Standards

Maximum Impervious Surface: Percentage ⁹	85%
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⁹ The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

Chapter 18.23 – Community Business Zone

18.23.040 – Zoning standards:

Table B

Minimum Interior Setback ¹	0 feet for commercial or mixed use development except for interior lot lines adjoining property zoned R-1 to R-6.
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	5 feet landscaped setback for residential except for interior lot lines adjoining property zoned R-1 to R-6. Native vegetation is encouraged. For all interior lot lines adjoining a property zoned R-1 to R-6 a 15-foot landscaped setback of native vegetation is required.
Maximum Impervious Surface: Percentage	90%

Chapter 18.24 – Downtown Residential Zone

18.24.040 – Zoning standards:

Table B. Downtown Residential Development Standards

Minimum Street Setback	Primary structure – 6 ft. min.; 8 ft. min. average Garage, carport, paved parking – 10 ft.
Maximum Street Setback	West of 68th Avenue NE, the maximum setback is 10 ft
Minimum Interior Setback	5 ft.; otherwise when adjoining property zoned R-1 to R-6 zone then 20 ft.
Maximum Impervious Surface: Percentage	90%

Chapter 18.25 – Downtown Commercial Zone

18.25.040 – Zoning standards:

Table B. Downtown Commercial Development Standards

Street Setback	Minimum 10 ft. from SR-522, unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards; other streets 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards The City may authorize intrusions of structural elements into the public right-of-way, including awnings, columns, bay windows, or others, through the design review, site plan review, building permit review, or right-of-way use permit processes, if such intrusions would not impede safe travel by pedestrians, solar access is
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	not significantly diminished, and City liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Maximum Impervious Surface: Percentage	90%

Chapter 18.25A – Urban Corridor Zone

18.25A.060 – Zoning standards:

Table C. Urban Corridor Zone Development Standards

Minimum Interior Setback	20 ft ³
Maximum Impervious Surface: Percentage	90%

³ Required on property lines adjoining residential zones.

18.25A.070 – Additional Development Standards:

A. Where the urban corridor zone abuts a residential zone, the city manager may require additional landscaping pursuant to Chapter 18.35 KMC, blank wall treatments pursuant to Chapter 18.52 KMC, and/or measures to address building mass and bulk pursuant to KMC 18.52.310 and/or 18.52.330 in order to mitigate impacts of new development on neighboring residential areas.

B.4.d. Vegetation, including required vegetation screening, provided it is designed and of a size that will not obscure the view from the public right-of-way to the lake at the time of planting or upon future growth. Low growing, native vegetation is encouraged. In the event of a conflict between required landscaping and view preservation, view preservation shall take precedence over landscaping requirements;

Chapter 18.25B – Waterfront Commercial Zone

18.25B.040 – Zoning standards:

Table B. Waterfront Commercial Development Standards

Street Setback	10 ft ²
Minimum Interior Setback	20 ft ³
Maximum Impervious Surface: Percentage	90%

² Fuel pump islands shall be placed no closer than 25 feet to street front lines.

³ Required on property lines adjoining residential zones.

18.25B.050 – Additional Development Standards:

A. Where the waterfront commercial zone abuts a residential zone, the city manager may require additional landscaping pursuant to Chapter 18.35 KMC, blank wall treatments pursuant to Chapter 18.52 KMC, and/or measures to address building mass and bulk pursuant to KMC 18.52.310 and/or 18.52.330 in order to mitigate impacts of new development on neighboring residential areas. Native vegetation is preferred for these screening treatments.

Chapter 18.26 – Regional Business Zone

18.26.070 – Zoning standards:

Table D. Regional Business Zone Development Standards

Minimum Street Setback	10 ft ²
Minimum Interior Setback	20 ft ³
Maximum Impervious Surface: Percentage	90%

² Gas station pump islands shall be placed no closer than 25 feet to street front lines.

³ Required on property lines adjoining residential zones.

18.26.080 – Additional Development Standards:

A. Where the regional business zone abuts a residential zone, the city manager may require additional landscaping pursuant to Chapter 18.35 KMC, blank wall treatments pursuant to Chapter 18.52 KMC, and/or measures to address building mass and bulk pursuant to KMC 18.52.310 and/or 18.52.330 in order to mitigate impacts of new development on neighboring residential areas.

Chapter 18.27 – Public and Semi-Public Zone

18.27.040 – Public and semi-public zone – Development standards:

Table B. Public and Semi-Public Zone Development Standards

Minimum Street Setback	0 ft., 10 ft., or 20 ft. ³
Minimum Interior Setback	0 ft., 5 ft., or 20 ft. ³
Maximum Impervious Surface: Percentage	70%, 90% ⁵

³ a. Street setbacks: the minimum street setback varies depending on the adjacent zoning:

(1) Zero feet if adjacent zoning is downtown commercial or downtown residential.

(2) Twenty feet if adjacent zoning is R-1 to R-6.

(3) Ten feet in all other cases.

b. Interior setbacks: zero feet if adjacent zoning is downtown commercial or downtown residential; 20 feet if adjacent zoning is R-1 to R-6; five feet in all other cases.

- ⁵ a. Ninety percent if abutting properties are zoned downtown commercial or downtown residential or regional business. Seventy percent in all other cases.
- b. Measures to reduce impervious surfaces and to promote low impact development shall be employed unless infeasible, consistent with adopted Kenmore stormwater management standards.

18.27.050 – Additional Development Standards:

A. Where the public and semi-public zone abuts a residential zone, the city manager may require a landscaping screen pursuant to Chapter 18.35 KMC in order to screen views of parking lots, accessory buildings, or other features within the public and semi-public zone. Aesthetic safety, security, and maintenance factors shall be considered when considering the type of screen to be employed. Native vegetation is preferred for these screening treatments.

Chapter 18.28 – Parks Zone

18.28.040 – Parks zone – Development standards:

Table B. Parks Zone Development Standards

Minimum Street Setback	0 ft., 10 ft., or 20 ft. ³
Minimum Interior Setback	5 ft. or 20 ft. ³
Maximum Impervious Surface: Percentage	2-30% ⁵

- ³ a. Street setbacks: the minimum street setback varies depending on the adjacent zoning:
- (1) Zero feet if adjacent zoning is downtown commercial or residential.
 - (2) Twenty feet if adjacent zoning is R-1 to R-6.
 - (3) Ten feet in all other zones.
- b. Interior setbacks: 20 feet if adjacent zoning is R-1 to R-6; five feet in all other zones.
- ⁵ a. For the purposes of this zone, paved trails are not considered impervious surface; provided, that City stormwater and other applicable requirements are met.
- b. The following maximum impervious surface standards apply based on the size of the park property;
- (1) One hundred acres or greater: five percent.
 - (2) Thirty to 100 acres: 10 percent.
 - (3) Less than 30 acres: 30 percent.
- b. Measures to reduce impervious surfaces and to promote low impact development shall be employed unless infeasible, consistent with adopted Kenmore stormwater management standards.

18.28.050 – Additional Development Standards:

A. Where the parks zone abuts a residential zone, the city manager may require a landscaping screen pursuant to Chapter 18.35 KMC in order to screen views of parking lots, accessory buildings, or other features within the parks zone. Aesthetic, safety, security, and maintenance factors shall be considered when considering the type of screen to be employed. Native vegetation is preferred for these screening treatments.

Chapter 18.28A – Golf Course Zone*18.28A.040 – Golf course zone – Development standards:*

Table B. Golf Course Zone Development Standards

Minimum Street Setback	20 ft. or 30 ft. ³
Minimum Interior Setback	10 ft. or 20 ft. ³
Maximum Impervious Surface: Percentage	10% ⁵

³ a. Street setbacks: the minimum street setback varies depending on the adjacent zoning:

(1) Thirty feet if adjacent zoning is R-1 to R-6.

(2) Twenty feet in all other cases.

b. Interior setbacks: 20 feet if adjacent zoning is R-1 to R-6; 10 feet in all other cases.

c. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the interior setback requirements; provided, that the maximum height shall not exceed 75 feet.

⁵

a. Measures to reduce impervious surfaces and to promote low impact development shall be employed unless infeasible, consistent with adopted Kenmore stormwater management standards.

18.28A.050 – Golf Course Zone - Additional Development Standards:

A. Where the golf course zone abuts a residential zone, the city manager may require a landscaping screen pursuant to Chapter 18.35 KMC in order to screen views of parking lots, accessory buildings, or other features within the golf course zone. Aesthetic, safety, security, and maintenance factors shall be considered when considering the type of screen to be employed. Native vegetation is preferred for these screening treatments.

18.29.070 – Parking.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC 18.40.030.

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

Chapter 18.30 – Development Standards – General

18.30.230 – Setbacks – Projections and structures allowed:

N. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

1. Consistent with setback, easement and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of a rear or interior lot line;

Chapter 18.35 – Development Standards – Landscaping

18.35.040 – Landscaping – Screen types and description:

The three types of landscaping screens are described and applied as follows:

A. Type I Landscaping Screen.

1. Type I landscaping is a “full screen” that functions as a visual barrier.
2. Type I landscaping shall minimally consist of:
 - a. A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - b. Between 70 and 90 percent evergreen trees;
 - c. Trees provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Evergreen shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090;

3. Landscape-based stormwater management facilities are permitted within Type I Landscaping Screen areas provided that the screening objectives in KMC 18.35.040.A.1 and KMC 18.35.040.A.2 are achieved.

B. Type II Landscaping Screen.

1. Type II landscaping is a “filtered screen” that functions as a visual separator.
2. Type II landscaping shall minimally consist of:
 - a. A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
 - b. At least 50 percent deciduous trees and at least 30 percent evergreen trees;
 - c. Trees provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090;

3. Landscape-based stormwater management facilities are permitted within Type I Landscaping Screen areas provided that the screening objectives in KMC 18.35.040.B.1 and KMC 18.35.040.B.2 are achieved.

C. Type III Landscaping Screen.

1. Type III landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations.
2. Type III landscaping shall minimally consist of:
 - a. A mix of evergreen and deciduous trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
 - b. At least 70 percent deciduous trees;
 - c. Trees provided at the rate of one per 25 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090.

3. Landscape-based stormwater management facilities are permitted within Type I Landscaping Screen areas provided that the screening objectives in KMC 18.35.040.B.1 and KMC 18.35.040.B.2 are achieved.

18.35.050 – Landscaping – Street trees for single-family subdivisions:

For single-family subdivisions:

A. Trees shall be planted at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street. Native vegetation cultivars are preferred;

B. The trees shall be:

1. Located within the street right-of-way if permitted by the City;
2. No more than 20 feet from the street right-of-way line if located within a lot;
3. Maintained by the adjacent landowner unless part of a City maintenance program; and
4. A species approved by the City if located within the street right-of-way and compatible with overhead utility lines;

C. The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections.

18.35.070 – Landscaping – Surface parking areas:

D. Landscaping around the perimeter of a site that is in addition to the perimeter landscaping required by KMC 18.35.045 may count toward 10 percent of the required surface parking area landscaping in all zones except the DC and DR zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street (see subsection F of this section), if it is adjacent to the parking area;

E. Parking area landscaping shall consist of:

1. Canopy-type deciduous trees, evergreen trees, evergreen shrubs and ground covers planted in islands or strips. Native vegetation cultivars are preferred;
2. Internal parking lot landscaping shall be configured as landscape-based stormwater management feature unless infeasible.
3. Shrubs that do not exceed a maintained height of 42 inches;
4. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a minimum dimension of not less than five feet;
5. Ground cover in accordance with KMC 18.35.090; and

6. At least 70 percent of trees are deciduous.

18.35.080 – Landscaping – General standards for all landscape areas:

All new landscape areas proposed for a development shall be subject to the following provisions:

- A. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- B. All new turf areas, except all-weather, sand-based athletic fields, shall:
 1. Be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep; or
 2. Have an organic content of five percent or more to a depth of six inches.
- C. Except as specifically outlined for turf areas in subsection B of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.
- D. Landscape areas, except turf or areas of established ground cover, shall be covered with at least two inches of mulch to minimize evaporation.
- E. Plants having similar water use characteristics shall be grouped together in distinct hydrozones.
- F. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged.
- G. Landscape areas proposed as stormwater management facilities shall be designed in accordance with the Kenmore Stormwater Management standards.

Chapter 18.40 – Development Standards – Parking and Circulation

18.40.010 – Purpose:

The purpose of this chapter is to provide adequate parking for all uses allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by:

- A. Setting minimum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities within activity centers;
- B. Providing incentives to rideshare through preferred parking arrangements;
- C. Providing for parking and storage of bicycles;
- D. Requiring the use of permeable surfacing unless infeasible;

E. Providing safe, direct pedestrian access from public rights-of-way to structures and between developments; and

F. Requiring uses which attract large numbers of employees or customers to provide transit stops.

18.40.030 – Computation of required off-street parking spaces:

F. Exceedance of Minimum Parking – Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking in excess of the minimum parking requirements shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.

G. Exceedance of Minimum Parking – Zones Other than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.

H. Tree Retention – DC and DR Zones. Where an applicant proposes retention of trees in accordance with KMC 18.35.100(G) in the DC and DR zones, the city manager may reduce parking requirements by one parking space for every two significant trees that are saved in excess of the significant tree ordinance requirements.

18.40.130 – Compact car allowance requirements:

In any development containing more than 20 parking spaces, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

A. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;

B. Aisle widths shall conform to the standards set for standard size cars; and

C. Apartment developments with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces.

Chapter 18.50 – Development Standards – Design Requirements for Specific Uses

18.50.150 – Mobile home parks – Standards for new parks:

D. A mobile home park shall not exceed 90% impervious surface coverage;

Chapter 18.52 – Downtown Design Standards

18.52.010 – Purpose and Intent:

The Kenmore downtown design standards are intended to implement the City's comprehensive plan and vision for the creation of "...a community with an attractive, vital, pedestrian-oriented City center offering commercial, civic, cultural and park spaces, integrated with higher density housing..." and "...a community with clear design standards creating attractive, functional, and enduring buildings and places...."

The purpose of the downtown design standards is to create a pedestrian-oriented downtown by identifying appropriate site and development standards, including green infrastructure, for new development.

The Kenmore design standards are structured in the following manner.

18.52.100 – Pedestrian walkways:

B.4.a Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material. Not all portions of the pedestrian walkway are required to be paved; however, a minimum of 60 percent of the pedestrian walkway shall provide an all-weather walking surface;

18.52.120 – Public spaces and plazas:

B.2.a Special Paving. Scored concrete, stained/colored concrete, concrete pavers, paving inlays, mosaics, or other special paving material.

18.52.160 – Building setbacks (for residential/primarily residential uses):

B.3 Palette of Front Yard Transition Elements. Use two or more of the following elements to provide front yard transitions and create usable front yard space:

- a. Steps;
- b. Low fences;
- c. Trellises;
- d. Site furnishings;
- e. Low hedges, trees, and landscaped borders;
- f. Raingardens or bioretention facilities;
- g. Patios if a low fence or trellis is included for added privacy.

18.52.180 – Parking lot screening:

B. Standards – Required.

1. Perimeter Screening. Where surface parking lots are adjacent to a public right-of-way, the parking lot shall provide a minimum 10-foot-wide planting strip between the parking lot and right(s)-of-way. Landscape requirements in Chapter 18.35 KMC also apply.
2. Screening Techniques. Year-round perimeter screening shall provide a visually impervious screen utilizing one or more of the following screening techniques:
 - a. Screen Walls. Low walls, opaque hedge walls, etc., shall be a minimum of three feet in height and maximum of four feet in height. Where screen walls are used, the 10-foot-wide planting strip requirement may be reduced by two feet.
 - b. Screen Wall Transparency. For screen walls taller than four feet in height, all elements above four feet shall be made of semitransparent materials, i.e., lattice walls, trellises, etc. Those portions of the screen wall taller than four feet in height shall be a minimum of 85 percent transparency (i.e., see-through railing, trellis, or similar treatment).
 - c. Evergreen Shrubs. Shrubs shall be maintained at a maximum four feet in height from the sidewalk to maintain visibility into the site for security/safety purposes. At planting, shrubs shall be a minimum two-gallon pot size or balled and burlapped equivalent.
 - d. Trees. A mixture of evergreen and deciduous trees and shrubs. At planting, deciduous trees shall be a minimum three-inch caliper. Evergreen trees shall be a minimum of six-foot height to the uppermost branching point at planting.
 - e. Wood Fences. If a wood fence is used, the fence shall have decorative detailing at the top (i.e., trellis materials) and an eight-foot-wide planting strip. The requirements of subsection (B)(2)(b) of this section are also applicable.
 - f. Bioretention landscaping. Bioretention landscaping may be used within the perimeter screen in conjunction with one or more of the options in subsections (B)(2)(a) thorough (e).

18.52.200 – Outdoor service and storage areas:

B. Standards – Required.

1. Siting of On-Site Storage Areas. All outdoor service and storage areas such as mechanical equipment, outdoor storage, trash/recycling containers, satellite dishes, accessory telecommunications devices, etc., shall be fully screened and shall not be visible from adjacent public streets or from views above from adjacent buildings. The Kenmore development standards and design requirements of KMC 18.30.250 also apply.
2. At-Grade Service Areas. At-grade storage areas such as outdoor storage and/or trash/recycling containers shall be screened from adjacent streets and public rights-of-way and from views above from adjacent buildings. Pedestrian-oriented trash receptacles along walkways and in public spaces are excepted from this requirement.

3. Screening Techniques. Service area screening shall be 100 percent sight-obscuring, year-round, utilizing one or more of the following screening techniques:

- a. Fences and Walls. Fencing and wall materials shall be integrated and compatible with the design of the building (i.e., use the building's materials on fence columns);
- b. Adjacent to Pedestrian Walkways. Where an outdoor storage area is adjacent to a pedestrian walkway, fences installed for screening may be used only in combination with either landscaping, vines, trellis, or similar landscaping screening technique;
- c. Evergreen Hedges and Shrubs. Landscaping shall meet the City's landscaping requirements for Type I landscaping;
- d. Trees. A mixture of evergreen and deciduous trees. Landscaping shall meet the City's landscaping requirements for Type I landscaping.
- f. Bioretention landscaping. Bioretention landscaping may be used within the perimeter screen in conjunction with one or more of the options in subsections (B)(3)(a) through (d).

CITY OF KENMORE SURFACE WATER DESIGN MANUAL ADDENDUM

General Introduction

The City of Kenmore adopted the 2016 King County Surface Water Design Manual (2016 KCSWDM) in order to be in compliance with the Washington State Department of Ecology Phase II Municipal Stormwater permit. This Addendum to the 2016 KCSWDM defines how the requirements of the KCSWDM are to be implemented within the City of Kenmore. The Addendum specifies all changes, additions, and deletions to the 2016 KCSWDM to make it appropriate for use within the City of Kenmore. The 2016 KCSWDM along with this Addendum define the drainage requirements for development and redevelopment projects within the City.

Purpose of and Need for the Addendum

The City has been issued a Phase II Municipal Stormwater Permit (Permit) effective August 1, 2013. The Permit was issued under the National Pollutant Discharge System (NPDES), as administered by the Washington State Department of Ecology (Ecology) within Washington State. The Permit specifies minimum requirements and technical thresholds for stormwater mitigation needed for construction sites, new developments, and redevelopments.

The City of Kenmore has previously relied upon the earlier versions of the KCSWDM to guide stormwater standards within the City. King County recently updated its manual to be consistent with the 2012 Ecology manual. Ecology has deemed the 2016 KCSWDM and associated requirements to be equivalent to the 2012 Ecology Manual. By adopting the 2016 KCSWDM and addressing the associated requirements, the City will be in compliance with the NPDES requirements that rely on the Ecology manual or approved equivalent.

The purpose of this Addendum is to tailor the 2016 KCSWDM to meet the unique conditions within the City, and be consistent with the City's codes, organization and processes. No substantive changes have been made to the 2016 KCSWDM in order to maintain equivalency in requirements and the level of protection provided by the 2016 KCSWDM.

Relationship of the KCSWDM and the City of Kenmore Development Code to Low Impact Development (LID)

The City of Kenmore adopted code amendments that minimize the loss of native vegetation and reduce runoff from developed sites. The 2016 KCSWDM requires on site flow control best management practices (BMPs) to mitigate the impacts of storm and surface water runoff generated by new impervious surfaces, new pervious surfaces, existing impervious surfaces, and replaced impervious surfaces. Flow control BMPs are methods to disperse, infiltrate, or

otherwise reduce or prevent development related increases in runoff at or near the sources of those increases. The 2016 KCSWDM provides specific design guidance for implementation of the LID measures encouraged in the City's development code. As a result, the 2016 KCSWDM and the City of Kenmore development code complement each other.

How to Use this Document

This Addendum shall be used in coordination with the 2016 KCSWDM for the following:

- To translate specific wording or reference from King County to the City.
- To cross-reference City ordinances and City maps in lieu of King County ordinances and maps.
- To provide a linkage or reference to other City requirements such as more restrictive requirements outlined in basin plans and the City's Critical Areas Ordinances.
- To provide exceptions and additions to the KCSWDM.

The 2016 KCSWDM shall be used in its entirety except as directed in this Addendum. Exceptions and additions to the 2016 KCSWDM are organized and referenced by chapter and section in the same manner as the 2016 KCSWDM. Some global changes are provided in this preface, which shall be applied throughout the entire 2016 KCSWDM. The user shall override the maps and references to other documents as indicated within this Addendum.

Addendum Organization

The information presented in this Addendum is organized as follows:

- **Preface:** This preface provides instructions for using the City of Kenmore's Addendum to the 2016 KCSWDM. It also defines terms in the 2016 KCSWDM that are used differently for the City of Kenmore; City departments that are equivalent to county departments referred to in the 2016 KCSWDM; and designations from the 2016 KCSWDM that do not apply to proposals in the City of Kenmore.
- **Chapter 1 – Drainage Review and Requirements:** The City of Kenmore has made several changes to Chapter 1 of the 2016 KCSWDM. This Addendum provides replacement and supplemental text for specific sections of Chapter 1. Apart from these changes, the King County version of Chapter 1 applies to proposals in the City of Kenmore.
- **Chapter 2 – Drainage Plan Submittal:** The City of Kenmore has made minor changes to Chapter 2 of the 2016 KCSWDM. Section 2.4.2 has been modified to include an additional requirement for the inspection of installed LID BMPs. The King County version of Chapter 2 applies to proposals in the City of Kenmore, except that the applicant shall refer to the City of Kenmore documents for technical submittal requirements, project plan requirements, and as-built requirements.

- **Chapter 3 – Hydrologic Analysis and Design:** The City of Kenmore has made no changes to Chapter 3 of the 2016 KCSWDM. The King County version of Chapter 3 applies to proposals in the City of Kenmore.
- **Chapter 4 – Conveyance System Analysis and Design:** The City of Kenmore has made minor changes to Chapter 4 of the 2016 KCSWDM. More stringent requirements for allowable pipe materials, deflection, maximum distance between structures, and other requirements are listed in the City of Kenmore Addendum. Apart from these changes, the King County version of Chapter 4 applies to proposals in the City of Kenmore.
- **Chapter 5 – Flow Control Design:** The City of Kenmore has made very minor changes to Chapter 5 of the 2016 KCSWDM. This addendum to Chapter 5 provides replacement text for the sections that are changed. Apart from these changes, the King County version of Chapter 5 applies to proposals in the City of Kenmore.

The City of Kenmore has adopted a Low Impact Development Ordinance that encourages the use of LID site planning techniques within the City. LID site planning techniques can help to reduce the size of flow control facilities required in the 2016 KCSWDM.

- **Chapter 6 – Water Quality Design:** The City of Kenmore has made minor changes to Chapter 6 of the 2016 KCSWDM. This addendum to Chapter 6 provides replacement text for the sections that are changed. Apart from these changes, the King County version of Chapter 6 applies to proposals in the City of Kenmore.

The City of Kenmore amends Chapter 6 of the 2016 KCSWDM to allow for bioretention to be utilized as a pretreatment facility.

- **Definitions:** The City of Kenmore has made changes to the definitions section of the 2016 KCSWDM. This Addendum to the Definitions section provides replacement text for the definitions that are changed. Apart from these changes, the King County version of the Definitions Section applies to proposals in the City of Kenmore.
- **Appendices:** Appendices A, C, and D apply to proposals in the City of Kenmore, appendix B does not apply.
- **References:** King County Reference sections 1, 2, 3, 4A, 4B, 7, 8 and 10 do not apply to the City of Kenmore. King County Reference section 8 has been replaced by a City of Kenmore Reference section 8. The King County version of Reference section 4C, 4D, 5, 6, 9, 11 and 14 apply to proposals in the City of Kenmore.

City Equivalents for County Agencies

Unless the context requires otherwise, any reference to “County”, “King County”, or county department, shall refer to the City of Kenmore and any reference to county staff shall refer to the City Manager or designee, unless referring to a specific department.

City Equivalents for County Ordinances

For proposals in the City of Kenmore, all reference in the KCSWDM to the following ordinances or municipal codes shall be replaced by reference as indicated in the following table.

King County Code (KCC)	Description	Kenmore Municipal Code (KMC)	Description
KCC 16.82	Clearing and Grading	Chapter 15.25 KMC	Land Alterations
KCC 21A.14	Development Standards Design Requirements	Chapters 18.21 – 18.29 KMC	Development Standards included within each zoning classification
KCC 21A.24	Critical Areas	Chapter 18.55 KMC	Critical Areas
KCC 21A.06	Technical Terms and Land Use Definitions	Chapter 18.20 KMC	Technical Terms and Land Use Definitions
KCC 20.14	Basin Plans		Surface Water Master Plan (2015)
KCC 9	Surface Water Management	Chapter KMC 13.35	Surface Water Management Policy

City Equivalents for Critical Areas

In general, references to the King County Critical Areas Ordinance (KCC 21A) are to be replaced by reference to the Kenmore Municipal Code (Chapter 18.55 KMC), Critical Areas. Definitions for critical areas and terminology may be found in Chapter 18.20 KMC. Additional details and development standards for critical areas can be found in Chapter 18.55 KMC.

City Equivalents for County Maps

For proposals in the City of Kenmore, all reference in the 2016 KCSWDM to the following maps shall be replaced by reference as indicated in the following table.

King County Map or Designation	City of Kenmore Map
Flow Control Applications Map	The King County Flow Control Applications Map included with the KCSWDM shall not be applied in the City of Kenmore. The Swamp Creek basin is a flood problem flow control area (level 3) and the remainder of the City of Kenmore is a conservation flow control area (level two) except for project sites with identified downstream flooding problems that may require a higher level of flow control for impact mitigation.
Water Quality Applications Map	The King County Water Quality Applications Map included with the KCSWDM shall not be applied in the City of Kenmore. All of the City of Kenmore is a basic water quality treatment area unless the proposed land use triggers enhanced basic water quality treatment.
Erosion Hazard Near Sensitive Water Bodies Map in KCC 21A.38.210	The King County Erosion Hazard Near Sensitive Water Bodies mapping included with the KCSWDM shall not apply in the City of Kenmore.
Flood Hazard Area as defined in KCC 21A.06	The King County Flood Hazard Area mapping included with the KCSWDM shall not apply in the City of Kenmore. Flood hazard areas are depicted on the City of Kenmore Critical Areas Mapping: Streams and Wetlands map.
Erosion Hazard Area	The King County Erosion Hazard Area mapping included with the KCSWDM shall not apply in the City of Kenmore. Erosion hazard areas are depicted on the City of Kenmore Critical Areas Mapping: Geological Hazard Areas map.
Landslide Hazard Area	The King County Landslide Hazard Area mapping included with the KCSWDM shall not apply in the City of Kenmore. Landslide hazard areas are depicted on the City of Kenmore Critical Areas Mapping: Geological Hazard Areas map [KMC 13.32.390].

City Equivalents for County Plans or Studies

In general, references to county-approved plans or studies in the 2016 KCSWDM are to be replaced by reference to appropriate City-approved plans or studies. If comparable City-approved plans or studies do not exist, then references to County-approved plans or studies shall be retained for proposals in the City of Kenmore.

County Designations that do not Apply in the City

The following designations are used in the 2016 KCSWDM but are not currently used in the City

of Kenmore; any reference in the 2016 KCSWDM to the existence of areas with these designation or thresholds or requirements for such areas is to be disregarded for proposals in the City of Kenmore:

- **Agricultural Project**
- **Forest Production Zone Area**
- **Master Drainage Plans (MDPs)**
- **Rural Residential Development**
- **Sensitive Area Folio** - refer to City of Kenmore Critical Areas Maps
- **Stormwater Compliance Plans (SWCPs)**
- **Urban Planned Development**
- **Zoning Classifications:** The 2016 KCSWDM references to Agricultural (A) Zoning, Forest (F) Zoning, or Rural (R) Zoning are intended for areas outside of the Urban Growth Boundary; therefore, the City of Kenmore contains no equivalent zoning. Project proponents should refer to City zoning maps to determine which zoning classifications apply to their projects.

CHAPTER 1 – Drainage Review and Requirements

The City of Kenmore has made several minor changes to Chapter 1 of the 2016 KCSWDM. This chapter provides replacement and supplemental text for specific sections of Chapter 1. Apart from these changes, the King County version of Chapter 1 applies for proposals in the City of Kenmore. The City's changes to the County document are as follows:

- **Key Terms and Definitions (page 1-1 of the 2016 KCSWDM)** — Replace all references to KCC 21A with Chapter 18.20 KMC. In addition, the following changes to specific terms apply:

Term (page)	Action
Critical Drainage Area (p 1-2)	<i>Replace as follows per Section 13.35.040 KMC:</i> Critical drainage areas are sites where the city manager has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the city manager until such time as the community hazard is alleviated. Critical drainage areas are regulated in Section 13.35.040 KMC Critical drainage and/or erosion areas.
Erosion hazard area (p 1-3)	<i>Replace as follows per Section 18.20.940 KMC:</i> Erosion hazard areas are those areas identified by the United States Department of Agriculture Natural Resources Conservation Service or identified by a special study as having a "moderate to severe" or "very severe" erosion potential. Erosion hazard areas are defined in Section 18.20.940 KMC Erosion hazard areas and regulated under Section 18.55.600 KMC through Section 18.55.650 KMC.
Flood Hazard Area (p 1-3)	<i>Replace as follows per Section 18.20.1070 KMC:</i> Flood hazard areas are those areas in the City subject to inundation by the base flood and those areas subject to risk from channel relocation or stream meander including, but not limited to, streams, lakes, wetlands and closed depressions. Flood hazard areas are regulated in Section 18.55.700 KMC through Section 18.55.750 KMC.

Term (page)	Action
Landslide Hazard Area (p 1-5)	<i>Replace as follows per Section 18.55.1570 KMC:</i> Landslide hazard areas are areas that are potentially subject to risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors. [Ord. 11-0329 § 3 (Exh. 1).] Landslide hazard areas are regulated in Section 18.55.600 KMC through Section 18.55.650 KMC.

• **SECTION 1.1.1 PROJECTS REQUIRING DRAINAGE REVIEW (page 1-12 of the 2016 KCSWDM)**

Replace the “King County Permits and Approvals” table with the following table and replace the text in numbers 1 and 4 with:

1. The project adds or will result in either: 500 square feet or more of new impervious surface or 2,000 square feet or more of replaced impervious surface, or new plus replaced impervious surface, or (if subsection 1.1.1(1) is not met, see conditions set forth in subsections 1.1.1(2) through (7) of the Surface Water Design Manual, to determine if design review is required).
4. The project contains or is adjacent to a flood hazard area as defined in *Section 18.20.1070 KMC*, OR

Add the following as a new number 7:

7. Is a redevelopment project on a site where the total of new plus replaced impervious surface is 5,000 square feet or more, and whose valuation of proposed improvements – including interior improvements and excluding required mitigation and frontage improvements – exceeds 50 percent of the assessed value of the existing site improvements.

• **Section 1.1.2.1 PROJECTS REQUIRING DRAINAGE REVIEW (page 1-16 of the 2016 KCSWDM)**

Replace the “Threshold” text of KCSWDM 1.1.2.1 is revised so that the minimum threshold for projects eligible for Simplified Drainage Review shall be 500 square feet.

The remaining text and threshold requirements of KCSWDM 1.1.2.1, Simplified Project Drainage Review, shall apply within the City of Kenmore.

City of Kenmore Permits and Approvals	
• Administrative use permit • Amend adopted P-suffix conditions • Binding site plan • Boundary line adjustment • Building permit • Grading permit • Conditional use permit • Master plan development permit • Planned unit development	• Reasonable use exception • Right-of-way permit • Short plat • Short plat alteration • Site plan review • Subdivision • Subdivision alteration • Unclassified use permit • Variance

- **Section 1.2 CORE REQUIREMENTS, Section 1.2.2.1.2 Downstream Water Quality Problems Requiring Special Attention (page 1-30 of the 2016 KCSWDM)** — The following supplemental information is added to this section:

The 2016 KCSWDM recognizes water quality problems requiring special mitigation measures to protect receiving waters. A water quality problem is defined as a problem documented by the state to exceed the state's numeric water quality standard. The 2016 KCSWDM references Category 2, 4, and 5 water quality problems as requiring special attention. Within the City of Kenmore, the following water quality problems are currently listed by the Department of Ecology, based on the 2015 Water Quality Assessment, approved by the U.S. Environmental Protection Agency on July 22, 2016. The latest designated impaired waterbodies can be viewed at:

<http://www.ecy.wa.gov/programs/Wq/303d/currentassessmt.html>

Impaired Water Body	Parameter	Category*
Sammamish River	Bacteria, Dissolved Oxygen, and Temperature	5
Swamp Creek	Temperature, Bioassessment, Temperature, and Dissolved Oxygen	5
Swamp Creek	Mercury	2
Swamp Creek	Bacteria	4a
Unnamed creek (Trib to Swamp Creek)	Bioassessment, Dissolved Oxygen, and Temperature	5
Unnamed creek (Trib to Swamp Creek)	Bacteria	4a

Impaired Water Body	Parameter	Category*
Lake Washington	Polychlorinated Biphenyls (PCBs) and Total Phosphorus	5

* *Definition of Categories for impaired waterbodies:*

- o *Category 2: Waters of concern, some evidence of water quality problem.*
- o *Category 4a: Water bodies that have an approved TMDL in place and are actively being implemented.*
- o *Category 5: Polluted waters, a TMDL plan is required.*

Projects that discharge to the impaired waterbodies identified above may be required to implement special treatment to address the water quality problem in accordance with the requirements outlined in Section 1.2.2.3, Water Quality Problem Impact Mitigation.

The federal Clean Water Act requires that a Total Maximum Daily Load (TMDL) cleanup plan be developed for each of the waterbodies on the state's list of impaired waterbodies, known as the "303(d) list." The TMDL study identifies pollution problems in the watershed, and specifies how much pollution needs to be reduced or eliminated to achieve clean water.

- **SECTION 1.2.3 CORE REQUIREMENT NO. 3: FLOW CONTROL (page 1-38 of the 2016 KCSWDM)**
 - The following statement shall be added to the flow control requirement: "infiltration of stormwater runoff shall be used wherever feasible."
 - The remaining text of KCSWDM 1.2.3 Core Requirement No. 3: Flow Control, shall apply within the City of Kenmore.
- **Section 1.2.3.1 AREA-SPECIFIC FLOW CONTROL FACILITY REQUIREMENT**
 - o Section 1.2.3.1.A (Basic Flow Control Areas) shall not apply within the City of Kenmore.
 - o Section 1.2.3.1.B (Conservation Flow Control Areas) shall apply throughout the City of Kenmore, except where the City has determined that Flood Problem Flow Control is needed.
 - o Section 1.2.3.1.C (Flood Problem Flow Control Areas) shall apply within the Swamp Creek basin within the City of Kenmore.
 - o The "Impervious Surface Percentage Exemption for Agricultural Projects" (KCSWDM 1.2.3.1) is void and shall not apply within the City of Kenmore.
 - o Add new sections following IMPERVIOUS SURFACE PERCENTAGE EXEMPTION FOR

AGRICULTURAL PROJECTS (page 1-42 of the 2016 KCSWDM)

- MAINTENANCE EXEMPTIONS

The following pavement maintenance practices are exempt:

- a) Pothole and square cut patching
- b) Overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage (overlaying permeable or pervious pavements with traditional (non-permeable) asphalt or pavement is not considered pavement maintenance)
- c) Shoulder grading
- d) Reshaping/regrading drainage systems
- e) Crack Sealing
- f) Resurfacing with in-kind material without expanding the road prism
- g) Pavement preservation activities that do not expand the road prism
- h) Vegetation maintenance
- i) Catch basin and pipe maintenance
- j) Regrading/reshaping/resurfacing of existing ramps or sidewalks to meet ADA requirements
- k) Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
- l) Projects that do not impact the base course are exempt and are not considered “replaced impervious”.

- MAINTENANCE NON-EXEMPTIONS

The following pavement maintenance practices are not exempt:

- a) The practices subject to the Core Requirements that are triggered when the thresholds are met or exceeded. The extent to which the manual applies is explained for each circumstance.

- b) Removing and replacing a paved surface and impacting the base course. If impervious surfaces are not expanded, Core Requirements #1, 5, 6, and 9 apply.

- **Section 1.2.8 CORE REQUIREMENT #8: WATER QUALITY**

- o Add the following new maintenance exemptions and non-exemptions under the section EXEMPTIONS FROM CORE REQUIREMENT #8 (page 1-69 of the 2016 KCSWDM)

5. MAINTENANCE EXEMPTIONS

The following pavement maintenance practices are exempt:

- a) Pothole and square cut patching
- b) Overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage (overlaying permeable or pervious pavements with traditional (non-permeable) asphalt or pavement is not considered pavement maintenance)
- c) Shoulder grading
- d) Reshaping/regrading drainage systems
- e) Crack Sealing
- f) Resurfacing with in-kind material without expanding the road prism
- g) Pavement preservation activities that do not expand the road prism
- h) Vegetation maintenance
- i) Catch basin and pipe maintenance
- j) Regrading/reshaping/resurfacing of existing ramps or sidewalks to meet ADA requirements
- k) Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
- l) Projects that do not impact the base course are exempt and are not considered "replaced impervious".

6. MAINTENANCE NON-EXEMPTIONS

The following pavement maintenance practices are not exempt.

- a) The practices subject to the Core Requirements that are triggered when the thresholds are met or exceeded. The extent to which the manual applies is explained for each circumstance.
- b) Removing and replacing a paved surface and impacting the base course. If impervious surfaces are not expanded, Core Requirements #1, 5, 6, and 9 apply.

CHAPTER 2 – Drainage Plan Submittal

The City of Kenmore has added supplemental information and made minor changes to Chapter 2 of the 2016 KCSWDM, as described below. Apart from this information, project proponents should refer to the county document for guidance on drainage plan submittal. All submittal reviews shall be conducted by the Department of Development Services (DDS).

Supplemental Information

As part of our Surface Water Design Manual the applicant shall refer to the following documents for Project Plans.

1. Grading Permit and Engineering Permit applications. The applications and associated checklists are provided on the City's website.

Section 2.4.2 FINAL CORRECTED PLAN SUBMITTAL (page 2-39 of the 2016 KCSWDM) — Replace Section 2.4.2 in entirety as follows:

During the course of construction, special inspections are required for LID and Flow Control BMPs. Once construction is completed, a qualified professional shall provide a signed letter verifying that the BMPs have been inspected, installed correctly, and are functioning as designed. Any as-built deviations from the approved permit plan set shall be explained clearly in the letter.

CHAPTER 3 – Hydrologic Analysis and Design

The City of Kenmore has made no changes to Chapter 3 of the 2016 KCSWDM. Project proponents should refer to the county document for guidance on hydrologic analysis and design.

CHAPTER 4 – Conveyance System Analysis and Design

The City of Kenmore has made minor changes to Chapter 4 of the 2016 KCSWDM. The following stricter requirements apply as applicable in this chapter:

1. Allowed Pipe Types:

Corrugated polyethylene (CPE) pipe, Polypropylene (PP) pipe, and Polyvinyl chloride (PVC) pipe are deleted and shall be replaced with the following allowed pipe and criteria:

- WSDOT Section 9-05.24 Polypropylene Culvert Pipe, Polypropylene Storm Sewer Pipe, and Polypropylene Sanitary Sewer Pipe
- All joints for polypropylene pipe shall be made with a bell/bell or bell and spigot coupling and shall conform to ASTM D 3212 using elastomeric gaskets conforming to ASTM F 477. All gaskets shall be factory installed on the pipe in accordance with the manufacturer's recommendations.
- Qualification for each manufacturer of polypropylene storm sewer pipe requires joint system conformance to ASTM D 3212 using elastomeric gaskets conforming to ASTM F 477 and a formal quality control plan for each plant proposed for consideration.
- A Manufacturer's Certificate of Compliance shall be required and shall accompany the materials delivered to the project. The certificate shall clearly identify production lots for all materials represented. The Contracting Agency may conduct verification tests of pipe stiffness or other properties it deems appropriate.
- WSDOT Section 9-05.24(1) Polypropylene Culvert Pipe and Storm Sewer Pipe
- Polypropylene culvert and storm sewer pipe shall conform to the following requirements:
 - o For dual wall pipe sizes up to 30 inches: ASTM F2736.
 - o For triple wall pipe sizes from 30 to 60 inches: ASTM F2764.
 - o For dual wall profile pipe sizes 36 to 60 inches: AASHTO MP 21, Type S or Type D.
 - o Fittings shall be factory welded, injection molded or PVC.
- (Corrugated polyethylene drainage pipe CPEP pipe will not be allowed as it does not meet minimum standards).

2. Acceptable Pipe Sizes:

12-inch is the minimum diameter pipe to be maintained by the City. With City approval, the pipe diameter may be reduced to a minimum of 8-inch, if the pipe capacity is adequate

for design flows.

3. Storm Drain Markers:

Storm drain markers are required, if feasible, at every catch basin. Markers are to be placed in locations approved by Public Works.

4. Pipe Slope:

Minimum pipe slope shall be 0.5%

5. Storm Testing:

All storm system shall be jetted, cleaned, and televised prior to final acceptance into City maintenance.

6. Structure Locations and Appurtenances:

Maximum pipe run between structures shall 300-ft. For maintenance of structures, a truck turnaround shall be provided. Maximum distance between maintenance vehicle access and drainage structure shall be 150-ft. Structures located in non-pavement areas shall include 2-ft wide asphalt ring around structure lid.

7. Pipe Deflections:

Once backfill is complete, the line and grade at pipe flow line leaving standing water greater than ½-inch in depth shall not be accepted and must be repaired prior to acceptance by the City.

8. Pipe Anchors:

Pipe anchor shall include 1" PVC pipe to be installed through the concrete anchor below the pipe to allow passing of ground water.

9. Drainage Structures:

The most updated WSDOT Standard Plans Section B shall be used to determine acceptable design standards.

10. Drainage Structures Ladders:

Ladders required within drainage structures shall not block inlet or outlet pipes and must be accessible from structure opening. Refer to WSDOT Standard Plans for details and specifications.

11. Submerged and Surcharged Pipe:

The 100-year design elevation of downstream stormwater facilities such as stormwater ponds or vaults shall be at or below all pipe inverts. Exception to this standard is the pipe from the first catch basin just upstream of the stormwater facility may be submerged to allow pipe inlet to facility to be submerged.

CHAPTER 5 – Flow Control Design

The City of Kenmore has made minor changes to Chapter 5 of the 2016 KCSWDM. The following stricter requirements apply as applicable in this chapter:

The King County Flow Control Applications Map included with the KCSWDM shall not be applied in the City of Kenmore. The Swamp Creek basin is a flood problem flow control area (level 3) and the remainder of the City of Kenmore is a conservation flow control area (level two) except for project sites with identified downstream flooding problems that may require a higher level of flow control for impact mitigation.

CHAPTER 6 – Water Quality Design

The City of Kenmore has added supplemental information and made minor changes to Chapter 6 of the 2016 KCSWDM, as described below.

Change to 2016 KCSWDM

- The King County Water Quality Applications Map included with the KCSWDM shall not be applied in the City of Kenmore. All of the City of Kenmore is a basic water quality treatment area unless the proposed land use triggers enhanced basic water quality treatment.
- The City of Kenmore allows bioretention to be used for presettling, but it must be designed to meet presettling requirements listed in 6.5.1.2 (Presettling Requirement).

DEFINITIONS

The City of Kenmore has made the following changes to the Definitions Section of the 2016 KCSWDM. Project proponents should refer to the county document for other definitions.

Term (page)	Action
Erosion hazard area (p 9 of KCSWDM Definitions)	<i>Replace as follows (from Section 18.20.940 KMC):</i> Erosion hazard areas means those areas identified by the United States Department of Agriculture Natural Resources Conservation Service or identified by a special study as having a “moderate to severe” or “very severe” erosion potential.
Flood hazard area (p 1-10 of KCSWDM Definitions)	<i>Replace as follows (per Section 18.20.1070 KMC):</i> Flood hazard areas means those areas in the City subject to inundation by the base flood and those areas subject to risk from channel relocation or stream meander including, but not limited to, streams, lakes, wetlands and closed depressions.
Landslide Hazard Area (page 15 of KCSWDM Definitions)	<i>Replace as follows (per Section 18.20.1570 KMC):</i> Landslide hazard areas means areas that are potentially subject to risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors.

APPENDICES

The City of Kenmore has made the following changes to the Appendices section of the 2016 KCSWDM. Project proponents should refer to the county appendices where referenced below.

Appendix A: Maintenance Requirements for Flow Control, Conveyance, and WQ Facilities – The City of Kenmore has made no changes, and Appendix A applies in its entirety to the City of Kenmore.

Appendix B: Master Drainage Plan Objective, Criteria and Components, and Review Process – This appendix does not apply within the City of Kenmore.

Appendix C: Simplified Drainage Requirements – This is a separately bound document included with the KCSWDM and this appendix applies in its entirety to the City of Kenmore. Appendix C provides guidance for many of the low impact development (LID) techniques.

Appendix D: Construction Stormwater Pollution Prevention (CSWPP) Standards – This is a separately bound document included with the KCSWDM and this appendix applies in its entirety to the City of Kenmore.

REFERENCE

Table Ref-1 identifies which reference sections in the 2016 KCSWDM apply and those that do not apply to the City of Kenmore. Table Ref-2 lists additional City of Kenmore references that apply.

Table Ref-1. Applicability of KCSWDM References to projects in the City of Kenmore

No.	Description	Action
1	KCC 9.04 Surface Water Runoff Policy	This reference document shall be deleted in entirety. Project proponents should refer to Chapter 13.35 KMC.
2	Adopted Critical Drainage Areas	This reference document shall be deleted in entirety. Project proponents should refer to Chapter 18.55 KMC.
3	Other Adopted Area Specific Drainage Requirements	This reference document shall be deleted in entirety. Project proponents should refer to City codes, ordinances, and sensitive areas maps for description and requirements within sensitive areas. The project proponent shall also work with the City on additional requirements that may apply to their project.
4	Other Drainage Related Regulations and Guidelines A. Grading Code Soil Amendment Standard B. Clearing & Grading Seasonal Limitations C. Landscape Management Plan Guidelines D. Shared Facility Maintenance Responsibility and Guidance	A. Applicable. B. Not applicable. See Section 15.25.150 KMC. C. Applicable. D. Applicable.
5	Wetland Hydrology Protection Guidelines	These guidelines apply.

No.	Description	Action
6	Hydrologic/Hydraulic Design Methods A. Infiltration Rate Test B. Pond Geometry Equations C. Introduction to Level Pool Routing D. Supplemental Modeling Guidelines	This reference section is applicable.
7	Engineering Plan Support A. King County Standard Map Symbols B. Standard Plan Notes and Example Construction Sequence C. Storm Filter Facility Access and Cartridge Configuration	A. Applicable. B. Replace with City's standard plan notes. Contact City for most current version of notes. C. Not applicable. Delete this reference subsection in entirety.
8	Forms and Worksheets A. TIR Worksheet B. Offsite Analysis Drainage System Table C. Water Quality Facility Sizing Worksheets D. Flow Control and Water Quality Facility Summary Sheet and Sketch E. CSWPPP Worksheet Forms F. Adjustment Application Form and Process Guidelines G. Dedication and Indemnification Clause H. Bond Quantities Worksheet I. Maintenance and Defect Agreement J. Declaration of Covenant K. Drainage Release Covenant L. Drainage Easement M. Flow Control BMP Covenant (see replacement form name below). N. Impervious Surface Limit Covenant O. Clearing Limit Covenant P. River Protection Easement Q. Leachable Metals Covenant	A. Replace with City Form. B. Replace with City Form. C. Replace with City Form. D. Replace with City Form. E. Replace with City Form. F. Replace with City Form. G. Replace with City Form. H. Replace with City Form. I. Replace with City Form. J. Replace with City Form. K. Replace with City Form. L. Replace with City Form. M. Replace with City Form. N. Replace with City Form. O. Replace with City Form. P. Replace with City Form. Q. Replace with City Form.
9	Interim Changes to Requirements A. Blanket Adjustments B. Administrative Changes	Applicable.
10	King County Identified Water Quality Problems	Delete in entirety

No.	Description	Action
11	Materials A. (VACANT) B. (VACANT) C. Bioretention Soil Media Standard Specifications D. (VACANT) E. Roofing Erodible or Leachable Materials	A. Not applicable. B. Not applicable. C. Applicable. D. Not applicable. E. Applicable.
12	(VACANT)	Not applicable
13	(VACANT)	Not applicable
14	Supplemental Approved Facilities A. Approved Proprietary Facilities B. Approved Public Domain Facilities	A. Applicable. B. Applicable.

CITY OF KENMORE STORMWATER POLLUTION PREVENTION MANUAL ADDENDUM

General Introduction

The City of Kenmore adopted the 2016 King County Stormwater Pollution Prevention Manual (2016 SPPM) in order to be in compliance with the Washington State Department of Ecology Phase II Municipal Stormwater permit. This Addendum to the 2016 SPPM defines how the requirements of the SPPM are to be implemented within the City of Kenmore. The Addendum specifies all changes, additions, and deletions to the 2016 SPPM to make it appropriate for use within the City of Kenmore. The 2016 SPPM along with this Addendum define stormwater pollution prevention best management practices for commercial, multi-family and residential properties within the City.

Purpose of and Need for the Addendum

The City has been issued a Phase II Municipal Stormwater Permit (Permit) effective August 1, 2013. The Permit was issued under the National Pollutant Discharge System (NPDES), as administered by the Washington State Department of Ecology (Ecology) within Washington State. The Permit specifies minimum performance measures to prevent, detect, characterize, trace and eliminate illicit connections and illicit discharges into the City's drainage system.

The City of Kenmore has previously relied upon the earlier versions of the SPPM as a component of the City's illicit discharge detection and elimination (IDDE) program. King County recently updated the SPPM. By adopting the 2016 SPPM and implementing the associated best management practices, the City will be in compliance with portions of IDDE program requirements set forth in the Permit.

The purpose of this Addendum is to tailor the 2016 SPPM to meet the unique conditions within the City, and be consistent with the City's codes, organization and processes. No substantive changes have been made to the 2016 SPPM.

How to Use this Document

This Addendum shall be used in coordination with the 2016 SPPM for the following:

- To translate specific wording or reference from King County to the City.
- To cross-reference City ordinances and City maps in lieu of King County ordinances and maps.
- To provide a linkage or reference to other City requirements such as more restrictive requirements outlined in basin plans and the City's Critical Areas Ordinances.
- To provide exceptions and additions to the 2016 SPPM.

December 12, 2016

The 2016 SPPM shall be used in its entirety except as directed in this Addendum. Exceptions and additions to the 2016 SPPM are organized and referenced by chapter and section in the same manner as the 2016 SPPM. Some global changes are provided in this preface, which shall be applied throughout the entire 2016 SPPM. The user shall override the maps and references to other documents as indicated within this Addendum.

Addendum Organization

- **Preface:** This preface provides instructions for using the City of Kenmore's Addendum to the 2016 SPPM. It also defines terms in the 2016 SPPM that are used differently for the City of Kenmore; City departments that are equivalent to county departments referred to in the 2016 SPPM; and designations from the 2016 SPPM that do not apply to proposals in the City of Kenmore.
- **Chapter 1 – Overview:** The City of Kenmore has made minor changes to Chapter 1 of the 2016 SPPM. This addendum to Chapter 1 provides replacement text for the sections that are changed. Apart from these changes, the King County version of Chapter 1 applies within the City of Kenmore.
- **Chapter 2 – Stormwater Problems:** The City of Kenmore has made no changes to Chapter 2 of the 2016 SPPM. The King County version of Chapter 3 applies within the City of Kenmore.
- **Chapter 3 – Stormwater Best Management Practices For Commercial Activities:** The City of Kenmore has made no changes to Chapter 3 of the 2016 SPPM. The King County version of Chapter 3 applies within the City of Kenmore.
- **Chapter 4 – Residential BMPs:** The City of Kenmore has made no changes to Chapter 4 of the 2016 SPPM. The King County version of Chapter 3 applies within the City of Kenmore.
- **Chapter 5 – Information Sheets:** The City of Kenmore has made no changes to Chapter 5 of the 2016 SPPM. The King County version of Chapter 3 applies within the City of Kenmore.
- **Chapter 6 – Technical Assistance:** The City of Kenmore has made minor changes to Chapter 6 of the 2016 SPPM. This addendum to Chapter 6 provides replacement text for the sections that are changed. Apart from these changes, the King County version of Chapter 6 applies within the City of Kenmore.
- **Quick Phone Reference:** The City of Kenmore has made minor changes to the Quick Phone Reference section of the 2016 SPPM. This Addendum to the Quick Phone Reference section provides replacement text for the definitions that are changed. Apart from these changes, the King County version of the Quick Phone Reference section applies within the City of Kenmore.

PREFACE

City Equivalents for County Agencies

Unless the context requires otherwise, any reference to “County”, “King County”, or county department, shall refer to the City of Kenmore and any reference to county staff shall refer to the City Manager or designee, unless referring to a specific department.

City Equivalents for County Ordinances

For proposals in the City of Kenmore, all reference in the 2016 SPPM to the following ordinances or municipal codes shall be replaced by reference as indicated in the following table.

King County Code (KCC)	Description	Kenmore Municipal Code (KMC)	Description
KCC 9.12	Water Quality	Chapter KMC 13.45	Water Quality

City Equivalents for Critical Areas

In general, references to the King County Critical Areas Ordinance (KCC 21A) are to be replaced by reference to the Kenmore Municipal Code (Chapter 18.55 KMC), Critical Areas. Definitions for critical areas and terminology may be found in Chapter 18.20 KMC. Additional details and development standards for critical areas can be found in Chapter 18.55 KMC.

City Equivalents for County Plans or Studies

In general, references to county-approved plans or studies in the 2016 SPPM are to be replaced by reference to appropriate City-approved plans or studies. If comparable City- approved plans or studies do not exist, then references to County-approved plans or studies shall be retained for proposals in the City of Kenmore.

CHAPTER 1 – Overview

The City of Kenmore amends chapter 1 of the 2016 SPPM to replace the following “Other Agency Requirements” information with the applicable City information:

King County Reference	Applicable City Reference
King County Surface Water Design Manual	King County Surface Water Design Manual as adopted by KMC 13.35
King County Critical Areas and Clearing and Grading Ordinances	City of Kenmore Critical Areas and Clearing and Grading Ordinances
King County Fire Code	City of Kenmore Fire Code
King County Animal Regulations (Livestock Ordinance)	City of Kenmore Animal Regulations

CHAPTER 2 – Stormwater Problems

The City of Kenmore has made no changes to Chapter 2 of the 2016 SPPM.

CHAPTER 3 – Stormwater BMPs For Commercial Activities

The City of Kenmore has made no changes to Chapter 3 of the 2016 SPPM.

CHAPTER 4 – Residential BMPs

The City of Kenmore has made no changes to Chapter 4 of the 2016 SPPM.

CHAPTER 5 – Information Sheets

The City of Kenmore has made no changes to Chapter 5 of the 2016 SPPM.

CHAPTER 6 – Technical Assistance

The City of Kenmore amends chapter 6 of the 2016 SPPM to replace the contact information for King County Water and Land Resources Division with contact information for Kenmore Public Works, which is:

Kenmore Public Works
18120 68TH AVE NE
Kenmore, WA 98028
(425) 398-6153

Apart from these changes, the King County version of chapter 6 applies within the City of Kenmore.

Quick Phone Reference

The City of Kenmore amends the Quick Phone Reference section of the 2016 SPPM to include the phone number for Kenmore City Hall, which is (425) 398-6153. Apart from these changes, the King County version of the Quick Phone Reference applies within the City of Kenmore.



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Commercial Site Development (CSDP) and Transportation Mitigation Agreement (TMA) extension agreement for the Lakepointe project. Move to: Authorize the City Manager to sign and execute the CSDP and TMA extension agreement No.16-C1627 for the Lakepointe Project, substantial to the form attached in Exhibit A	For Council Meeting Agenda of: December 12, 2016 Department: City Manager's Office Prepared by: Rob Karlinsey <u>Initial & Date</u> Approved by Department Head: _____ Approved by City Attorney: _____ Approved by Finance Director: _____ Approved by City Manager: <u>RSK</u> Exhibits/Attachments: Exhibit A: Extension and Funding Agreement, substantial to the form attached hereto Exhibit B: CSDP and TMA Extension Letter
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INFORMATION/BACKGROUND:

The Lakepointe Commercial Site Development Permit (CSDP) was approved in 2001. Since then, the CSDP and accompanying Transportation Mitigation Agreement (TMA) have remained in place through extensions under of the authority of Kenmore Municipal Code 18.105.060(c). This section of the Code allows the City Manager to grant extensions to site plan expiration dates under certain conditions.

The Lakepointe CSDP and TMA are currently scheduled to expire on December 31, 2016. The City's prior extensions of the CSDP and TMA were granted to allow the City and Pioneer Towing Company (property owner) additional time to develop a work program, schedule and process for modifying the Lakepointe project requirements and conditions. The latest extension through December of this year allowed the potential developer, Weidner Apartment Homes (Weidner) to conduct site investigation work and meet certain milestones as shown in the CSDP/TMA extension letter dated December 15, 2015, as Exhibit B to this Agenda Bill. Weidner has satisfactorily completed the milestones described in the letter.

About two years ago, Weidner contracted with Pioneer Towing Company to purchase the Lakepointe property. Weidner is still conducting site feasibility and evaluating development options. As a result, Lakepointe, Inc., Pioneer Towing Company, and Weidner Apartment Homes have requested additional extensions to the CSDP and TMA expirations.

The Lakepointe team has continued to demonstrate a good-faith effort and project-level planning in moving the Lakepointe project forward. Weidner has assembled a team of architects, engineers, and other consultants who have been reviewing site and permit conditions and conducting planning, engineering, and other analysis to determine the best course for Lakepointe. The City Manager concurs that the Lakepointe team needs additional time to conduct further planning, assess options, and arrive at a feasible project that can move forward and help achieve the City's downtown goals. In keeping with KMC Code 18.105.060(c), the attached agreement between the City and the "Parties" (Lakepointe, Inc., Pioneer Towing Co., and Weidner Apartment Homes), extends the CSDP and TMA expiration dates for several one-year periods up to December 31, 2020 with key required milestones each year included (see Exhibit A to this Agenda Bill). Also included in the agreement, Weidner

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agrees to reimburse the City for the City's consultant fees relating to the project, up to \$150,000 in 2017 and up to \$250,000 in each of 2018 and 2019. In return, Weidner would be paid back via reduced development fees and/or future city revenue resulting from the project and only if Weidner commences construction prior to December 31, 2020.

City staff have been actively engaged with the Lakepointe team, and the two teams have been meeting regularly to discuss and address project opportunities and challenges. Given its size, location, and possibilities, Lakepointe is a critical component of Kenmore's image, downtown, and waterfront development and will play a significant role in Kenmore's upward transformation trajectory.

Exhibit A

Extension and Funding Agreement

**EXTENSION AND FUNDING AGREEMENT
CITY OF KENMORE AND WEIDNER APARTMENT HOMES**

THIS AGREEMENT is made and entered into by and between the CITY OF KENMORE, WASHINGTON (City), LAKEPOINTE, INC. (Lakepointe), PIONEER TOWING CO. (Pioneer), and WEIDNER APARTMENT HOMES (Weidner) (individually a “Party” and collectively the “Parties”).

RECITALS

A. Lakepointe and Pioneer are the owners of approximately 45 acres of land in the City along the shoreline of Lake Washington (Property).

B. King County approved, and the City has extended, a Commercial Site Development Permit (CSDP) and related Transportation Mitigation Agreement (TMA) for the Property. The CSDP and TMA provide for development of the Property as a mixed-use residential, commercial and entertainment urban village.

C. Weidner has entered into an agreement with Lakepointe and Pioneer to purchase the Property, subject to certain conditions.

D. On September 29, 2015, Lakepointe, Pioneer and Weidner (collectively, “Lakepointe Group”) requested the City to extend the CSDP and TMA beyond December 31, 2015.

E. By letter to the Lakepointe Group dated December 15, 2015, the City extended the CSDP and TMA through June 30, 2016, upon satisfaction of two conditions (2015 Extension Letter). The Lakepointe Group was required to satisfy the first condition by December 31, 2015. If the Lakepointe Group satisfied the first condition by December 31, 2015, then the Lakepointe Group was required to satisfy the second condition by January 31, 2016. If the Lakepointe Group failed to satisfy the second condition by January 31, 2016, then the CSDP and TMA would terminate on February 1, 2016. If the Lakepointe Group satisfied both conditions by January 31, 2016, then the extension was effective until June 30, 2016. The City agreed to extend the CSDP and TMA from June 30, 2016 to December 31, 2016, upon satisfaction by the Lakepointe Group of two additional conditions. Finally, both extensions (to June 30, 2016 and to December 31, 2016), were subject to thirteen (13) conditions that were carried forward from previous extensions.

F. The Lakepointe Group satisfied all of the conditions for extending the CSDP and TMA to June 30, 2016 and then to December 31, 2016.

G. The 2015 Extension Letter recognized that redevelopment of the Property (Project), whether through the CSDP and TMA or new permits and approvals, will be a complex, multi-year effort requiring significant advance planning. The 2015 Extension Letter anticipated that Weidner may request additional extensions of the CSDP and TMA. The 2015 Extension Letter required Weidner to request an extension of the CSDP and TMA prior to their expiration,

so that the City and Weidner would be able to discuss whether sufficient progress toward the Project had occurred during the extension period and whether further extension should be subject to conditions.

H. The Lakepointe Group requested an extension of the CSDP and TMA beyond December 31, 2016 in a timely manner. The Parties have determined that sufficient progress toward the Project has occurred during the extension period through December 31, 2016, including but not limited to:

- meeting the conditions for the two six-month extensions through December 31, 2016;
- making reasonable efforts to acquire adjacent properties for future transportation and Project needs;
- identifying permits and process for Project development; and
- producing a report on project transportation trip generation and methodology.

The parties acknowledge that certain conditions should be imposed on further extension(s) of the CSDP and TMA, in order to facilitate the Project, whether pursuant to the CSDP and TMA or other permits and approvals. The Parties have agreed that an extension of the CSDP and TMA to December 31, 2017 is appropriate to continue progress toward and facilitate implementation of the Project.

I. On March 10, 2016, the City and Weidner entered into a Consultant Funding Agreement (Funding Agreement), which acknowledged that implementation of the Project will be a complex, multi-year endeavor requiring City involvement in feasibility studies, infrastructure planning, coordination with local, state and federal entities, and project-specific review. The Funding Agreement observed that the hiring of a dedicated project manager (Project Manager) would be beneficial, given the scope of the Project. Consequently, the City and Weidner agreed on a scope of work for the Project Manager, and Weidner agreed to reimburse the City for one-half of the City's cost for the Project Manager, up to a maximum amount. The Funding Agreement was effective through December 31, 2016.

J. To continue the progress toward and facilitate the implementation of the Project, the City and Weidner desire to enter into a new consultant funding agreement to cover additional services of the dedicated Project Manager during the extension of the CSDP and TMA to December 31, 2017.

AGREEMENT

In consideration of the following terms and conditions, the City, Lakepointe, Pioneer and Weidner agree as follows:

1. One-year Extension of CSDP and TMA. The CSDP and TMA are hereby extended through December 31, 2017. The CSDP and TMA will be extended for additional one-year periods upon compliance with the requirements and conditions in the Sections below.

2. Conditions of All Extensions. The one-year extension through December 31, 2017 and any additional one-year extensions are subject to the conditions stated in **Exhibit A**, attached hereto, which are restatements of the thirteen (13) conditions of the 2015 Extension Letter to the Lakepointe Group, extending the CSDP and TMA to December 31, 2016, modified as necessary to apply to the one-year extension. The City, in its discretion, may waive compliance with any condition.

3. Requirements and Conditions for First Additional One-Year Extension. If the Lakepointe Group desires to extend the CSDP and TMA for another year beyond December 31, 2017 to December 31, 2018, the Lakepointe Group must submit an extension notice, including the period of extension, on or before November 30, 2017. To justify an extension through December 31, 2018, the Lakepointe Group must have satisfied or reached the following milestones by November 30, 2017:

- a. Conduct a multidisciplinary work session (aka “charrette”) to further determine the scope of the Project, including number of residential units, commercial square footage, and natural and public spaces.
- b. Develop an outreach and public input plan for communicating with the public on the Project’s progress and future.
- c. Further develop, in coordination with the City, a site concept to visually depict natural and public spaces, roads, residential, commercial, and mixed use buildings of the Project.
- d. Enter into a general agreement with the City that generally defines the parameters of the Project (number of residential units, commercial square footage, natural and public open space, etc.), working relationship with the City, and path forward, including timelines for developing the Property.
- e. Coordinate with Washington State Department of Transportation to receive feedback on traffic modelling and potential transportation improvements related to the Project.
- f. Coordinate with Washington State Department of Ecology to receive preliminary feedback and/or guidance on environmental issues related to the Project.

The City, in its discretion, may waive compliance with any milestone.

4. Requirements and Conditions for Second Additional One-Year Extension. If the Lakepointe Group desires to extend the CSDP and TMA for another year beyond December 31, 2018 to December 31, 2019, the Lakepointe Group must submit an extension notice, including the period of extension, on or before November 30, 2018. To justify an extension through December 31, 2019, the Lakepointe Group must have satisfied or reached the following milestones by November 30, 2018:

- a. Implement the outreach and public input plan, the development of which was a requirement for the first additional one-year extension.
- b. Make satisfactory progress toward Project development.
- c. Submit complete permit applications and required documentation for Property development, including but not limited to an application for an amendment to the

- TMA and/or CSDP or for a new site development permit and an application for a shoreline substantial development permit; and sign appropriate documents to commence preparation of a Draft Environmental Impact Statement.
- d. Resolve the question between the Parties as to whether the Lakepointe Property Utilization Agreement between Glacier Northwest, Inc. and Pioneer Towing Co. and Lakepointe, Inc. dated April 7, 2004 (Recording No. 20040414002559) (2004 Utilization Agreement) requires the owner of Lot B to allow construction and operation of Lakepointe Way or any other transportation and other infrastructure improvements on Lot B, and whether a boundary line adjustment is necessary to accommodate the location of Lakepointe Drive or other necessary project infrastructure.

The City, in its discretion, may waive compliance with any milestone.

5. Further Extension. If the CSDP and TMA have been extended through December 31, 2019 pursuant to Section 4 of this Agreement, and the Lakepointe Group has satisfied Section 4.c of this Agreement, prior to December 31, 2019, the CSDP and TMA shall be extended until the City has processed such applications to completion or until December 31, 2020, whichever shall occur first. The City, in its discretion, may extend this date.

6. Project Manager Hiring and Reimbursement for City Expenses.

A. The City will enter into a professional services agreement with a person or firm who will serve as a dedicated project manager (Project Manager) for the development of the Project during all of the extension periods of this Agreement. The professional services agreement shall require the Project Manager to submit monthly invoices for services performed in the previous month, which invoices shall include a reasonable description of the services rendered. The scope of work for the Project Manager for the services of the Project Manager is stated at **Exhibit B**, attached hereto and incorporated herein. Prior to entering into this Agreement, the City will advise Weidner of the identity and qualifications of the Project Manager. Weidner shall not be responsible for third-party costs incurred by the Project Manager.

B. Subject to the limitations herein, Weidner shall reimburse the City for all of the services and expenses of the Project Manager during all of the extension periods in this Agreement. Weidner also shall reimburse the City for all of the services and expenses of the City's attorneys, traffic engineers, architects/landscape architects, financial consultants and environmental consultants (Consultants) that are related to the Project, the CSDP and TMA, and this Agreement and that are rendered and incurred between January 1, 2017 and Weidner's submittal of a completed site development application. The maximum amount of reimbursement shall be \$150,000 for calendar year 2017 and \$250,000 for each of calendar years 2018 and 2019. The Parties agree that Weidner, and not Lakepointe and Pioneer, shall be responsible for reimbursement of the services and expenses of the Project Manager and the Consultants.

C. Upon payment of an invoice from the Project Manager and the Consultants, the City shall promptly send a copy to Weidner. Weidner shall reimburse the City

for the amount of an invoice within thirty (30) days of receipt of the invoice. All delinquent reimbursement amounts shall accrue interest at the rate of twelve percent (12%) per annum. If Weidner develops the Project, Weidner may use any or all reimbursement payments as credits toward eligible City fees and charges for the Project, or receive reimbursement from revenues received by the City from the Project to the extent that credits from City fees and charges are not eligible, feasible, and/or are exceeded. This credit option shall be available to Weidner only if Weidner commences development of the Project on or before December 31, 2020; provided that if a third party files a challenge to or appeal from this Agreement or any act related to this Agreement, this credit option deadline shall be extended by the period of such challenge or appeal. Commencement of development of the Project shall occur upon 1) the City's issuance of the first permit or approval for a major component of the Project, such as a building permit for a commercial or residential building, or a grading or similar permit for a major street serving the Project; and 2) actual site mobilization and breaking ground.

7. Effective Date and Term. This Agreement shall be effective on January 1, 2017, and shall terminate on the last day of the last one-year extension period for which the Lakepointe Group qualifies; provided, that Section 4(C) of this Agreement shall be effective until the terms of that section have been satisfied and completed. If a third party files a challenge to or appeal from this Agreement or any act related to this Agreement, the Parties agree to discuss the impacts of such challenge or appeal on this Agreement.

8. Notices. All notices and other communications under this Agreement shall be in writing by email, facsimile, regular U.S. mail or certified mail, return receipt requested. If to the City, the notice shall be sent to:

or to such other person or place as the City shall furnish to the Parties in writing. If to the Parties, the notice shall be sent to:

or to such other person or place as the Parties shall furnish to the City in writing. Notices shall be deemed given upon delivery or, if mailed, upon the earlier of actual receipt or three (3) business days after the date of mailing.

9. Severability. If any section or part of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, such action shall not affect the validity or enforceability of any other section or part of this Agreement.

10. Entire Agreement; Amendment. This Agreement contains the entire written

agreement of the Parties and supersedes all prior discussions and agreements. This Agreement may be amended only in writing, signed by both Parties.

11. Successors and Assigns. All of the provisions, conditions, regulations and requirements contained in this Agreement shall be binding upon the successors and assigns of the Parties.

12. No Third Party Rights. This Agreement is solely for the benefit of the Parties and gives no right to any other party or person.

13. No Joint Venture. No joint venture or partnership is formed as a result of this Agreement. No employees or agents of one Party or any of its contractors or subcontractors shall be deemed, or represent themselves to be, employees of any other Party.

14. Jurisdiction and Venue. This Agreement shall be interpreted in accordance with the laws of the State of Washington. The Superior Court of King County, Washington, shall have exclusive jurisdiction and venue over any legal action arising under this Agreement.

15. Enforcement; No Waiver; Prevailing Party Costs. In addition to the remedies provided by law, this Agreement shall be specifically enforceable by any Party. If any Party incurs attorney fees, costs or other legal expenses to enforce the provisions of this Agreement against another Party, all such fees, costs and expenses shall be recoverable by the prevailing Party. The failure of a Party to exercise any right or enforce any provision of this Agreement shall not be considered a waiver of such right or enforcement remedy.

16. Counterparts. This Agreement may be signed in counterparts and, if so signed, shall be deemed one integrated agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their authorized representatives.

CITY OF KENMORE

LAKEPOINTE, INC.

Rob Karlinsey, City Manager

Printed name: _____

Its: _____

Date: _____

Date: _____

PIONEER TOWING CO.

WEIDNER APARTMENT HOMES

Printed Name: _____

Printed Name: _____

Its: _____

Its: _____

Date: _____

Date: _____

EXHIBIT A
ADDITIONAL CONDITIONS FOR EXTENSION OF CSDP AND TMA

ADDITIONAL CONDITIONS FOR EXTENSION OF CSDP AND TMA

1. The Lakepointe Group, or its component entities or successors in interest (Applicant), must provide adequate evidence to the City, prior to the City's issuance of construction permits for the Project, that the Applicant has obtained necessary consents and authorizations from owners of all property on which such construction and operation is proposed, particularly in light of the 2004 Utilization Agreement, the effect of which is in dispute between the Parties.
2. The Applicant, prior to the City's issuance of construction permits for the Project, must amend the TMA as necessary for the Project and as required by the City. If required by the City, the owners of Lot B must approve such amendment to the TMA. The City represents (and Lakepointe and Pioneer understand) that the City is unlikely to approve the deletion of Sections 3.17 and 3.19 of the TMA.
3. The City will not accept a building permit application or permit application to construct other site improvements within the 200-foot shoreline jurisdiction without an approved Shoreline Substantial Development Permit. The CSDP (including the master plan) and building permit applications must be amended to comply with conditions of shoreline permit approval.
4. The Applicant must submit a building permit application or permit application to construct other site improvements in accordance with the City's adopted surface water regulations in effect at the time of the Application.
5. The Applicant need not comply with the City's Critical Area Ordinance (CAO) if development occurs under the CSDP. However, if the Applicant seeks a minor modification of the CSDP, such modifications shall be designed (i) not to increase any nonconformity with the CAO, and (ii) where reasonably feasible, to achieve a higher level of conformance with the CAO, as compared to the vested Project, without impairing the functionality or integrity of the development plan or imposing significant new development costs. A major modifications of the CSDP will require conformance with the CAO.
6. The Applicant must submit a building permit application or permit in accordance with Building and Construction regulations per Kenmore Municipal Code Title 15 in effect at the time of permit application.
7. The Applicant must submit an updated traffic analysis with a building permit application or permit application to construct other site improvements. The Applicant may submit this updated traffic analysis before submitting such applications. The traffic analysis must include additional AM and PM peak hour turning movement traffic counts taken at the intersections of 68th Avenue NE and SE522, NE 170th Street and Juanita Drive NE and 61st Ave NE and SR522. In addition a three-day twenty-four (24) hour roadway count must be taken on SR522 west of 61st Avenue NE and west of 68th Avenue NE south of

NE 175th Street NE. The counts must be taken between March and October. The purpose of the counts is to provide an assessment of traffic levels adjacent to the Lakepointe site compared to the counts collected in 1997 documented in the Environmental Impact Statement. If this updated traffic analysis demonstrates additional adverse environmental impacts, such as increased traffic levels, the City shall conduct additional SEPA review, and may require additional mitigation a necessary.

8. The Applicant must pay traffic and park impact fees in accordance with impact fees in effect at the time of building permit application.

EXHIBIT B
SCOPE OF WORK--PROJECT MANAGER

SCOPE OF WORK—PROJECT MANAGER

The Project Manager will perform services necessary to assist, facilitate, and manage the progression of the Lakepointe Project, as well as represent the interests of the City. The Project Manager's services will include, but not be limited to, drafting, editing and reviewing documents, attending meetings, corresponding, traveling to meetings, managing other consultants, interfacing and negotiating with other agencies and lawmakers, and performing other services pertaining to the Lakepointe Project. The Project Manager shall be the point of contact for the Lakepointe Project, and shall coordinate and facilitate City department and consultant involvement in the Lakepointe Project.

Exhibit B
CSDP and TMA Extension Letter
Dated December 15, 2015



City Of Kenmore, Washington

COPY

December 15, 2015

John C. McCullough
McCullough Hill Leary, PS
701 Fifth Avenue, Suite 6000
Seattle, WA 98104

Dear Jack,

Thank you for your letter dated September 29, 2015 requesting an extension of the Commercial Site Development Permit (CSDP) and Transportation Mitigation Agreement (TMA) for the Lakepointe project to July 31, 2017. You have made this request on behalf of Lakepointe, Inc., Pioneer Towing Company, and Weidner Apartment Homes (collectively referred to in this letter as Weidner). Both the CSDP and TMA are set to expire on December 31, 2015.

The City's prior extensions of the CSDP and TMA were granted to allow the City, Lakepointe, Inc., and Pioneer Towing Company additional time to develop a work program, schedule and process for modifying the Lakepointe project requirements and conditions. Your letter states that Weidner Apartment Homes has recently contracted to purchase the Lakepointe property and Weidner is conducting site feasibility and evaluating development options.

To allow Weidner to continue the feasibility assessment, the City will grant a six-month extension of the CSDP and TMA through June 30, 2016 upon satisfaction of the following condition:

1. On or before December 31, 2015, Phase I of a transportation access charrette must be held to conduct a multimodal infrastructure needs assessment. Weidner has contracted, with the City's concurrence, the Cedar River Group to act as facilitator for the charrette. Weidner must pay for the costs of Weidner's charrette consultants, the charrette facilitator, and up to \$10,000 of the City's charrette consultant costs that exceed \$20,000. The first \$20,000 of the City's charrette consultant costs will come from the \$10,000 contribution from Pioneer Towing Company, Inc. that was required under Section V.B.2 in the Pioneer Towing Site Restoration Shoreline Substantial Development Exemption, Grading Permit, and SEPA Determination dated December 19, 2011 (File# PRJ2011-095) as well as the City's match required in that same permit condition. The City's charrette consultant costs, for the purposes of this condition, are for both phases of the charrette (also see #3 below) and will be related to preparing for, attendance at, and follow up from the charrette. Costs will still be billed and

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Office: (425) 398-8900	Fax: (425) 481-3236	cityhall@kenmorewa.gov
	www.kenmorewa.gov	

allocated as described in this condition. Note: Phase I of the charrette occurred on December 2, 2015 and thus met this condition.

If Weidner satisfies condition #1 above and the City grants the extension of the CSDP and TMA, the extension will terminate on February 1, 2016 unless Weidner satisfies the following condition on or before January 31, 2016:

2. Weidner must submit a signed letter of agreement that (1) commits Weidner to pay for ongoing City project manager and consultant costs related to the Lakepointe project and incurred during the CSDP/TMA extension periods, and (2) establishes a maximum amount of payment for such costs that is agreed to by Weidner and the City. These costs shall be in addition to charrette costs described in condition #1 above and #3 below. If Weidner fails to submit this letter of agreement by the deadline, the City Manager may, in his sole discretion, authorize additional time to comply with this condition. The City and Weidner teams will review the City's consultant costs, tasks, and accomplishments quarterly.

If Weidner satisfies conditions #1 and 2 above and the extension is effective through June 30, 2016, the City will grant a second six-month extension to December 31, 2016 if Weidner satisfies the following two conditions:

3. The City and Weidner teams must jointly complete the second phase of the transportation access charrette (or otherwise agreed upon process) by January 31, 2016. The goal of this second phase is to identify proposed locations and configuration(s) of Lakepointe multimodal transportation infrastructure as well as other potential multimodal transportation improvements that will improve downtown Kenmore circulation and connection between Lakepointe and Kenmore's downtown on the north side of SR 522.
4. On or before June 15, 2016 Weidner must provide the following information to the City:
 - a. A conceptual site plan for a proposed Lakepointe development.
 - b. A draft timeline for project development, including permitting, development agreement negotiations (if needed), commencement of construction, and construction phasing.

The two extensions described above also are subject to the nine conditions of the City's May 19, 2011 extension letter to you and the four conditions of the City's June 14, 2013 extension letter to you, both of which are related to the CSDP and the TMA.

The City recognizes that this is a complex, multi-year project requiring significant advance planning. Accordingly, it is anticipated that Weidner may request additional extensions of the CSDP and TMA. As a result, additional CSDP and TMA extension(s) may be requested but are neither granted nor guaranteed at this time.

If Weidner requests additional extension(s), such requests must be submitted before the extension terms expire, and the City and Weidner will discuss additional progress and

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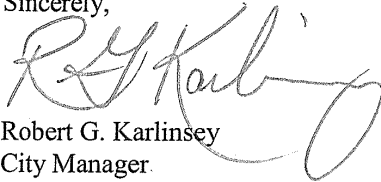
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conditions required for any further extension(s). Examples of demonstrated progress needed during the next 12 months to justify additional extension(s) may include:

- Identification of permits and process needed for project development.
- Provision of a comparison of current permitted Lakepointe project conditions to potential permit conditions of the upcoming development proposal, particularly highlighting where any requirements or conditions may need to be modified.
- Obtaining of a written agreement from the owner of Lot B (Glacier property) with respect to (1) construction and operation of Lakepointe Way and other transportation and other infrastructure improvements on or impacting Lot B (see condition 1 of May 19, 2011 letter to you), and (2) any proposed amendments to the TMA.
- Commencement of development agreement negotiations.

The City is committed to facilitating a successful development project, and we look forward to continuing working with you. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Robert G. Karlinsey
City Manager
City of Kenmore

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Kenmore, WA 98028

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