

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - PO Box 82607, Kenmore WA 98028 - Phone: 425-398-8900
Fax: 425-481-3236 - Email: city_hall@kenmorewa.gov

City of Kenmore
City Council Town Hall Meeting
6:30 p.m. - 7:20 p.m., Monday, March 19, 2012
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

City of Kenmore
City Council Regular Meeting
7:30 p.m., Monday, March 19, 2012
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

AGENDA ITEMS ARE SUBJECT TO CHANGE up to and including the time of the meeting; items may be added or dropped. Please call the City Clerk if you have any questions or to confirm the agenda items prior to the meeting at (425) 398-8900, or stop by City Hall at 18120 68th Ave. NE, Kenmore. The agendas are also available on our website at: www.kenmorewa.gov. We are trying to make our public meetings accessible to all members of the public. If you require special accommodations, please call the City Clerk at least three (3) business days prior to the meeting.

- I. OPEN TOWN HALL MEETING - 6:30 p.m.**
- II. DISCUSSION TOPIC**
 - A. DOWNTOWN DEVELOPMENT**
- III. CLOSE TOWN HALL MEETING - 7:20 p.m.**
- IV. CALL REGULAR MEETING TO ORDER - 7:30 p.m.**
- V. ROLL CALL**
- VI. FLAG SALUTE**
- VII. AGENDA APPROVAL**
- VIII. CITIZEN COMMENTS**

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.
- IX. CONSENT AGENDA**

IX. CONSENT AGENDA

- A. Approve Minutes of the February 13, 2012 Regular Council Meeting and February 27, 2012 Regular Council Meeting.
- B. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.
- C. Adopt Resolution No. 12-198 - A Resolution of the City of Kenmore, Washington Granting Final Plat Approval to the Wynfield South Subdivision (File PRJ2004-048) - Bryan Hampson, Land Development and Permitting Director
- D. Adopt Resolution No. 12-199 Setting a Public Hearing Regarding the Establishment of a Transportation Benefit District Pursuant to the Authority of RCW Chapter 36.73 - Ron Loewen, City Engineer
- E. Declare all Above Ground Structures at 18808 73rd Avenue NE and 18804 73rd Avenue NE to be Surplus and Authorized for Sale or Demolition - Ron Loewen, City Engineer
- F. Authorize the City Manager to Execute Contract Agreement No. 12-1015 with H.W. Lochner, Inc., for Engineering Services in an Amount Not to Exceed \$100,000 - Ron Loewen, City Engineer
- G. Authorize the City Manager to Execute Interlocal Agreement Contract No. 12-1016 with Northshore Utility District to Relocate a Sanitary Side Sewer as Part of the NE 181st Street Culvert Replacement Project - Ron Loewen, City Engineer

X. BUSINESS AGENDA

- A. Adoption of Ordinance No. 12-0335 - An Ordinance of the City of Kenmore, Washington; Adopting a New Chapter 8.40 of the Kenmore Municipal Code Establishing Regulations and a Permitting Process for Special Events; Amending Sections 8.05.020.J, 8.10.020, 12.35.020.A, 12.40.020.A, and 18.10.040.C of the Kenmore Municipal Code to Provide Consistent Cross-Referencing to Chapter 8.40 KMC; and Establishing an Effective Date - Bryan Hampson, Land Development and Permitting Director
- B. 2012 Legislative Session Update from Gordon, Thomas Honeywell - Nancy Ousley, Assistant City Manager
- C. SR 522 Phase 1 Stage 2 Discussion of Project Segmenting for Funding Purposes - Ron Loewen, City Engineer
- D. Accept December 2011 Financial Reports - Joanne Gregory, Finance Director
- E. Current City Manager Agreement - Nancy Ousley, Assistant City Manager

XI. COUNCIL COMMENTS/REPORTS

XII. ADJOURNMENT

XIII. UPCOMING MEETING SCHEDULE:

- A. March 26, 2012 7:00 p.m. Regular Council Meeting
- April 9, 2012 7:00 p.m. Regular Council Meeting

DRAFT MINUTES

City of Kenmore
City Council Regular Meeting
Minutes
February 13, 2012

CALL MEETING TO ORDER – Mayor David Baker called the meeting to order at 6:00 p.m.

EXECUTIVE SESSION – Mayor David Baker adjourned the regular meeting at 6:00 p.m. to an executive session to discuss Property Disposition Pursuant to RCW 42.30.110(1)(c). He stated that the executive session will last for approximately 60 minutes and that action may be taken when the meeting is reconvened back to regular session.

RECONVENE BACK TO REGULAR SESSION – Mayor David Baker reconvened the meeting back to regular session at 7:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Bob Hensel, Councilmembers Milton Curtis, Laurie Sperry, Allan Van Ness, Brent Smith and Glenn Rogers.

Staff present: Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance Director; Ron Loewen, City Engineer; Debbie Bent, Director of Planning and Community Development; Lauri Anderson, Senior Planner; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Lynn Suskin, City Clerk

FLAG SALUTE

Mayor David Baker led the flag salute.

AGENDA APPROVAL

Mayor David Baker moved the Consent Agenda to follow after Citizen Comments. The agenda was approved as amended unanimously.

CITIZEN COMMENTS

Dave Crawford, 7534 NE 175th St., Kenmore, was present to state his concerns related to LakePointe; impact of the SR 520 overload traffic; City Manager replacement; and the importance of transparency in government.

Elizabeth Mooney, 5934 NE 201st St., Kenmore, was present to state her ecological concerns related to the SR 520 Bridge Replacement Project going on at the LakePointe site.

Janet Hays, 6303 NE 181st St., Kenmore, was present to state her ecological concerns related to the SR 520 Bridge Replacement Project going on at the LakePointe site.

Dianne Bates, 6239 NE 204th Place, Kenmore, was present to state her ecological concerns related to the SR 520 Bridge Replacement Project going on at the LakePointe site.

Patrick O'Brien, 6330 NE 181st Street, Kenmore, was present to state his financial and ecological concerns related to the SR 520 Bridge Replacement Project going on at the LakePointe site.

Ben Westerhoff, 6303 NE 185th Street, Kenmore, was present to state his ecological concerns related to the fact that airplanes are still using leaded gas.

Jirius Isaac, 2006 73rd Ave. NE, Kenmore, was present to state that we do need jobs in Kenmore, but we also need clean water and beaches in Kenmore.

CONSENT AGENDA

Councilmember Glenn Rogers moved to approve the consent agenda as submitted. Councilmember Allan Van Ness seconded the motion to approve the Minutes of the January 5, 2012 Special Council Executive Session and January 9, 2012 Regular Council Meeting; Approve Claim No. 25236 in the Amount of \$2,313.17; Claim Nos. 25237-25271 in the Amount of \$132,226.24 for the Period Ending on January 20, 2012 and Claim Nos. 25272-25361 in the Amount of \$588,832.55 for the Period Ending February 3, 2012; Authorize the City Manager to Execute Contract Agreement No. 12-C1007 with King County and other Jurisdictions for 2012 Aerial Imagery Acquisition in the Amount of \$10,368.78; Authorize the City Manager to Sign a Right-of-Way Deed Dedicating 3,300 Square Feet of Property Owned by the City of Kenmore for NE 181st Street; Motion to Set Special Council Executive Session Meetings for February 16, 2012 and February 17, 2012 Per RCW 42.30.110(1)(g) – Personnel; and a Motion to Cancel the February 20, 2012 Regular Council Meeting Due to the Legal Holiday. The motion was approved unanimously.

PROCLAMATION

National Kids to Parks Day – Mayor David Baker read the proclamation into the record.

The proclamation was approved unanimously.

BUSINESS AGENDA

Adoption of Ordinance No. 12-0334 Repealing Chapters 16.05, 16.10, 16.20, 16.25, 16.30, 16.35 and Chapter 19.15 of the Kenmore Municipal Code Relating to Shoreline Management; Adopting a Comprehensive Shoreline Master Program Update Consistent With the Shoreline Management Act and State Guidelines; Adopting the Shoreline Environment Designations Map; Renumbering and Revising Chapter 16.40 of the Kenmore Municipal Code Relating to Flood Damage Prevention; Amending 18.55.030, 18.55.040, 18.55.120, 18.55.160, 18.55.170, 18.55.180, 18.55.210, 18.55.320, 18.55.330, 18.55.530, 19.25.020 and 19.30.070 of the Kenmore Municipal Code to be Consistent with the Comprehensive Shoreline Master Program Update; Amending Exhibit 2 of Ordinance No. 10-0312 to Designate Tax Parcels 1426049013 and 1426049014 as Natural; and Providing an Effective Date - Debbie Bent, Department of Planning and Community

Development and Lauri Anderson, Senior Planner, were present to provide a report in which they reviewed that the proposed Ordinance No. 12-0334 incorporates the Department of Ecology's (DOE) July 25, 2011 changes to the Shoreline Master Program (SMP) that were endorsed by Council at their November 21, 2011 Council meeting and the City's four proposed alternatives provided to DOE November 22, 2011. They stated that Council adoption of the ordinance provides DOE the opportunity to issue their final approval of the City's SMP concurrently with their approval of the four alternative proposals and that DOE must give final approval before the ordinance goes into effect. They were also available to answer any questions.

Councilmember Laurie Sperry moved to adopt the Ordinance No. 12-0334 Repealing Chapters 16.05, 16.10, 16.20, 16.25, 16.30, 16.35 and Chapter 19.15 of the Kenmore Municipal Code Relating to Shoreline Management; Adopting a Comprehensive Shoreline Master Program Update Consistent With the Shoreline Management Act and State Guidelines; Adopting the Shoreline Environment Designations Map; Renumbering and Revising Chapter 16.40 of the Kenmore Municipal Code Relating to Flood Damage Prevention; Amending 18.55.030, 18.55.040, 18.55.120, 18.55.160, 18.55.170, 18.55.180, 18.55.210, 18.55.320, 18.55.330, 18.55.530, 19.25.020 and 19.30.070 of the Kenmore Municipal Code to be Consistent with the Comprehensive Shoreline Master Program Update; Amending Exhibit 2 of Ordinance No. 10-0312 to Designate Tax Parcels 1426049013 and 1426049014 as Natural; and Providing an Effective Date. Seconded by Councilmember Milton Curtis. The motion passed unanimously.

Discussion and Consideration of a City of Kenmore Transportation Benefit District (TBD)
- Ron Loewen, City Engineer, was present to provide a staff report in which he stated that, based on previous Council meeting discussions, the City Council had directed staff to proceed with the preparation of reports and documents related to the creation of a TBD. He reviewed that during the past year, City Staff have initiated discussions regarding the creation of a Transportation Benefit District. He was also available to answer any questions.

Councilmember Glenn Rogers moved to direct Staff to schedule a public hearing to consider the establishment of a Transportation Benefit District to fund transportation improvements. Deputy Mayor Bob Hensel seconded the motion. The motion passed unanimously.

Briefing on SR 520 Tolling and Monitoring Efforts - Ron Loewen, City Engineer, was present to provide a report. He stated that he would provide more information to include with the Council's Friday mail. He was also available to answer any questions.

Discussion followed.

COUNCILMEMBER COMMENTS/REPORTS

Councilmember Glenn Rogers read the recommendations from the Council 3-member Travel Policy Committee that met on January 26, 2012. He stated that the intent of the Travel Policy Committee was to make an effort to reduce travel expenses. He stated that this issue will be reviewed again during the 2013/2014 Biennial Budget discussions.

City of Kenmore - Regular Council Meeting Minutes
February 13, 2012

Councilmember Laurie Sperry provided an update on the status of the selection process for the open positions on the Kenmore Library Advisory Board (KLAB). She also discussed the highlights of a recent KLAB meeting she attended.

Mayor David Baker reviewed the dates and proposed dates for upcoming Council Meetings.

Councilmember Allan Van Ness provided a brief summary of the recent National League of Cities (NLC) conference/meeting he attended. He also updated the Council on the recent Radio Executive Advisory Board meeting he attended.

Mayor David Baker thanked Councilmember Allan Van Ness for his summary of the NLC conference/meeting that he had also attended. He briefly discussed the NLC Information and Technology legislation that is going forward.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 9:27 p.m.

Mayor David Baker

ATTEST:

Lynn Suskin, City Clerk

DRAFT MINUTES

City of Kenmore City Council Regular Meeting Minutes February 27, 2012

CALL TO ORDER - Mayor David Baker called the meeting to order at 7:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Bob Hensel, Councilmembers Laurie Sperry, Glenn Rogers, Brent Smith, Milton Curtis and Allan Van Ness

Staff present: Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance Director; Ron Loewen, City Engineer; Jennifer Gordon, Public Works Operations Manager; Bryan Hampson, Director of Land Development and Permitting; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Lynn Suskin, City Clerk

FLAG SALUTE

Mayor David Baker led the flag salute.

ANNOUNCEMENT

Mayor David Baker announced that the Council meeting agenda has been changed. He stated that beginning this evening, and from this point forward, the Citizen Comments portion of the meeting agenda will be listed prior to the Consent Agenda.

AGENDA APPROVAL

Mayor David Baker added an Executive Session Pursuant to 42.30.110(1)(g) – Review Performance of a Public Employee to immediately follow the Council Comments/Reports section of the agenda.

The Council unanimously approved the agenda as amended.

CITIZEN COMMENTS

Dave Crawford, 7534 NE 175th St., Kenmore, was present to state his concerns related to the SR 520 Bridge Replacement Project at LakePointe.

Elizabeth Mooney, 5934 NE 201st St., Kenmore, was present to state her concerns related to the SR 520 Bridge Replacement Project that is currently taking place at LakePointe.

CONSENT AGENDA

Councilmember Glenn Rogers moved to approve the consent agenda as submitted. Councilmember Laurie Sperry seconded the motion to approve the Minutes of the January 23, 2012 Regular Council Meeting; Approval of Claim Nos. 25362-25420 in the Amount of \$328,092.42 for the Period Ending February 15, 2012; Motion to Appoint Kenmore City Council Representatives to Regional Committees; Motion to Authorize City Manager to

Execute Contract No. 12-C1006 with the King County Department of Adult and Juvenile Detention Community Work Program for Public Works Services in an Amount not to exceed \$69,832; and Motion to Cancel the March 12, 2012 Regular Council Meeting.

BUSINESS AGENDA

Ordinance No. 12-0335 of the City of Kenmore, Washington; Adopting a New Chapter 8.40 of Kenmore Municipal Code for Special Events – Bryan Hampson, Director of Land Development and Permitting, was present to provide a brief staff report. He stated that the intent of the proposed Special Events Ordinance is to provide a comprehensive process to plan and manage special events in Kenmore. He was also available to answer any questions.

Discussion followed.

Councilmember Glenn Rogers moved to table the consideration of this item to the next regular Council Meeting, which is March 19, 2012. Councilmember Milton Curtis seconded the motion. The motion passed unanimously.

Authorize the City Manager to Purchase a Tymco Model 600 Regenerative Air Sweeper in the Amount of \$203,971.13 under Contract No. 12-C979 Interlocal Agreement with HGAC for Cooperative Purchasing - Jennifer Gordon, Public Works Operations Manager, was present to provide a staff report. She reviewed that the current 2004 Tymco 600 street sweeper was originally scheduled for replacement during the 2009-2010 biennium, but it was decided to not purchase the replacement until 2012. She was also available to answer any questions.

Deputy Mayor Bob Hensel moved to authorize the City Manager to Purchase a Tymco Model 600 Regenerative Air Sweeper in the Amount of \$203,971.13 under Contract No. 12-C979 Interlocal Agreement with HGAC for Cooperative Purchasing. Councilmember Brent Smith seconded the motion. The motion passed unanimously.

Councilmember Laurie Sperry moved to direct staff to bring back the surplus of the current street sweeper for consideration at an upcoming meeting. Deputy Mayor Bob Hensel seconded the motion. The motion passed unanimously.

COUNCILMEMBER COMMENTS/REPORTS

Mayor David Baker provided an update on his recent meetings with our legislators.

Deputy Mayor Bob Hensel provided a summary of a recent Question & Answer (Q&A) Legislators' Town Hall meeting he attended at the Lake Forest Park Town Center.

EXECUTIVE SESSION – Mayor David Baker adjourned the regular meeting at 7:44 p.m. to an executive session to discuss Review Performance of a Public Employee Pursuant to RCW 42.30.110(1)(g). He stated that the executive session will last for approximately 25 minutes and that action may be taken when the meeting is reconvened back to regular session.

City of Kenmore - Regular Council Meeting Minutes
February 27, 2012

RECONVENE BACK TO REGULAR SESSION – Mayor David Baker reconvened the meeting back to regular session at 8:10 p.m.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 8:10 p.m.

Mayor David Baker

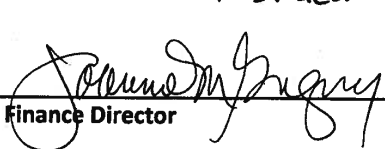
ATTEST:

Lynn Suskin, City Clerk

City of Kenmore **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 and that the following claims, paid by checks 25421-25508 which total \$168,683.30 are just, due, and unpaid obligations against the City of Kenmore/King County/Washington, and that I am authorized to authenticate and certify to said claims.


 City Manager 5 MAR 2012
 Date


 Finance Director 3/2/12
 Date

Check #	Vendor Name	Description	Check Amt
25421	CITY OF KENMORE	Payroll Entry	\$ 50.00
25422	NATIONWIDE RETIREMENT SOLUTIONS 457	Payroll Entry	1,570.00
25423	ICMA RETIREMENT TRUST 457 - 304745	Payroll Entry	2,003.84
25424	DRS 457	Payroll Entry	1,737.50
25425	AFLAC	Payroll Entry	487.65
25426	CITY OF KENMORE FS	Payroll Entry	126.96
25427	BANK OF AMERICA 941	Payroll Entry	12,784.98
25428	WA GUARANTEED EDUCATION TUITION	Payroll Entry	415.00
25429	DEPARTMENT OF LABOR AND INDUSTRIES	Payroll Entry	3,287.50
25430	UNITED WAY OF KING COUNTY	Payroll Entry	92.00
25431	NATIONAL LIFE OF VERMONT	Payroll Entry	328.34
25432	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Entry	275.00
25433	BANK OF AMERICA 941	Payroll Entry	12.02
25434	NATIONWIDE FINANCIAL 401a	Payroll Entry	11,423.64
25435	AWC EMPLOYEE BENEFITS	Payroll Entry	35,800.44
25436	DEPARTMENT OF RETIREMENT SYSTEMS	Payroll Entry	9,753.76
25437	AMERICAN GENERAL	Payroll Entry	491.18
25438	ESA ADOLFSON	Squire's Landing Jan. 2012 Svcs	300.00
25439	ADT SECURITY SERVICES	Qtrly Bldg. Security 3/1-5/31/12	280.50
25440	BRAVO ENVIRONMENTAL SERVICE	1/30/12 & 2/7/12 Service	1,341.15
25441	BULGER SAFE & LOCK, INC.	Code Enf. Abatement - Mailbox	438.00
25442	CASCADE PEST CONTROL	Rhododendron Park Monthly Svc	142.35
25443	CITY OF BELLEVUE	1ST Qtr 2012 ARCH Contribution	7,581.02
25444	CLYDE/WEST	Street Sweeper Parts	1,184.56
25445	EFFICIENCY INC	Annual Maintenance Agreement	967.98
25446	FERGUSON ENTERPRISES INC	Materials for Catch Basin Repairs	503.23
25447	FLEX ONE/AFLAC BENEFIT SERVICES	Jan. 2012 Service Fee	50.00

IXB. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.

25448	FRUHLING SAND & TOPSOIL	Disposal Charges	180.00
25449	INTERNATIONAL CITY/CNTY MGMT ASSOC	2012 Membership Dues	1,015.97
25450	KING COUNTY W.L.R.D.	WRIA 8 - 3rd Trimester 2011	2,208.66
25451	LIGHTHOUSE CONSULTING INC	Jan. 2012 IT & Anti-Spam/ Virus Svc	1,545.32
25452	MR. T'S TROPHIES	Name Plates & Name Tags	122.66
25453	NATIONAL ASSOC OF PARLIAMENTARIANS	Membership Renewal 2012	85.00
25454	NORTHSHORE UTILITY DIST	Vehicle Fuel/ Maint. Jan. 2012	6,171.43
25455	OFFICE MAX	Office Supplies	260.47
25456	PEOPLES STORAGE	March, 2012 Rent - C304	177.00
25457	PLYWOOD SUPPLY INC	Wood for Boarding Vacant Homes	496.40
25458	PUGET SOUND ENERGY	1/14-2/14/12 - Multiple Locations	3,129.94
25459	PSR MECHANICAL	HVAC Maint. @ 6700 Bldg.	752.27
25460	CEMEX	Pothole Repairs/ Patching	337.50
25461	STAPLES ADVANTAGE	Date Stamps	181.66
25462	WA CITIES INSURANCE AUTHORITY	Training Cancellation Fee	35.00
25463	WA FINANCE OFFICERS ASSOCIATION	Training (BARS) - C. Schnee	50.00
25464	WA FINANCE OFFICERS ASSOCIATION	2012 Membership - Randall, Schnee	100.00
25465	WA FINANCE OFFICERS ASSOCIATION	Training (BARS) - B. Randall	50.00
25466	WA STATE DEPT OF ENTERPRISE SVCS	Co-Op Membership	500.00
25467	COLUMBIA RIDGE LANDFILL	Dump Fees -Street Sweeping Debris	2,039.08
25468	OAC SERVICES, INC	Prof. Svcs Jan. 2012	1,776.25
25469	PROTHMAN COMPANY	Final Pymt for City Mgr Recruitment	4,166.67
25470	MAIL FINANCE	Lease Pymt 3/14/12 - 4/13/12	250.76
25471	BANNER BANK LD	Holiday Tree Lighting Supplies	182.16
25472	BANNER BANK CS	Police Dept. Supplies	434.24
25473	NATIONAL IMPRINT CORPORATION	Police Dept. Supplies	175.27
25474	BANNER BANK DB	AICP/ APA Memberships & webina	544.00
25475	BANNER BANK NO	Parking, Dues, Meetings	218.00
25476	QUALITY BUSINESS SYSTEMS	Copier Lease Jan. 2012	796.19
25477	BANNER BANK JG	Copies 24x36	57.16
25478	BANNER BANK KENMORE	Registration, Printing, Training	1,679.06
25479	BANNER BANK KENMORE	Conferences, Meals, Retreat	2,426.58
25480	INGLEWOOD GOLF COURSE	City Manager Recruitment Reception	1,047.92
25481	BANNER BANK JGORDON	Training, Membership, Supplies	557.71
25482	UNIVERSAL FIELD SERVICES	Jan. 2012 Professional Services	1,679.98
25483	EVERGREEN SAFETY COUNCIL	Membership Mar. 2012 - Feb. 2013	175.00
25484	TOWN & COUNTRY FENCE, INC	Fence Repair 18500 Block of 61st	366.83
25485	SHRED-IT	Shredding Svc. 2/15/12	49.50
25486	ALCALDE & FAY	Govt. Affairs Retainer 2/15-3/15/12	5,175.00
25487	COMCAST	2/14-3/13/12 High Speed Internet	116.90
25488	GORDON DERR	Jan. 2012 Legal Svcs	3,398.50
25489	GORDON THOMAS HONEYWELL	Govt. Affairs Consulting Jan. 2012	4,048.90
25490	CEDARBROOK	Fence Rails	287.55
25491	ESPRESSO WORKS	Coffee/ Supplies 2/15 & 2/16/12	75.00
25492	INTEGRA TELECOM	Phone Svc. City Hall 2/8-3/7/12	745.84
25493	ORB ARCHITECTS	Design Svc Kenmore Vill 11/16-1/31	16,144.67
25494	PHSI PURE WATER FINANCE	City Hall Filtered Wtr Qtr end March	301.89

IXB. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.

25495	FRONTIER	Feb. 2012 Phone Bills	857.16
25496	AM TEST, INC	Swamp Creek Samples	125.00
25497	SUSSMAN/PREJZA & CO, INC	Jan. 2012 Wayfinding Svc 10-C891	2,173.80
25498	PAWS	Jan. 2012 Animal Sheltering Svc.	320.00
25499	INDEPENDENT STATIONERS	General/ Office Supplies	326.44
25500	BANNER BANK BH	Training/ WA Assoc Bldg Officials	600.00
25501	OFFICE CLEANING CREW	2nd Half of Feb. 2012	960.00
25502	JACOBSON, BETTS & COMPANY	1/1-2/24/12 Prof. Svcs. Contract	1,203.20
25503	TRANE U.S. INC.	Heating/ Cooling System Repair	396.08
25504	WESTERN METAL ART & SIGN	Nameplates	187.85
25505	SESAC	Music Licensing	15.00
25506	AAA FLAG & BANNER MFG. CO., INC.	Test Banners	1,042.44
25507	AUTOMATED CONTROLS	Facility Repairs	516.84
25508	GOVERNMENTAL ACCT STANDARDS BOARD	2012 GASB Subscription	215.00
			<u>\$ 168,683.30</u>

IXB. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.

2012	PRIOR VENDOR ACTIVITY	Previous YTD
	A+ CONFERENCING	59.49
	ACTION ENTERTAINMENT	350.00
	ADAMSON POLICE PRODUCTS	947.00
	AFLAC	537.65
	ALCALDE & FAY	5,013.95
	ALLIED WASTE SERVICES #172	753.85
	AM TEST, INC	125.00
	AMERICAN GENERAL	491.18
	AMERICAN PLANNING ASSOCIATION	411.00
	ASSOCIATION OF WA CITIES	14,058.00
	AWC EMPLOYEE BENEFITS	36,267.72
	BAKER, DAVID	451.49
	BANK OF AMERICA 941	33,325.02
	BANNER BANK BH	386.68
	BANNER BANK KENMORE	1,631.25
	BANNER BANK NO	444.26
	BASTYR UNIVERSITY	50,000.00
	BENT, DEBORAH A	576.00
	BIS	350.00
	BLACKBAUD	4,956.23
	BULGER SAFE & LOCK, INC.	108.36
	CALPORTLAND COMPANY	62.78
	CASCADE PEST CONTROL	142.35
	CB RICHARD ELLIS, INC	7,750.00
	CEMEX	359.14
	CITY OF KENMORE FS	538.68
	CITY OF LAKE FOREST PARK	65,918.46
	CITY OF SHORELINE	914.77
	COASTWIDE LABORATORIES	407.28
	CODE 4 PUBLIC SAFETY EDUCATION	99.00
	CODE PUBLISHING COMPANY	10,932.92
	COLUMBIA RIDGE LANDFILL	2,355.27
	COMCAST	116.90
	CONSOLIDATED PRESS	845.11
	COX PRINTING & SIGNS	235.43
	CSAT, LLC	800.00
	DAILY JOURNAL OF COMMERCE	125.80
	DAY & NITE PLUMBING & HEATING	2,955.41
	DEPARTMENT OF LABOR AND INDUSTRIES	2,525.22
	DEPARTMENT OF RETIREMENT SYSTEMS	27,636.15
	DRS 457	5,212.50
	EMERGENCY SERVICE COORDINATING AGCY	47,288.00
	EMPLOYMENT SECURITY DEPT	1,972.46
	FINANCIAL CONSULTANTS INT'L INC	76.02
	FRONTIER	111.15

IXB. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.

FRUHLING SAND & TOPSOIL	83.00
FULL MAINTENANCE GARDENING	373.40
GALLS, LLC	26.25
GORDON DERR	2,013.00
GREENWOOD HEATING & AC	39.45
H.W. LOCHNER, INC.	25,972.71
HDR	2,293.31
ICMA RETIREMENT TRUST 457 - 304745	6,011.52
INDEPENDENT STATIONERS	557.31
INGLEMOOR VIKING BASKETBALL BOOSTER	50.00
INTEGRA TELECOM	727.51
INTERNATIONAL INST OF MUNI CLERKS	175.00
iWORQ SYSTEMS	1,000.00
JACOBSON, BETTS & COMPANY	1,804.80
JAU JOU, STANLEY	222.80
JEFF DURRANT	739.90
JET CITY PRINTING	359.16
JURASSIC PARLIAMENT	235.34
KELLY PRINTING & GRAPHICS	456.62
KESSELRING'S	343.47
KING COUNTY W.L.R.D.	50,627.36
KING COUNTY ANIMAL SVCS	255.00
KING COUNTY FINANCE	6,077.86
KING COUNTY LIBRARY SYS	169,633.00
KING COUNTY RECORDER'S OFFICE	130.00
KING COUNTY SHERIFF	7,263.84
MAIL FINANCE	250.76
McKEE & SCHALKA	4,000.00
MINZGHOR, NICHOLAS	1,214.22
NATIONAL IMPRINT CORPORATION	252.60
NATIONAL LEAGUE OF CITIES	1,784.00
NATIONAL LIFE OF VERMONT	328.34
NATIONWIDE FINANCIAL 401a	32,111.51
NATIONWIDE RETIREMENT SOLUTIONS 457	4,710.00
NEXTEL COMMUNICATIONS	896.09
NORTH COAST ELECTRIC	13.83
NORTHSHORE FIRE DEPT	160.00
NORTHSHORE UTILITY DIST	2,011.97
OFFICE MAX	1,514.54
OLYMPIC ENVIRONMENTAL RESOURCES INC	910.00
OTAK	14,480.76
PACIFIC TOPSOILS	562.14
PENDLETON CONSULTING LLC	6,199.73
PEOPLES STORAGE	177.00
PERKINS COIE	109.00
PERTEET INC.	4,802.76
PHOTOTAINMENT	963.60

IXB. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.

PRIME PACIFIC BANK	60.00
PROTHMAN COMPANY	6,166.67
PRUDENTIAL	373.13
PUGET SOUND CLEAN AIR AGENCY	11,308.00
PUGET SOUND ENERGY	17,459.42
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
QUALITY BUSINESS SYSTEMS	49.56
ROLLABELS	37.15
SARAH ROBERTS	10,100.00
SEATTLE TIMES	172.00
SEES TREES AND EXCAVATION INC	5,568.09
SHRED-IT	49.50
SMITH, BRENT	219.23
SNOHOMISH COUNTY SHERIFF'S OFFICE	35,241.24
SOUND PUBLISHING, INC.	882.00
STAPLES ADVANTAGE	63.64
STATE OF FLORIDA DISBURSEMENT UNIT	825.00
STEPHENS, MARY	2,500.00
STEWART BEALL MACNICHOLS	3,000.00
STOUDER, FRED	154.00
STRIPE RITE, INC.	3,969.38
SUBURBAN CITIES ASSOC	11,632.64
THE KIPLINGER TAX LETTER	99.00
TOTAL LANDSCAPE CORP	6,404.21
TOWNE CENTRE HARDWARE	85.34
UNITED WAY OF KING COUNTY	192.00
VAN NESS, ALLAN	812.09
WA ASSOC OF CODE ENFORCEMENT	25.00
WA CITIES INSURANCE AUTHORITY	148,614.00
WA GUARANTEED EDUCATION TUITION	415.00
WA RECREATION & PARK ASSOCIATION	104.00
WA STATE DEPT OF TRANSPORTATION	75.00
WASHINGTON STATE DEPT OF REVENUE	89.97
WELLS FARGO FINANCIAL	1,606.86
WETLANDS & WOODLANDS INC	1,238.72
	<u>\$ 955,191.23</u>

IXB. Approve Claim Nos. 25421-25508 in the Amount of \$168,683.30 for the Period Ending February 29, 2012.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Adoption of Resolution 12-198 granting final plat approval to the Wynfield South subdivision (File PRJ2004-048)			March 19, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Land Development & Permitting	Bryan Hampson 	Bryan Hampson or Andrew Bauer	425-398-8900
COST OF PROPOSAL: Staff time associated with development review and construction inspections. Costs offset by development fees.		ACCOUNT NUMBER: N/A	
AMOUNT BUDGETED: N/A		NAME AND FUND #: N/A	
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
1. Resolution 12-198 2. Final plat map			
SUMMARY STATEMENT: The Wynfield South final plat is ready to record. The Hearing Examiner granted conditional preliminary plat approval on April 25, 2005. Minimum subdivision improvements have been constructed and required financial guarantees have been submitted. To obtain final plat approval the Council needs to pass a resolution approving the final plat. The final plat then needs to be signed by the City prior to being recorded with King County. The Wynfield South plat is a 40 lot single-family residential development on an 8.72 acre site zoned R-6 (residential, 6 dwelling units per acre). The subdivision ties into the existing street network and provides new roadway connections from NE 195th Street to NE 196th Street and 76th Avenue NE to 77th Avenue NE. The roads constructed as part of the subdivision will be dedicated to the City and maintenance responsibilities will be taken over by the City after a two-year maintenance period is completed by the applicant. Tracts A and J are combined storm drainage and recreation tracts. Tracts B, G, and I are landscape area tracts. Tracts C, E, F, and H are joint use driveway tracts. Tract D is an environmentally critical areas tract. The applicant has posted the required financial guarantees for the final completion of the roadway, drainage, critical area mitigation, landscaping improvements, and other applicable conditions of preliminary plat approval. Traffic and parks impact fees will be assessed at the time of building permit for each individual lot.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Minimum subdivision improvements have been completed and performance guarantees have been posted to ensure final construction and completion of any outstanding conditions of preliminary plat approval. The Council may approve the final plat authorizing the City Manager to sign the final plat mylar.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Adoption of Resolution 12-198 granting final plat approval of the Wynfield South subdivision (File PRJ2004-048).			
REVIEWED BY FINANCE DIRECTOR:		REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:
			
TODAY'S DATE: March 2, 2012	REVISION DATE(S):		FILE NAME & PATH (HYPERLINK): 12-02-28 - Wynfield South Final Plat Agenda Bill

CITY OF KENMORE

WASHINGTON

RESOLUTION NO. 12-198

A RESOLUTION OF THE CITY OF KENMORE, WASHINGTON, GRANTING FINAL PLAT APPROVAL FOR THE WYNFIELD SOUTH PLAT (File PRJ2004-048)

WHEREAS, the City Council desires to grant final plat approval for the Wynfield South Plat;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Plat Approval. Pursuant to RCW 58.17.170, the City Council of the City of Kenmore finds that all conditions of preliminary plat approval for the Wynfield South Plat have been satisfied, and hereby grants final plat approval. Pursuant to RCW 58.17.195, the City Council further finds that the Wynfield South Plat, as approved, conforms with all applicable City of Kenmore zoning and other land use regulations. See attached Exhibit A for plat layout.

Section 2. Authorization. The City Manager and/or his/her designee(s) are hereby authorized by the City Council to sign the face of the plat map for the Wynfield South Plat and to cause the plat to be recorded with King County.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON,
AT A REGULAR MEETING THEREOF THIS 19TH DAY OF MARCH 2012.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Lynn Suskin, City Clerk

Approved as to form:

Rod Kaseguma, City Attorney

WYNFIELD SOUTH
SW 1/4, NE 1/4 OF SEC 1, T26N, R4E, W1M,
CITY OF KENMORE, KING COUNTY, WASHINGTON

VOL/PG

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED ANY AND ALL CLAIMS FOR DAMAGES AGAINST CITY OF KENMORE, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KENMORE.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF KENMORE, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THE SUBDIVISION. PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF KENMORE, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR THE DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF KENMORE, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

SSH LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA D.R. HORTON
BY: SHLR OF WASHINGTON INC, A WASHINGTON CORPORATION, ITS MANAGER.

BY: J. Matt Farris
J. MATT FARRIS, DIVISION PRESIDENT

ITS: _____

ACKNOWLEDGMENTS

STATE OF WASHINGTON

COUNTY OF King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT J. MATT FARRIS IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE DIVISION PRESIDENT OF SHLR OF WASHINGTON INC., A WASHINGTON CORPORATION, THE MANAGER OF SSH, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA D.R. HORTON, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED February 21, 2012SIGNATURE OF NOTARY PUBLIC Jennifer Ann ReinerPRINTED NAME Jennifer Ann ReinerTITLE Land Settlement ManagerRESIDING AT Manila, WAMY APPOINTMENT EXPIRES 7-20-15

Notary Public
State of Washington
Jennifer Ann Reiner
Commission Expires 7-20-15

SCHOOL FEES

AS A CONDITION OF FINAL APPROVAL, FIFTY PERCENT (50%) OF THE IMPACT FEES DUE FOR THE PLAT SHALL BE ASSESSED AND COLLECTED BY THE NORTHSIDE SCHOOL DISTRICT IMMEDIATELY PRIOR TO PLAT RECORDING, USING THE FEE SCHEDULES IN EFFECT WHEN THE PLAT RECEIVED FINAL APPROVAL. THE BALANCE OF THE ASSESSED FEE SHALL BE ALLOCATED EVENLY TO THE DWELLING UNITS IN THE PLAT AND SHALL BE COLLECTED BY THE SCHOOL DISTRICT PRIOR TO BUILDING PERMIT ISSUANCE.

TRAFFIC AND PARK IMPACT FEES

ACCORDING TO KENMORE ORDINANCE 01-0109, ADOPTED BY THE CITY ON JUNE 11, 2001, THE APPLICANT SHALL BE RESPONSIBLE FOR PAYMENT OF TRAFFIC AND PARK IMPACT FEES AT THE TIME OF BUILDING PERMIT APPLICATION PURSUANT TO THE TERMS OF THE ADOPTED CITY IMPACT FEE ORDINANCE IN EFFECT AT THE TIME OF APPLICATION.

APPROVALS

CITY OF KENMORE

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

DIRECTOR OF LAND DEVELOPMENT AND PERMITTING, CITY OF KENMORE
EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____CITY MANAGER, CITY OF KENMORE
EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

CITY CLERK, CITY OF KENMORE

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

KING COUNTY ASSESSOR

ACCOUNT NUMBERS: 012604-9081, 012604-9197, 012604-9216, 012604-9034 AND 012604-9196.

FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR PAID IN FULL THIS _____ DAY OF _____, 20____.

FINANCE DIVISION

MANAGER, FINANCE DIVISION

DEPUTY

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "WYNFIELD SOUTH" IS BASED UPON A SURVEY OF THE LAND DESCRIBED HEREIN, THAT ALL COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS WILL BE SET AND THE LOT CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATING REGULATIONS.

Gary Steven Liles
GARY STEVEN LILES, PROFESSIONAL LAND SURVEYOR
STATE OF WASHINGTON CERTIFICATE NO. 31667

2-21-2012

DATE

**RECORDING CERTIFICATE**

FILED FOR RECORD AT THE REQUEST OF THE CITY OF KENMORE THIS _____ DAY OF _____, 2012 A.D. AT _____ MINUTES PAST _____ O'CLOCK _____ M. AND RECORDED IN VOLUME _____ OF PLATS, ON PAGE(S) _____ RECORDS OF KING COUNTY, WASHINGTON.

MANAGER

SUPERINTENDENT OF RECORDS

SHEET: 1 OF 7

LDC
THE CIVIL ENGINEERING GROUP**Engineering
Structural
Planning
Survey**14201 NE 200th BL, #100
Woodinville, WA 98072Ph. 425.808.1869
Fax 425.482.2883

www.LDCcorp.com

**FINAL PLAT FOR:
WYNFIELD SOUTH**

SW 1/4, NE 1/4 OF SEC 1, T26N, R4E, W1M.

DRAWN BY:	DATE:	DRAWING FILE NAME:	SCALE:	JOB NUMBER:
BPC	2-07-12	11121FP-FP01	AS NOTED	11-121

KENMORE FILE NO. PRJ2004-048

VOL/PG

WYNFIELD SOUTH
SW 1/4, NE 1/4 OF SEC 1, T2N 26 N, R2E 4 E, W.M.
CITY OF KENMORE, KING COUNTY, WASHINGTON

VOL/PG

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, NORTHSHORE UTILITY DISTRICT, ANY TELECOMMUNICATIONS AND CABLE TELEVISION PROVIDER, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR TO FEET PARALLEL WITH AND ADJOINING THE STREET AND ACCESS TRACT (FRONTAGE OF ALL LOTS AND TRACTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, PIPELINE, AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, CABLE, T.V., SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY, NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

EASEMENTS AND COVENANTS

CITY OF KENMORE DRAINAGE EASEMENT AND COVENANT

ALL DRAINAGE EASEMENTS WITHIN THIS PLAT, NOT SHOWN AS "PRIVATE" ARE HEREBY GRANTED AND CONVEYED TO THE CITY OF KENMORE, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, OR ITS SUCCESSORS, FOR THE PURPOSE OF CONVEYING, STORING, MANAGING AND FACILITATING STORM AND SURFACE WATER PER THE ENGINEERING PLANS APPROVED FOR THIS PLAT BY CITY OF KENMORE, TOGETHER WITH THE RIGHT OF REASONABLE ACCESS (INGRESS AND EGRESS) TO ENTER SAID DRAINAGE EASEMENT FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING AND IMPROVING THE DRAINAGE FACILITIES CONTAINED THEREIN. NOTE THAT ONLY DRAINAGE FACILITIES CONTAINED WITHIN THE EASEMENT WILL BE CONSIDERED FOR FORMAL ACCEPTANCE AND MAINTENANCE BY THE CITY OF KENMORE. MAINTENANCE OF ALL OTHER IMPROVEMENTS WITHIN THE EASEMENT WILL BE THE RESPONSIBILITY OF THE PRIVATE PROPERTY OWNER. THE PRIVATE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE COST FOR THE RESTORATION OF ANY NON-DRAINAGE IMPROVEMENTS REMOVED OR ALTERED AS THE RESULT OF THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THE DRAINAGE IMPROVEMENTS.

THIS EASEMENT IS INTENDED TO FACILITATE REASONABLE ACCESS TO THE DRAINAGE FACILITIES. THIS EASEMENT AND COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

PRIVATE DRAINAGE EASEMENT COVENANT

THE OWNERS OF PRIVATE PROPERTY WITHIN THIS PLAT ENCUMBERED WITH DRAINAGE EASEMENTS SHOWN AS "PRIVATE" HEREBY GRANT AND CONVEY TO THE CITY OF KENMORE, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, OR ITS SUCCESSORS, THE RIGHT, BUT NOT THE OBLIGATION TO CONVEY OR STORE STORM AND SURFACE WATER PER THE ENGINEERING PLANS APPROVED FOR THIS PLAT BY CITY OF KENMORE, TOGETHER WITH THE RIGHT OF REASONABLE ACCESS (INGRESS AND EGRESS), TO ENTER SAID DRAINAGE EASEMENT FOR THE PURPOSE OF OBSERVING THAT THE OWNERS ARE PROPERLY OPERATING AND MAINTAINING THE DRAINAGE FACILITIES CONTAINED THEREIN.

THE OWNERS OF SAID PRIVATE PROPERTY ARE RESPONSIBLE FOR OPERATING, MAINTAINING AND REPAIRING THE DRAINAGE FACILITIES CONTAINED WITHIN SAID DRAINAGE EASEMENT, AND ARE HEREBY REQUIRED TO OBTAIN ANY REQUIRED PERMITS, FROM THE CITY OF KENMORE DEPARTMENT OF LAND DEVELOPMENT AND PERMITTING PRIOR TO FILLING, PIPING, CUTTING OR REMOVING VEGETATION (EXCEPT FOR ROUTINE LANDSCAPE MAINTENANCE SUCH AS LAWN MOWING) IN OPEN VEGETATED DRAINAGE FACILITIES (SUCH AS SWALES, CHANNELS DITCHES, PONDS, ETC.) OR PLACING ANY STRUCTURE, INSTALLING ANY IMPERVIOUS SURFACES, PERFORMING ANY ALTERATIONS OR MODIFICATIONS TO THE DRAINAGE FACILITIES CONTAINED WITHIN SAID DRAINAGE EASEMENT.

THIS COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

CITY OF KENMORE DRAINAGE EASEMENT AND COVENANT FOR RECREATION TRACTS

A DRAINAGE EASEMENT AND COVENANT OVER TRACTS 'A' AND 'I' IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KENMORE, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, OR ITS SUCCESSORS, FOR THE PURPOSE OF CONVEYING, STORING, MANAGING AND FACILITATING STORM AND SURFACE WATER PER THE ENGINEERING PLANS APPROVED FOR THIS PLAT BY THE CITY OF KENMORE, TOGETHER WITH THE RIGHT FOR THE CITY OF KENMORE, ITS SUCCESSORS OR ASSIGNS, TO ENTER SAID DRAINAGE EASEMENT AND COVENANT FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING AND IMPROVING THE DRAINAGE FACILITIES CONTAINED HEREIN. ONLY THE FLOW CONTROL AND WATER QUALITY FACILITIES CONTAINED WITHIN THE TRACT WILL BE CONSIDERED FOR FORMAL ACCEPTANCE AND MAINTENANCE BY THE CITY OF KENMORE. MAINTENANCE OF ALL OTHER IMPROVEMENTS ON THIS PROPERTY SHALL BE THE RESPONSIBILITY OF THE WYNFIELD SOUTH HOMEOWNER'S ASSOCIATION. THE WYNFIELD SOUTH HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE COST FOR THE RESTORATION OF ANY NON-DRAINAGE IMPROVEMENTS REMOVED OR ALTERED AS THE RESULT OF THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THE DRAINAGE IMPROVEMENTS.

THE WYNFIELD SOUTH HOMEOWNER'S ASSOCIATION IS REQUIRED TO OBTAIN ANY REQUIRED PERMITS FROM THE CITY OF KENMORE DEPARTMENT OF LAND DEVELOPMENT AND PERMITTING, OR ITS SUCCESSOR AGENCY, FOR ACTIVITIES SUCH AS CLEARING AND GRADING, PRIOR TO FILLING, PIPING, CUTTING OR REMOVING VEGETATION (EXCEPT FOR ROUTINE LANDSCAPE MAINTENANCE SUCH AS LAWN MOWING) IN OPEN VEGETATED DRAINAGE FACILITIES (SUCH AS SWALES, CHANNELS, DITCHES, PONDS, ETC.), PLACING ANY STRUCTURE, INSTALLING ANY IMPERVIOUS SURFACES OR PERFORMING ANY ALTERATIONS OR MODIFICATIONS TO THE DRAINAGE FACILITIES, CONTAINED WITHIN SAID DRAINAGE EASEMENT.

THIS EASEMENT AND COVENANT IS INTENDED TO FACILITATE REASONABLE ACCESS FOR THE OPERATION, MAINTENANCE, REPAIR AND RECONSTRUCTION OF THE DRAINAGE FACILITIES. THIS EASEMENT AND COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE WYNFIELD SOUTH HOMEOWNER'S ASSOCIATION, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

TRACT NOTES

THE RIGHT OF REASONABLE ACCESS (INGRESS AND EGRESS) IS HEREBY GRANTED TO THE CITY OF KENMORE, OR ITS SUCCESSORS, OVER ALL TRACTS WITHIN THE DEVELOPMENT FOR THE PURPOSES OF INSPECTING SURFACE RUNOFF CONDITIONS, VEGETATION AND HABITAT CONDITIONS, AND THE CONDITION OF ALL IMPROVEMENTS INSTALLED WITHIN THE TRACT.

TRACTS 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' AND 'I' ARE CONSIDERED 'TRACTS'. A 'TRACT' IS LAND RESERVED FOR SPECIFIED USES INCLUDING, BUT NOT LIMITED TO, RESERVE TRACTS, RECREATION, OPEN SPACE, SENSITIVE AREAS, SURFACE WATER RETENTION, UTILITY FACILITIES AND ACCESS. TRACTS ARE NOT CONSIDERED LOTS OR BUILDING SITES FOR PURPOSES OF RESIDENTIAL DWELLING CONSTRUCTION.

TRACT 'A' IS A STORM DRAINAGE AND RECREATION AREA TRACT AND IS CONVEYED TO THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION UPON RECORDING OF THIS PLAT, EXCEPT FOR THE PUBLIC DRAINAGE FACILITIES, WHICH ARE CONVEYED TO THE CITY OF KENMORE. PLEASE REFER TO "CITY OF KENMORE DRAINAGE EASEMENT AND COVENANT PER RECREATION TRACTS" ON THIS PAGE FOR DETAILS.

TRACT 'B' IS A LANDSCAPE AREA TRACT AND IS CONVEYED TO THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION UPON RECORDING OF THIS PLAT.

TRACT 'C' IS AN ACCESS TRACT AND IS CONVEYED TO THE OWNERS OF LOTS 35-37 JOINTLY UPON RECORDING OF THIS PLAT.

TRACT 'D' IS AN ENVIRONMENTALLY CRITICAL AREA TRACT PER THE CRITICAL AREA STANDARDS IN KMC 18.55 AND IS CONVEYED TO THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION UPON RECORDING OF THIS PLAT. TRACT 'D' IS SUBJECT TO WATER AND SEWER EASEMENTS PER RECORDING NO. 20110714000655 AND NO. 20110714000656.

TRACT 'E' IS AN ACCESS TRACT AND IS CONVEYED TO THE OWNERS OF LOTS 15-17 JOINTLY UPON RECORDING OF THIS PLAT.

TRACT 'F' IS AN ACCESS AREA TRACT AND IS CONVEYED TO THE OWNERS OF LOTS 9-12 UPON RECORDING OF THIS PLAT.

TRACT 'G' IS A LANDSCAPE AREA TRACT AND IS CONVEYED TO THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION UPON RECORDING OF THIS PLAT.

TRACT 'H' IS AN ACCESS TRACT AND IS CONVEYED TO THE OWNERS OF LOTS 23-26 UPON RECORDING OF THIS PLAT.

TRACT 'I' IS A STORM DRAINAGE AND RECREATION AREA TRACT AND IS CONVEYED TO THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION UPON RECORDING OF THIS PLAT, EXCEPT FOR THE PUBLIC DRAINAGE FACILITIES, WHICH ARE CONVEYED TO THE CITY OF KENMORE. PLEASE REFER TO "CITY OF KENMORE DRAINAGE EASEMENT AND COVENANT PER RECREATION TRACTS" ON THIS PAGE FOR DETAILS.

TRACT 'J' IS A LANDSCAPE AREA TRACT AND IS CONVEYED TO SSH LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA D.R. HORTON, UPON RECORDING OF THIS PLAT.

ALL OF TRACTS 'C', 'E', 'F', 'G' AND 'H' ARE SUBJECT TO EASEMENT RIGHTS IN FAVOR OF NORTHSHORE UTILITY DISTRICT FOR SEWER AND WATER LINES PER EASEMENTS RECORDED UNDER RECORDING NO. 20111229001335 AND NO. 20111229001325.

GENERAL NOTES

1. THE ROAD AND STORM DRAINAGE SYSTEM SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED PLAN AND PROFILE PLAN NO. FL2004-048 ON FILE WITH THE CITY OF KENMORE DEPARTMENT OF LAND DEVELOPMENT AND PERMITTING. ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY. CURRENTLY THE CITY OF KENMORE DEPARTMENT OF LAND DEVELOPMENT AND PERMITTING.
2. THE STREET TREES SHALL BE OWNED AND MAINTAINED BY THE ABUTTING LOT OWNERS UNLESS CITY OF KENMORE, OR ITS SUCCESSOR AGENCY HAS ADOPTED A MAINTENANCE PROGRAM. ANY TREES ABUTTING TRACTS SHALL BE OWNED AND MAINTAINED BY THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION.
3. ALL BUILDING DOWNSPOUTS, FOOTING DRAINS, AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAIN OUTLET AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS FL2004-048 ON FILE WITH CITY OF KENMORE DEPARTMENT OF LAND DEVELOPMENT AND PERMITTING. THIS PLAN SHALL BE SUBMITTED WITH THE APPLICATION OF ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS MUST BE CONSTRUCTED AND APPROVED PRIOR TO THE FINAL BUILDING INSPECTION APPROVAL FOR THOSE LOTS THAT ARE DESIGNATED FOR INDIVIDUAL LOT INFILTRATION SYSTEMS. THE SYSTEMS SHALL BE CONSTRUCTED AT THE TIME OF THE BUILDING PERMIT AND SHALL COMPLY WITH THE PLANS ON FILE.
4. STREET AND LOT LINE SETBACKS, BUILDING HEIGHT, OFF-STREET PARKING PROVISIONS, MAIL BOX LOCATION AND LOT COVERAGE FOR MAXIMUM IMPERVIOUS SURFACE WILL BE VERIFIED AT THE TIME OF BUILDING PERMIT APPLICATION.
5. THE PRIVATE STORM DRAINAGE EASEMENTS SHOWN HEREIN ARE FOR THE BENEFIT OF SAID LOTS DEPICTED. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THAT PORTION OF THE DRAINAGE FACILITIES FROM WHICH THEY BENEFIT, AND SHALL SHARE EQUALLY IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITY USED IN COMMON.
6. THE APPLICANT SHALL COMPLY WITH THE REQUIREMENTS OF CITY OF KENMORE ORDINANCE NO. 01-0125. THIS ORDINANCE REQUIRES ALL UTILITY EXTENSIONS TO BE INSTALLED UNDERGROUND. THE APPLICANT SHALL BE RESPONSIBLE FOR COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, AND SHALL MAKE ALL NECESSARY ARRANGEMENTS WITH THE UTILITY COMPANIES AND OTHER PERSONS OR CORPORATIONS AFFECTED BY INSTALLATION OF SUCH UNDERGROUND FACILITIES. UTILITIES SHALL INCLUDE BUT NOT BE LIMITED TO, PUBLIC SERVICES PROVIDED IN THE FORM OF ELECTRICITY, NATURAL GAS, TELEPHONE AND CABLE TELEVISION.
7. ALL LOTS SHALL MEET THE MINIMUM DIMENSION REQUIREMENTS OF THE R-6 ZONE.
8. AN APPROVED TREE RETENTION PLAN IS ON FILE WITH THE CITY OF KENMORE. SEE SHEET L2 OF THE APPROVED CONSTRUCTION DRAWINGS NO. FL2004-048 ON FILE WITH CITY OF KENMORE DEPARTMENT OF LAND DEVELOPMENT AND PERMITTING. TRACTS AND LOTS WITHIN THIS PLAT EITHER CONTAIN TREES THAT MUST BE RETAINED OR MUST BE PLANTED/REPLACED PER SAID APPROVED TREE RETENTION PLAN. ANY PROPOSED CLEARING, GRADING OR CONSTRUCTION ACTIVITIES THAT WILL OR MAY IMPACT A SIGNIFICANT TREE WITHIN SAID LOTS MUST BE REVIEWED AND APPROVED BY THE CITY OF KENMORE FOR COMPLIANCE WITH SAID TREE RETENTION PLAN.
9. ALL INDIVIDUAL STUB-OUTS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE LOT HOME OWNER.
10. LOTS 17-20 AND 35-37 SHALL MEET THE BUILDING SETBACK REQUIREMENTS FROM TRACT D PER THE ENVIRONMENTALLY CRITICAL AREA STANDARDS IN KMC 18.55.
11. SHOULD THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION CEASE TO EXIST FOR ANY REASON, THE OWNERS OF EACH LOT OF THIS DEVELOPMENT SHALL BE INTERPRETED TO HAVE AN EQUAL UNDIVIDED INTEREST IN ALL LANDS AND RESPONSIBILITY ASSIGNED TO THE WYNFIELD SOUTH HOMEOWNERS ASSOCIATION UNLESS SUCH LANDS AND RESPONSIBILITIES ARE ASSIGNED IN FUTURE DOCUMENTS, PREPARED IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS, AND RECORDED WITH KING COUNTY. A COPY OF ANY SUCH DOCUMENTS SHALL BE PROVIDED TO THE CITY OF KENMORE UPON RECORDING.

SHEET:
2 OF 7



LDC Engineering
Structural
Planning
Survey
THE CIVIL ENGINEERING GROUP
14201 NE 200th St., #100 Ph. 425.806.1989
Woodinville, WA 98072 Fx. 425.482.2863
www.LDCcorp.com

**FINAL PLAT FOR:
WYNFIELD SOUTH**

SW 1/4, NE 1/4 OF SEC 1, T2N 26 N, R2E 4 E, W.M.
DRAWN BY: DATE: DRAWING FILE NAME: SCALE: JOB NUMBER:
BPC 2-07-12 11121FP-FP02 AS NOTED 11-121

Vol/PG

KENMORE FILE NO. PRJ2004-048

WYNFIELD SOUTH
SW 1/4, NE 1/4 OF SEC 1, T26N, R4E, W1M
CITY OF KENMORE, KING COUNTY, WASHINGTON

VOL/PG

LEGAL DESCRIPTIONS

PER FIRST AMERICAN TITLE INSURANCE COMPANY, SUBDIVISION GUARANTEE NO. NCS-507630-WA1, DATED FEBRUARY 09, 2012 AT 7:30 A.M.

PARCEL A:
THE SOUTH HALF OF THE WEST 278 FEET OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 30 FEET CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED OCTOBER 3, 1985 UNDER RECORDING NO. 8510031178.

PARCEL B:
LOT 2, KING COUNTY SHORT PLAT NO. 880084-R, RECORDED JUNE 25, 1991 UNDER RECORDING NO. 8106250535, SAID SHORT PLAT BEING A SUBDIVISION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 278 FEET OF SAID SOUTH HALF.

PARCEL B1:
AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, ACROSS, AND THROUGH THE NORTH 30 FEET OF THE WEST 278 FEET OF SAID SOUTH HALF;

EXCEPT FROM SAID EASEMENT THE WEST 30 FEET.

PARCEL B2:
AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES ACROSS THE EAST 30 FEET OF THE WEST 308 FEET OF THE NORTH HALF OF SAID SOUTH HALF;

PARCEL C:
THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 30 FEET CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED OCTOBER 3, 1985 UNDER RECORDING NO. 8510031178.

PARCEL D:
THE WEST 31.5 FEET OF THE WEST 384 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 30 FEET CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NO. 5433529.

PARCEL E:
LOT 1, KING COUNTY SHORT PLAT NO. 880084-R, RECORDED JUNE 25, 1991 UNDER RECORDING NO. 8106250535, SAID SHORT PLAT BEING A SUBDIVISION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 278 FEET OF SAID SOUTH HALF.

PARCEL E1:
AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, ACROSS, AND THROUGH THE NORTH 30 FEET OF THE WEST 278 FEET OF SAID SOUTH HALF;

EXCEPT FROM SAID EASEMENT THE WEST 30 FEET.

TITLE REPORT EXCEPTIONS

PER FIRST AMERICAN TITLE INSURANCE COMPANY, SUBDIVISION GUARANTEE NO. NCS-507630-WA1, DATED FEBRUARY 09, 2012 AT 7:30 A.M.

EXCEPTION NO. 1-4: GENERAL TAXES FOR THE YEAR 2012, PARCELS A, B, C, AND E.

EXCEPTION NO. 5: RESTRICTIONS CONTAINED IN INSTRUMENT (AS A PORTION OF SAID PREMISES) OR PRESUMED TO BE IMPLICATED IN OTHER DEEDS FROM A COMMON GRANTOR (AS TO THE REMAINDER OF SAID PREMISES) PER RECORDING NO. 1181496.

EXCEPTION NO. 6: EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY PER RECORDING NO. 3266804, LIES WITHIN RIGHT-OF-WAY OF NE 195TH ST.

EXCEPTION NO. 7: EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY PER RECORDING NO. 3266805, LIES WITHIN RIGHT-OF-WAY OF NE 195TH ST.

EXCEPTION NO. 8: RIGHTS IN FAVOR OF KING COUNTY PER RECORDING NO. 5433529 TO MAKE CUTS OR FILLS FOR ROAD PURPOSES CANNOT BE PLOTTED.

EXCEPTION NO. 9: COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS PER RECORDING NO. 8010170892.

EXCEPTION NO. 10: DECLARATION OF CONDITIONS AND RESTRICTIONS REGARDING ANNEXATION TO A PUBLIC ROAD IMPROVEMENT DISTRICT AND FORMATION OF A LOCAL IMPROVEMENT DISTRICT PER RECORDING NO. 8010170893.

EXCEPTION NO. 11: EASEMENTS CONTAINED IN SHORT PLAT NO. 880084-R PER RECORDING NO. 8106250535 FOR INGRESS/EGRESS AND DRAIN FIELD, PLOTTED ON MAP. EASEMENTS TO BE EXTINGUISHED UPON RECORDING OF PLAT.

EXCEPTION NO. 12: RIGHTS IN FAVOR OF KING COUNTY PER RECORDING NO. 8510031178 TO MAKE CUTS OR FILLS FOR ROAD PURPOSES. CANNOT BE PLOTTED.

EXCEPTION NO. 13: THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SENSITIVE AREA NOTICE" PER RECORDING NO. 20100511000787.

EXCEPTION NO. 14: THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "BARGAIN AND SALE MINERAL DEED" PER RECORDING NO. 20110614000700.

EXCEPTION NO. 15: THIS ITEM HAS BEEN INTENTIONALLY DELETED.

EXCEPTION NO. 16: THIS ITEM HAS BEEN INTENTIONALLY DELETED.

EXCEPTION NO. 17: SURVEY BY LDC, INC., DATED JUNE 13, 2011 DISCLOSED THE FOLLOWING: THE BOUNDARY ESTABLISHED BY THIS SURVEY MAY NOT CONFORM TO EXISTING LINES OF OCCUPATION RESULTING IN A POSSIBLE BOUNDARY DISPUTE.

EXCEPTION NO. 18: UNRECORDED LEASEHOLDERS, IF ANY, RIGHTS OF VENDORS AND SECURITY AGREEMENT ON PERSONAL PROPERTY AND RIGHTS OF TENANTS, AND SECURED PARTIES TO REMOVE TRADE FIXTURES AT THE EXPIRATION OF THE TERM.

EXCEPTION NO. 19: GENERAL TAXES FOR THE YEAR 2012, PARCEL D.

EXCEPTION NO. 20: EASEMENT IN FAVOR OF PUGET SOUND ENERGY, INC., A WASHINGTON CORPORATION PER RECORDING NO. 20111114000838.

EXCEPTION NO. 21: EASEMENTS IN FAVOR OF NORTHSORE UTILITY DISTRICT PER RECORDING NO. 20111229001325 FOR WATER LINES AND APPURTENANCES. EASEMENTS INCLUDE TRACTS C, E, F, G AND H IN THEIR ENTIRETY.

EXCEPTION NO. 22: EASEMENTS IN FAVOR OF NORTHSORE UTILITY DISTRICT PER RECORDING NO. 20111229001335 FOR SEWER LINES AND APPURTENANCES. EASEMENTS INCLUDE TRACTS C, E, F, G AND H IN THEIR ENTIRETY.



LDC
THE CIVIL ENGINEERING GROUP

Engineering
Structural
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14201 NE 200th BL., #100
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www.LDCcorp.com

FINAL PLAT FOR:
WYNFIELD SOUTH

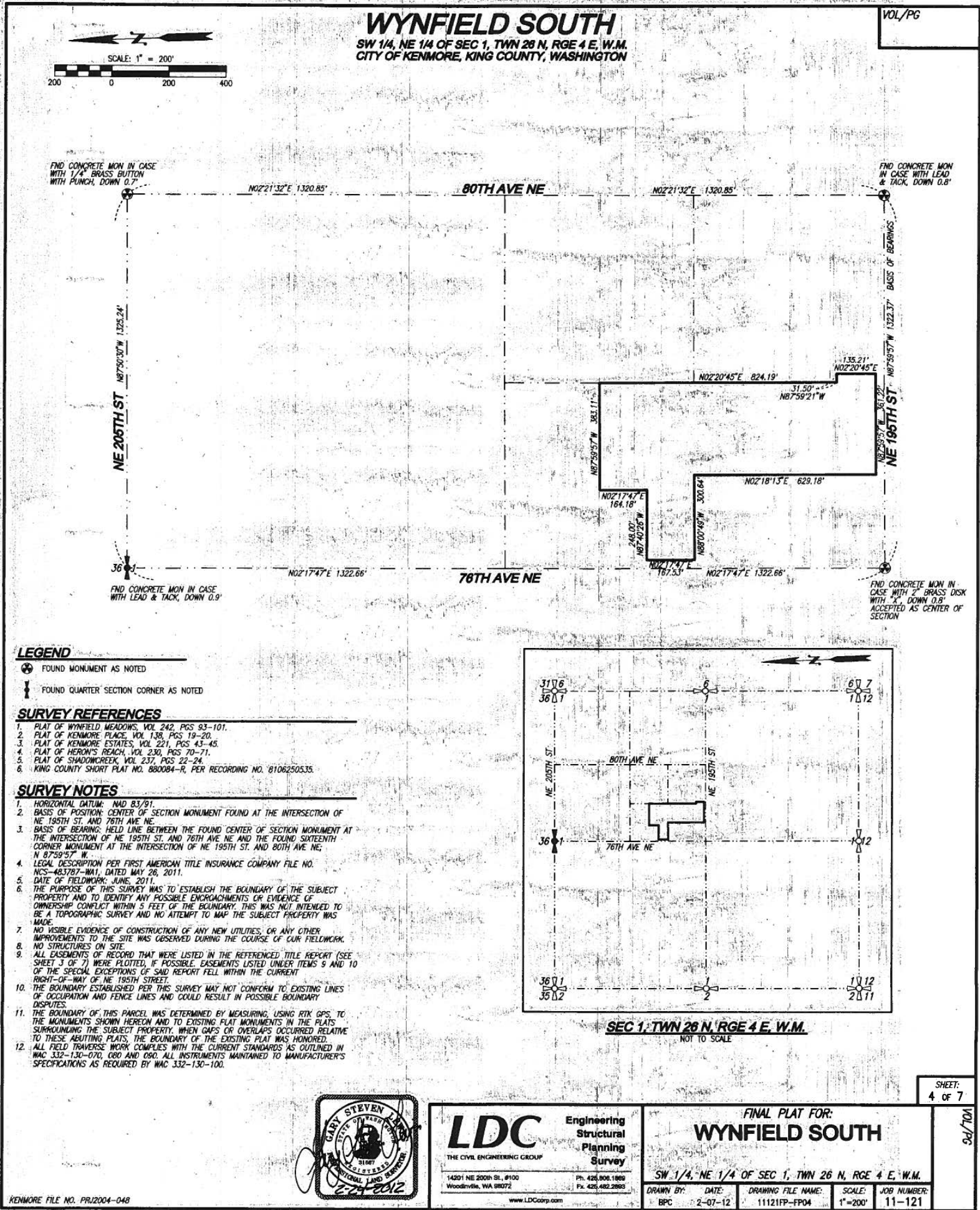
SW 1/4, NE 1/4 OF SEC 1, T26N, R4E, W1M

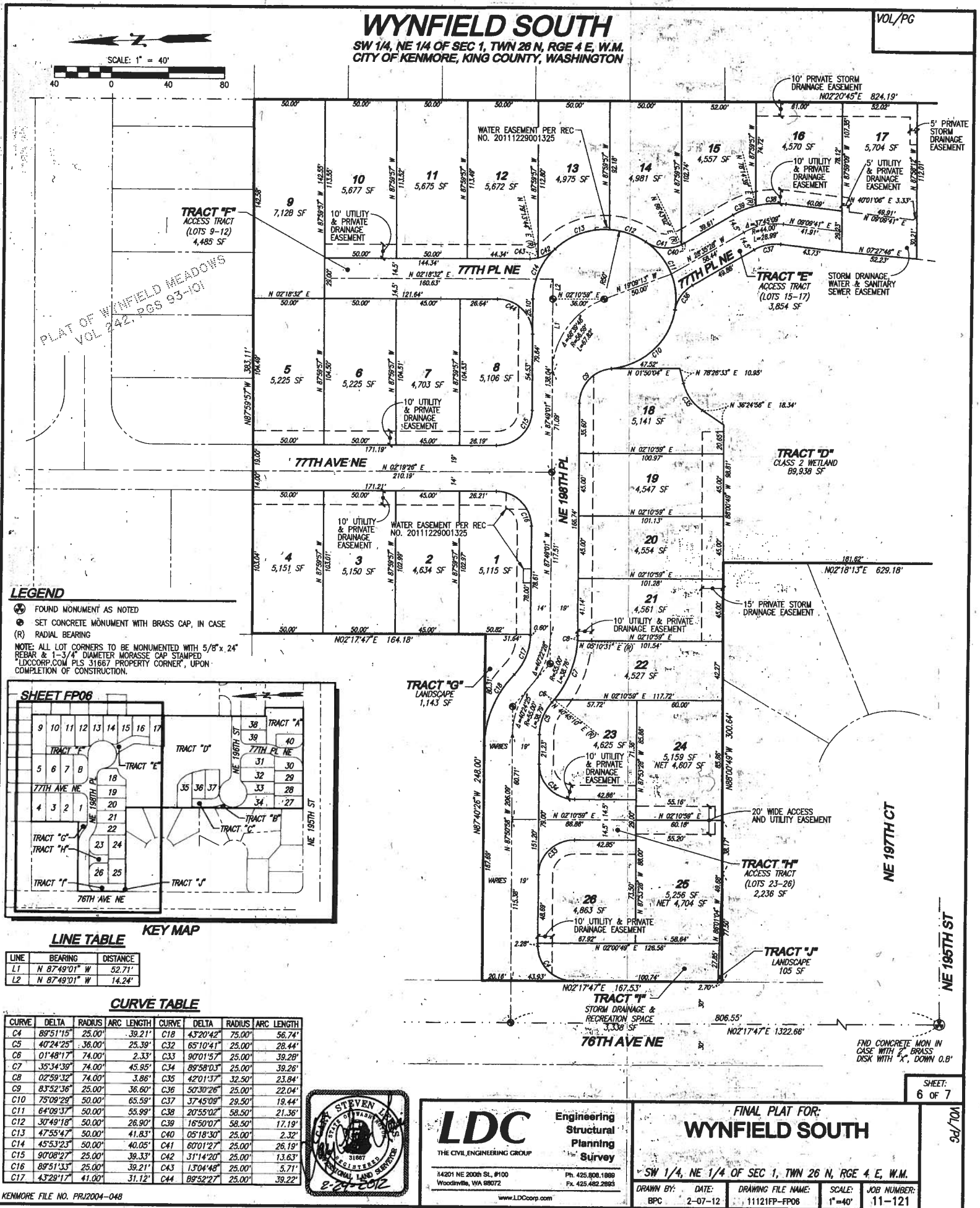
DRAWN BY: BPO DATE: 2-07-12 DRAWING FILE NAME: 11121FP-FP03 SCALE: AS NOTED JOB NUMBER: 11-121

SHEET:
3 OF 7

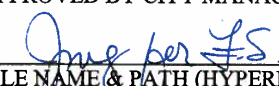
VOL/PG

KENMORE FILE NO. PRJ2004-048







CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Adopt Resolution 12-199 Setting a Public Hearing Regarding the Establishment of a Transportation Benefit District Pursuant to the Authority of Chapter 36.73 RCW for April 16, 2012 at 7:00 PM in the City of Kenmore City Council Chambers.			March 19, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Steve Lewis, Lochner	
COST OF PROPOSAL: City Staff to date: 15 hours Contract to date: \$14,300		ACCOUNT NUMBER: 01 32 5401	
AMOUNT BUDGETED FOR PLAN: 2011 -12 Budget: \$30,000.		NAME AND FUND #: General Fund - Engineering	
ATTACHMENT(S) TO AGENDA PACKET ITEM: • Resolution 12-199 • February 13, 2012 Agenda Bill • Study Session Outline			
SUMMARY STATEMENT: At the February 13, City Council meeting the Council decided to schedule a public hearing to consider the establishment of a Transportation Benefit District (TBD) to fund transportation improvements. The City is required to conduct a public hearing prior to creating a TBD. The attached Resolution sets a hearing date for consideration of an ordinance establishing a District. The hearing will be public and the City will consider objections from any person affected by the formation of the boundary. Prior to the hearing the Council will hold a study session on March 26th to discuss a number of issues related to the need for a District, potential projects, District boundaries, and funding options. Attached is a draft Study Session Outline.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Improve transportation for local residents by implementing the 6-year Transportation Improvement Plan.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Adopt Resolution 12-199 Setting a Public Hearing Regarding the Establishment of a Transportation Benefit District Pursuant to the Authority of Chapter 36.73 RCW for April 16, 2012 at 7:00 PM in the City of Kenmore City Council Chambers.			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
			
TODAY'S DATE: March 4, 2012	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\Transportation Benefit District\021912_Agenda Bill Summary TBD.doc	

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Discussion and Consideration of a City of Kenmore Transportation Benefit District			February 13, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Steve Lewis, Lochner	
COST OF PROPOSAL: City Staff to date: 15 hours Contract to date: \$14,300		ACCOUNT NUMBER: 01 32 5401	
AMOUNT BUDGETED FOR PLAN: \$30,000.		NAME AND FUND #: General Fund - Engineering	
ATTACHMENT(S) TO AGENDA PACKET ITEM: • Attachment 1 - Report from Lochner on Transportation Benefit District (TBD) • Attachment 2 - July 12, 2010 City Council Agenda Bill • Attachment 3 – House Bill 213.3/11 • Attachment 4 – Frequently Asked Questions: Transportation Benefit District • Attachment 5 – Frequently Asked Questions: Street Maintenance Utility District • Attachment 6 – City of Kenmore Functional Classification of Roadways • Attachment 7 – City of Kenmore TBD Regional Arterials • Attachment 8 – City of Kenmore Congested Arterials			
SUMMARY STATEMENT: During the past year City Staff have initiated discussions regarding the creation of a Transportation Benefit District. These discussions have responded to questions and allowed for some thought on the benefit of a district and the potential projects. The last discussion, February 14, 2011 described the results of the 2010 Regular Session of the Washington State Legislature which passed and the Governor signed an amendment related to transportation benefit districts (TBD) (RCW 36.73). The amendment included changes that clarify how projects can qualify to be included in a TBD, see Attachment 2 the July 12, 2010 Agenda Bill. Based on these changes and discussion by the City Council on July 12, 2010, City Staff was directed to proceed with the preparation of reports and documents related to the creation of a TBD. Attachment 1 is a report from Mr. Steve Lewis describing the steps necessary to create a TBD. Two items that need to be defined for the purposes of the TBD are: • A proposal to classify City arterials that meet one of three criteria, as principal arterials of regional significance, see Attachment 7. • A proposal to define congestion on principal arterials of regional significance as roadways that have approximately 704 one-way directional peak hour trips, see Attachment 8. Based on these definitions we anticipate all of the City's arterials, with the exception of 80th Avenue NE, would be eligible for the expenditure of transportation benefit district funds. Based on more current vehicle registration figures the total revenue that would be generated by the district with the imposition of a \$20 vehicle license fee would be \$284,000 per year. These funds could be spent on asphalt overlays, roadway reconstruction or new construction.			

If the City Council wishes to form a TBD, it must:

- Publish notice of a public hearing;
- Hold a public hearing; and
- Adopt an ordinance creating the TBD.

The report prepared by Mr. Lewis includes an example resolution calling for a public hearing and example ordinance establishing the district. Attachment 4 was prepared by the Association of Washington Cities and answers the most frequently asked questions regarding a TBD.

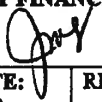
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Improve transportation for local residents by implementing the 6-year Transportation Improvement Plan.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Schedule a public hearing to consider the establishment of a Transportation Benefit District to fund transportation improvements.

REVIEWED BY FINANCE
DIRECTOR:



REVIEWED BY CITY
ATTORNEY:

APPROVED BY CITY MANAGER:



TODAY'S DATE:
January 31, 2012

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\Transportation Benefit District\021312_Agenda Bill
Summary TBD.doc

CITY OF KENMORE

WASHINGTON

RESOLUTION NO.12-199

A Resolution of the City Council of the City of Kenmore, Washington, Setting a Public Hearing Regarding the Establishment of a Transportation Benefit District Pursuant to Chapter 36.73 RCW for April 16, 2012 at 7:00 PM in the City of Kenmore City Council Chambers.

WHEREAS, the City Council of the City of Kenmore is responsible under the Constitution of the State of Washington for the improvement, maintenance and protection of public ways; and

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation and maintenance; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and the collection of revenue for transportation improvements within the district; and

WHEREAS, the City Council wishes to consider the establishment of a transportation benefit district co-existent with the boundaries of the City at a public hearing, prior to reaching and making a determination;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE to hold a public hearing on April 16, 2012, at 7:00 p.m. in the City Council Chambers, or as soon thereafter as the hearing may be held, to consider the establishment of a transportation benefit district pursuant to Chapter 36.73 RCW.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 19th DAY OF March, 2012.

Mayor David Baker

ATTEST/AUTHENTICATED:

Lynn Suskin, City Clerk

APPROVED AS TO FORM:

City Attorney

City Council
Transportation Benefit District
Study Session Outline

1. Process for forming Transportation Benefit District (TBD)
2. TBD Boundaries
3. Arterial and Congestion Designation
 - i) Classify principal arterials of regional significance
 - ii) Level of congestion
4. Update on state legislature revisions to state law.
5. Funding need
 - i) General Fund
 - (1) What is history of general fund transfer to Arterial and Street Fund?
 - (2) What is long term outlook for continued transfers?
 - ii) Transportation Fund Revenue
 - (1) Gas Tax
 - (2) Grants
 - (3) Real Estate Excise Tax
 - (4) Transportation Impact Fees
 - (5) Surface Water Utility
6. Potential Projects
 - (1) Capital
 - (2) Asphalt overlay
7. Potential Revenue, methods of adopting, pros and cons, and which ones require a vote
 - i) License Tab @ \$20 and \$40
 - ii) Tolling
 - (1) How do we implement tolling on Sammamish River Bridge
 - (2) Can tolling be variable rate for citizens of Kenmore
 - (3) Would we set aside some revenue for bridge replacement?
 - iii) Sales Tax
8. Transportation Benefit District Board options i.e. board members, staffing, rules of operation for the board, financial officer of the TBD, where funds will be deposited, how funds will be appropriated for each project.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Declare all above ground structures at 18808 73rd Avenue NE and 18804 73 rd Avenue NE to be surplus and authorized for sale or demolition.			March 19, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Zack Richardson	425-398-8900
COST OF PROPOSAL: Staff: \$ 8,000 Contractor: <u>\$ 70,000</u> Total: \$ 78,000		ACCOUNT NUMBER: Fund #41	
AMOUNT BUDGETED: 2011-2012 Project Budget: \$75,000 Project Budget Status: 18804 73rd Ave NE Project Budget \$ 467,900 Budget Spent as of March 2, 2012 \$ 424,930 Obligated ¹ \$ 0 Estimated Remaining Expenditures ² <u>\$ 39,000</u> (Over)/Under Budget ³ \$ 3,970 18808 73rd Ave NE Project Budget \$ 418,891 Budget Spent as of March 2, 2012 \$ 376,003 Obligated ¹ \$ 0 Estimated Remaining Expenditures ² <u>\$ 39,000</u> (Over)/Under Budget ³ \$ 3,888 ¹ Obligated funds are expenditures committed through signed agreements. ² Estimated remaining expenditures in which the proposed action. ³ Estimated remaining amount after the proposed action.		NAME AND FUND #: Surface Water Management Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1) Site location map			
SUMMARY STATEMENT:			

IXE. Declare all Above Ground Structures at 18808 73rd Avenue NE and 18804 73rd Avenue NE to be Surplus and Authorized for Sale or Demolition - Ron Loewen, City Engineer

The properties at 18808 73rd Avenue NE and 18804 73rd Avenue NE were purchased by the City with Surface Water Management funds in 2011.

The structures on the properties should be declared surplus and sold or demolished for the following reasons:

- The properties are zoned single family residential and the use of the sites for general City or governmental purposes would be inappropriate.
- Continued flooding of Swamp Creek and restoration of the site expand the flooded area on the property and further endanger the structures.
- The structures are not designed for commercial uses and, with the recent construction of City Hall, are not necessary for City operation.

The City will call for bids for removal or demolition of the structures on the sites. Any revenue generated from the sale of the structures would be returned to the Surface Water Management Fund to offset the cost of the property purchase and future site restoration; any costs associated with the removal of the structures will be drawn from the Surface Water Management Fund.

Once the structures are removed, the sites will be graded and seeded.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Comprehensive Plan Policy SW 42.1.5 - Pursue a regional system for managing surface water in the Swamp Creek Basin that addresses overall planning, development regulations, funding, enforcement of rules, acquisition of significant properties, and construction of capital facilities.

Ordinance No. 01-0121 - Procedures for disposal of surplus City property.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Declare all above ground structures at 18808 73rd Avenue NE and 18804 73rd Avenue NE to be surplus and authorized for sale or demolition.

REVIEWED BY FINANCE
DIRECTOR:

REVIEWED BY CITY
ATTORNEY:

APPROVED BY CITY MANAGER:

TODAY'S DATE:
March 2, 2012

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\0175 2012 Demo Project\Council\Agenda Bill
12-03-19(2).doc



IXE. Declare all Above Ground Structures at 18808 73rd Avenue NE and 18804 73rd Avenue NE to be Surplus and Authorized for Sale or Demolition - Ron Loewen, City Engineer

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the City Manager to execute an agreement with H W Lochner, Inc. for Engineering Services in an amount not to exceed of \$100,000.			March 19, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Ron Loewen	425 398 8900
COST OF PROPOSAL: Staff Costs: Preparing Agenda Bill 3 hours Contract Services: Engineering Services: \$100,000		ACCOUNT NUMBER: Various	
AMOUNT BUDGETED: 2011-12 Engineering Budget \$ 50,000 2012-12 Project Budgets \$ 50,000 Total \$100,000		NAME AND FUND #: Arterial Street Fund General Fund City Street Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: HW Lochner, Inc. Services Agreement			
SUMMARY STATEMENT: The City requires engineering services as part of several capital projects, traffic engineering and transportation planning over the next year. The efforts for each of these tasks will be small in nature and involve a joint effort with City staff. The City advertised for engineering services and received 5 statements of qualifications. Lochner was selected based on their qualifications, skill of personnel, and experience with the City of Kenmore. The projects for which they will be providing services are shown in the table below.			
Engineering Services Projects			
Project		Description	
Transportation Benefit District		Assist the City with the analysis and presentation of Transportation Benefit District (TBD).	
Eastside Transportation Partnership (ETP)		Attend ETP technical committee meetings on agreed dates to represent the City of Kenmore.	
SR 522 STP Grant Application		Prepare an SR 522 Stage 2 grant application for ETP consideration.	
SR 522 Small Project Grant		Prepare a small project prospectus for discussion with State Legislature for a project of \$1 million or less.	
Neighborhood Traffic Calming Program		Assist the City with revisions to the City's Neighborhood Traffic Calming Program.	
Transportation Improvement Program.		Assist the City with development of the 2013-2018 Transportation Improvement Program.	
SR 522 STP Countywide Grant Application		Assist the City with completion of the STP Countywide grant application using the grant application prepared for the PSRC Regional program.	
STP Preservation Grant Application		Assist the City with preparation of two STP Countywide preservation grant applications.	
Traffic Modeling		Maintain and update the City's traffic forecasting model.	
Misc.		Other Tasks as assigned.	

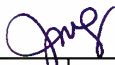
IXF. Authorize the City Manager to Execute Contract Agreement No. 12-1015 with H.W. Lochner, Inc., for Engineering Services in an Amount Not to Exceed \$100,000 - Ron Loewen, City Engineer

The agreement requires a task order for each project with a defined scope of services and not to exceed budget.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:
Adopted 2011 - 16 Capital Improvement Plan
2011-12 Adopted Biennial Budget

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:
Authorize the City Manager to execute an agreement with H W Lochner, Inc. for Engineering Services in an amount not to exceed of \$100,000.

**REVIEWED BY FINANCE
DIRECTOR:**



**REVIEWED BY CITY
ATTORNEY:**

APPROVED BY CITY MANAGER:



TODAY'S DATE:
March 5, 2012

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\ Contracts\12-1015 HW
Lochner\March 12 AGB Agrmt.docx

CONTRACT FOR CONSULTANT SERVICES

Professional Services

H W Lochner, Inc.

Contract No. 12-C1015

This Agreement is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and H W Lochner, Inc., whose principal office is located at 400 – 108th Ave NE, Suite 401, Bellevue, WA 98004 ("Consultant").

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

1. Scope of Services to be performed by Consultant. The Consultant shall perform the services described in Exhibit "A" of this Agreement. In performing the services, the Consultant shall comply with all federal, state and local laws and regulations applicable to the services. The Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance.

2. Compensation and Method of Payment. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "C."

The City shall pay Consultant:

[Check applicable method of payment]

X According to the rates set forth in Exhibit "B".

X A sum not to exceed \$100,000 _____

____ Other (describe): _____

The Consultant shall complete and return to the City Exhibit "D," Tax Identification Number," prior to or along with the first billing invoice. The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval.

3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing on February 1, 2012 and ending December 31, 2012 unless

sooner terminated or extended under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. Ownership and Use of Documents. Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not.

5. Independent Contractor. The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant will be solely responsible for its acts and for the acts of its agents, employees, subconsultants or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties.

6. Indemnification.

A. The Consultant shall protect, defend, indemnify and save harmless the City, its officers, employees and agents from any and all costs, claims, suits, losses or liabilities of any nature, including attorneys' fees, arising out of or in connection with the negligent acts or omissions of the Consultant, its officers, employees and agents in performing this Agreement.

B. The City shall protect, defend, indemnify and save harmless the Consultant, its officers, employees and agents from any and all costs, claims, suits, losses or liabilities of any nature, including attorneys' fees, arising out of or in connection with the negligent acts or omissions of the City, its officers, employees and agents in performing this Agreement.

7. Insurance.

The Consultant shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives or employees.

A. Minimum Scope of Insurance.

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, and personal injury and advertising injury. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance.

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions.

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability, and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance or insurance pool coverage maintained by the City shall be in excess of the Consultant's insurance and shall not contribute with it.

2. The Consultant's insurance shall be endorsed to state that coverage shall not be canceled by either party except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Verification of Coverage.

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured

endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven (7) years after termination of this Agreement, unless permission to destroy them is granted by the Office of the Archivist in accordance with Chapter 40.14 RCW and by the City.

9. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the City during the performance of this Agreement.

10. Termination.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be canceled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen (14) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the

Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, or presence of any sensory, mental or physical disability.

12. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

13. Conflict of Interest. The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

14. Confidentiality. All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

15. Non-appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. Entire Agreement. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. Contract Management. This Agreement shall be administered by the following individuals:

City of Kenmore: Ron Loewen, City Engineer

Consultant: Gerry Willhelm, Project Manager, H.W. Lochner

18. Notices. Notices to the City of Kenmore shall be sent to the following address:

CITY OF KENMORE
City of Kenmore
Attn: Ron Loewen, City Engineer
PO Box 82607
Kenmore, WA 98028-0607

(425)398-8900

With copies to:
City of Kenmore
Attn: City Clerk
P.O. Box 82607
Kenmore, WA 98028-0607

Notices to the Consultant shall be sent to the following address:

H W Lochner, Inc.
Attn: Gerry Willhelm, Project Manager
400 - 108th Avenue NE, Suite 401
Bellevue, WA 98004

19. Applicable Law; Venue; Attorneys' Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee shall be included in the judgment.

20. Severability. Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CITY OF KENMORE, WASHINGTON

CONSULTANT

By: _____
Frederick C. Stouder
Title: City Manager

By: _____
Jorge Garcia
Title: Vice President

Date: _____

Date: _____

ATTEST AS TO FORM:

Rod Kaseguma, City Attorney

EXHIBIT A

Scope of Services to be Provided by Consultant. The Consultant shall furnish services including, but not limited to, the following:

Provide engineering services involving analysis and recommendations for neighborhood traffic calming and traffic control, assistance with preparing grant applications, preparing the annual Transportation Improvement Program, preparing project cost estimates, assisting with the development of a Transportation Benefit District, attending public meetings, and other similar tasks as assigned.

Each service will be initiated with a task order describing the services to be performed, schedule and fee.

Potential Task Order Projects include the following:

Project	Description
Transportation Benefit District	Assist the City with the analysis and presentation of Transportation Benefit District (TBD) boundaries, eligible roadways, projects, cost estimates, authorizing ordinance, funding options and first Board meeting.
Eastside Transportation Partnership (ETP)	Attend ETP technical committee meetings on agreed dates to represent the City of Kenmore.
SR 522 STP Grant Application	Prepare an SR 522 Stage 2 grant application for ETP consideration. Work will include preparing a scope of work, cost estimate, graphics, grant application material and attending ETP meetings.
SR 522 Small Project Grant	Prepare a small project prospectus for discussion with State Legislature for a project of \$1 million or less.
Neighborhood Traffic Calming Program	Assist the City with revisions to the City's Neighborhood Traffic Calming Program.
Transportation Improvement Program.	Assist the City with development of the 2013-2018 Transportation Improvement Program.
SR 522 STP Countywide Grant Application	Assist the City with completion of the STP Countywide grant application using the grant application prepared for the PSRC Regional program.
STP Preservation Grant Application	Assist the City with preparation of two STP Countywide preservation grant applications.
Traffic Model	Maintain and update the City's traffic forecasting model.
Misc.	Other Tasks as assigned.

EXHIBIT B

Rates for Services to be Provided by Consultant. The Consultant shall furnish the services in accordance with the following rates and reimbursable expenses:

Engineering Classifications	2012-2013 Max Hourly Billing Rate
Principal	\$244.63
Sr. Project Manager	\$210.66
Project Manager	\$174.43
Transportation Engineer	\$171.00
Senior Engineer	\$159.73
Engineer	\$89.01
Cad Technician	\$95.30
Sr. Accountant	\$101.23
Administration Assistant	\$57.16
Note: Client will be billed at the employee's actual labor rate at time of services	

Escalation:

Billing rates include 4% escalation for future rate increases

Mileage:

Mileage to be billed at IRS approved rate based on the Federal Mileage Reimbursement Rate at the time the mileage is incurred.

Other Expenses:

Direct Non-Salary costs will be reimbursed at the actual cost to the Consultant. These charges may include, but are not limited to the following items: printing, long distance telephone, supplies, computer charges, copying, postage, special deliveries, and certified mailings. The billing for direct non-salary costs shall include an itemized listing of the charges directly identifiable with the Task Order. The Consultant shall maintain the original supporting documents in their office. Copies of the original supporting documents will be supplied with invoices to the CITY. All above charges must be necessary for the services provided under this AGREEMENT.

EXHIBIT C
City of Kenmore
Billing Invoice

To: City of Kenmore
PO Box 82607
Kenmore, Washington 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

Specific Project: _____

Contract No.: _____

Invoice Number: _____ Date of Invoice: _____

Consultant: _____

Mailing Address: _____

Telephone: () _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$ _____

Attach itemized description of services provided.

Authorized signature

For Department Use Only

BUDGET SUMMARY

Total contract amount	\$ _____
Previous payments	\$ _____
Current request	\$ _____
Balance remaining	\$ _____

Approved for Payment by: _____ Date: _____

EXHIBIT D

CITY OF KENMORE
18120 68th Ave NE
P.O. Box 82607
Kenmore, WA 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Kenmore, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Kenmore prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

☒ Corporation ☐ Partnership ☐ Government Consultant
☐ Individual/Proprietor ☐ Other (explain)

TIN No.: 36-2338811 _____

Social Security No.: _____ N/A _____

Print Name: _____ Jorge Garcia _____

Title: _____ Vice President _____

Business Name: _____ H.W. Lochner, Inc. _____

Business Address: _____ 400 – 108th Street, Suite 401, Bellevue WA, 98004 _____

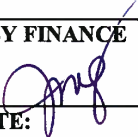
Business Phone: _____ 425.454.3160 _____

Date

Authorized Signature (Required)

CITY OF KENMORE, WASHINGTON													
AGENDA BILL SUMMARY													
AGENDA TITLE			MEETING DATE										
Authorize the City Manager to execute Interlocal Agreement Contract 12-C1016 with Northshore Utility District to relocate a sanitary side sewer as part of the NE 181 st Street Culvert Replacement project.			March 19, 2012										
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE										
Engineering	Ron Loewen	Kent Vaughan	(425) 398-8900										
COST OF PROPOSAL: Preparation of Agenda Bill and Agreement: Staff Time 4 hours Agreement Costs: Design: Paid by District Construction: \$20,000 Total: \$20,000		ACCOUNT NUMBER: 41 00 7106											
AMOUNT BUDGETED: 2011-2012 Budgeted Amount: \$350,000 These budgeted funds did not include the sewer relocation. <u>Total Project Budget Status:</u> <table> <tr> <td>Project CIP Budget</td> <td>\$1,156,613</td> </tr> <tr> <td>Expended 11/2009 through 2/2012</td> <td>\$290,313</td> </tr> <tr> <td>Obligated¹ Budget as of 2/2012</td> <td>\$5,126</td> </tr> <tr> <td>Estimated Remaining Expenditures²</td> <td>\$ 518,240</td> </tr> <tr> <td>(Over)/Under Budget³</td> <td>\$ 342,934</td> </tr> </table> ¹Expenditures that are committed through signed agreements. ²Remaining expenditures in addition to the obligated amount. ³Amount over or under budget prior to proposed action.		Project CIP Budget	\$1,156,613	Expended 11/2009 through 2/2012	\$290,313	Obligated ¹ Budget as of 2/2012	\$5,126	Estimated Remaining Expenditures ²	\$ 518,240	(Over)/Under Budget ³	\$ 342,934	NAME AND FUND #: Surface Water Management Fund	
Project CIP Budget	\$1,156,613												
Expended 11/2009 through 2/2012	\$290,313												
Obligated ¹ Budget as of 2/2012	\$5,126												
Estimated Remaining Expenditures ²	\$ 518,240												
(Over)/Under Budget ³	\$ 342,934												
ATTACHMENT(S) TO AGENDA PACKET ITEM: City of Kenmore – Northshore Utility District Interlocal Agreement (12-C1016) Plan and Profile Sheet C5 from 100% Plan Set Past Agenda Bills dated January 10 th , 2011, May 10 th , 2010, and September 28 th , 2009													
SUMMARY STATEMENT: <u>DISCUSSION</u> The City has identified an existing District sanitary side sewer line in 61 st Avenue NE at NE 181 st Street that will need to be relocated as a result of the City's box culvert project. The District has requested that the relocation and replacement of the sanitary side sewer line be included in the City's project and administered through an interlocal agreement between the District and City. The proposed interlocal agreement between the District and the City is attached. The District will reimburse the City for all design and construction costs associated with the sanitary sewer work. The District has already completed the sanitary side sewer design by retaining the services of the City's consultant, Otak, Inc. for incorporation into the City's contract documents. The estimated													

IXG. Authorize the City Manager to Execute Interlocal Agreement Contract No. 12-1016 with Northshore Utility District to Relocate a Sanitary Side Sewer as Part of the NE 181st Street Culvert

\$20,000 is for the construction of the sanitary side sewer. Staff recommends approval the proposed interlocal agreement with Northshore Utility District (Contract 12-C1016) at this time.		
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Revised Code of Washington, RCW Chapter 39.34 Interlocal Cooperation Act.		
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Authorize the City Manager to execute Interlocal Agreement Contract 12-C1016 with Northshore Utility District to relocate a sanitary side sewer as part of the NE 181st Street Culvert Replacement project.		
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE: March 5, 2012	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0133 NE 181st Street Culvert Replacement\City Council\Mar 18, 2012\2012-03-05-Interlocal Agreement with NUD for sanitary side sewer work.doc

IXG. Authorize the City Manager to Execute Interlocal Agreement Contract No. 12-1016 with Northshore Utility District to Relocate a Sanitary Side Sewer as Part of the NE 181st Street Culvert

12-C1016

**CITY OF KENMORE –
NORTHSHORE UTILITY DISTRICT
INTERLOCAL AGREEMENT**

**FOR INCORPORATION OF NORTHSHORE UTILITY DISTRICT
SANITARY SEWER WORK INTO THE CITY OF KENMORE'S NE 181st
STREET CULVERT REPLACEMENT PROJECT (#0133)**

The City of Kenmore (hereinafter "City") and Northshore Utility District (hereinafter "District"), both municipal corporations, in accordance with the Interlocal Cooperation Act (Chapter 39.34 RCW) do hereby agree as follows:

1. THE PROJECT

City has a right-of-way improvement project at the intersection of NE 181st Street and 61st Avenue NE (hereinafter referred to as the "NE 181st Street Culvert Replacement"). To accommodate the NE 181st Street Culvert Replacement, the District must relocate and replace an impacted sanitary side sewer within the Project area (hereinafter referred to as "Sewer Facilities").

2. PURPOSE

The purpose of this Agreement is to provide for the relocation and replacement of Sewer Facilities as identified on the City's construction plans, and payment by District to City for costs incurred by City in surveying, designing and constructing the Sewer Facilities. The design for the Sewer Facilities will be incorporated into the City approved construction drawings. The parties have determined that it is in their mutual best interest to coordinate the relocation and replacement of the Sewer Facilities in conjunction with the NE 181st Street Culvert Replacement project.

3. COOPERATION

Relocation and replacement of the Sewer Facilities will be performed in accordance with the design performed by Otak, Inc. The relocation and replacement of the Sewer Facilities and the NE 181st Street Culvert Replacement project are hereinafter collectively referred to as "the Project."

4. CONSTRUCTION PROCEDURE

a. District Engineering and Design

District shall be responsible for the engineering and design costs associated with the Sewer Facilities. The work performed by the design consultant will be paid for by the District. District's plans, specifications, standard details and bid item schedule shall be submitted to the City for incorporation into the Project plan set for bidding purposes. City shall incorporate District's plans, specifications, standard details and schedule of items in such a manner as to allow the identification of costs for the Sewer Facilities.

b. Contractor Selection

City shall call for bids for performing the Project. City shall incorporate the Sewer Facilities specifications, standard details, and schedule of items in such a manner as to allow the identification of costs for the Sewer Facilities.

c. City as Contracting Agency

City shall serve as the contracting agency during construction for the parties and shall generally manage and oversee the construction of the Sewer Facilities as a part of the Project. District will provide on-call inspections of the Sewer Facilities work prior to backfilling operations being performed. District will be responsible for any and all excess costs incurred by City as a direct result of District's failure to timely inspect the Sewer Facilities. Compaction requirements of District will be incorporated with those of City. District will provide for compaction testing.

d. Change Orders

City may approve changes in those parts of the construction contract providing for Sewer Facilities, provided that if any change order would change the nature of the work or would cause that portion of the contract price attributable to such work to increase by more than \$1,000.00 or cumulatively more than two percent (2%) of the original contract amount attributable to the Sewer Facilities work, District's prior consent to the change orders shall be obtained, which consent shall not be unreasonably withheld. In the event that consent is unreasonably withheld, District will be held responsible for all liability incurred by City resulting from such withholding of consent. City shall immediately provide District with copies of all requests for change orders and executed change orders associated with Sewer Facilities regardless of the dollar amount of the change order.

e. Payment Procedure

City shall provide District with monthly progress billings for the survey, design, construction administration and construction of that portion of the Project attributable to the Sewer Facilities. City and District will meet to review and agree upon progress and proposed disbursements to Project contractor(s). District shall pay City for the cost of the Sewer Facilities as provided in the contract bid (as adjusted by change order), based upon agreed upon progress, within forty five (45) days of receipt of each billing.

f. Payments to Contractor

City shall make all disbursements to Project contractor(s).

g. Final Acceptance

That portion of the contractor's work consisting of Sewer Facilities shall not be given final acceptance until it is approved in writing by City and District. Neither party shall unreasonably withhold approval for final acceptance hereto. The Sewer Facilities shall become the property of District upon final acceptance. City agrees to assign all warranties related to the Sewer Facilities to District.

h. Staff Time, Costs, and Incidental Expenses

At all times material hereto, the parties shall separately bear their own staff time, engineering costs, and incidental expenses except as specifically provided elsewhere in this Agreement.

Should any claims arise related to the Sewer Facilities portion of Project, City shall handle and administer such claims in the same manner as it would handle any other claims on the Project and District shall reimburse City for all expenses associated with handling of such claims. City shall immediately notify District and keep it informed as to the progress of the claim. District will provide guidance to City regarding proposed terms of settlement. Any decision regarding the settlement or prosecution of a claim shall be approved by District prior to being finalized. If District and City cannot agree as to the prosecution or settlement of a claim, District may prosecute or defend the claim and City will assign such claims to District. District agrees to pay all costs of prosecution or defense if assigned such claims and defend, indemnify and hold harmless City from all damages City suffers from District's prosecution or defense of the claim.

i. District Inspections

City will allow the District to inspect the Sewer Facilities work at reasonable times before any work is covered. To accomplish this, City will provide District with copies of the contractor's project schedules and any revisions thereto, and advise District 24 hours prior to the need for such inspection. District agrees to provide such inspection in a timely manner to minimize delay to the contractor and City.

j. Other Costs

Other costs to City to be reimbursed by the District shall be submitted to District for review and approval. These submittals shall be based upon actual costs, substantiated by contract unit prices, invoices or other verification of the actual costs attributable to District for authorization of payment. Actual time of payment shall be as stated in section "e" above.

5. INDEMNIFICATION AND INSURANCE

- a. City shall require contractor building the Project to have Northshore Utility District, its Commissioners, officials, agents and employees named as additional insureds on all policies of insurance to be maintained by contractor(s) under the terms of any Project contract(s) with City. The contractor building the Project shall be required to maintain Public Liability Insurance.
- b. City shall require contractor building the Project to indemnify, defend, and save harmless District and its Commissioners, officers, agents, or employees from any claim, real or imaginary, filed against District or its officers, agents, or employees alleging damage or injury arising out of the contractor's participation in the Project.
- c. City shall require contractor building the Project to be solely and completely responsible for safety and safety conditions on the job site, including the safety of all persons and property during performance of the work. Contractor shall comply with all applicable City, County, and State regulations, ordinances, orders, and

codes regarding safety. The contractor's attention is directed to the requirements of the Washington Industrial Safety and Health Act, WISHA, RCW 49.17.

6. NOTICES AND OTHER COMMUNICATIONS

All notices and other formal communications to be delivered under this Agreement shall be mailed or delivered to the following:

City of Kenmore
Ron Loewen, City Engineer
or his designee
P.O. Box 82607
Kenmore, Washington 98028-0607

Northshore Utility District
Dave Kaiser, Engineering Director
or his designee
P.O. Box 82489
Kenmore, Washington 98028-0489

Provided, however, the parties may change their respective designation of representatives by written notification to one another.

7. This Agreement may be signed in counterparts, and, if so signed, shall be deemed one integrated document.

The date of this Agreement is _____, 2012.

Execution of this Agreement by the undersigned representatives of each party has been authorized by City Council Action taken on _____, 2012 and Resolution No. 2012-_____ of the Board of Commissioners of the Northshore Utility District.

CITY OF KENMORE

NORTHSHORE UTILITY DISTRICT

City Manager

General Manager

Approved as to form:

Approved as to form:

City Attorney

District General Counsel

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the City Manager to execute Addendum #2 of the On-Call Surface Water and National Pollutant Discharge Elimination System Support Services contract with Otak, Inc. (09-C777) in the amount of \$24,971.			January 10 th , 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Kent Vaughan	(425) 398-8900
COST OF PROPOSAL: <u>Staff Cost:</u> Preparing agenda bill 4 hours Administering design agreement 12 hours <u>Contract Services:</u> Additional Design: \$24,971		ACCOUNT NUMBER: 41 00 7033 Stream 0056	
AMOUNT BUDGETED: <u>Original Project:</u> Design Budget:..... \$ 252,000 Right of Way:.....\$ 30,000 Construction:.....\$ 322,000 Total \$ 604,000 <u>Revised Budget:</u> Design Budget:..... \$ 276,971 Right of Way:.....\$ 30,000 Construction:.....\$ 849,642 Total \$1,156,613		NAME AND FUND #: Surface Water Management Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: • Culvert Plan • Addendum #2 Scope and Fee • 60% Estimate of probable cost for 76 feet of culvert • Agenda Bill dated May 10, 2010 • Agenda Bill dated September 28, 2009			
SUMMARY STATEMENT: In September 2009, the City Council authorized the design of the NE 181 st Street culvert replacement project as part of the on-call surface water contract with Otak, Inc. (09-C777). The original contract amount was \$240,000. The original scope of work included the replacement of the deteriorated twin 42-inch reinforced concrete culvert system under the existing NE 181 st Street roadway. The future 61 st Avenue NE & NE 181 st Street traffic signal improvements and the SR 522 Phase I Stage 2 improvements 61 st Avenue NE will widen 61 st Avenue NE and underground overhead utilities. As a result additional sections of culvert will become part of the street right of way with			

utility vaults and sidewalk constructed over the culverts. See attached plan sheet. These added sections of culvert are also deteriorated but are on private property and were therefore not included in the original scope of work. City Staff recommends replacing the additional deteriorated culverts that fall within the new right of way and easements. This will avoid having to replace the culverts at some future date with the added impact of possibly replacing recently installed sidewalk or having to contend with utility vaults and junction boxes.

The original length of the proposed NE 181st Street culvert replacement was 76 feet. The 60% estimate of probable construction costs for the original project was approximately \$300,000. This equates to roughly \$4,000 per linear foot of culvert replacement. Preliminary estimates indicate that the additional culvert replacement length will be roughly 75 feet before the existing pipe system leaves the future public right of way onto private property. Total construction costs plus ancillary costs would increase the project budget from \$580,000 to \$1,156,613.

The additional project funding would come from the Surface Water Management Fund. Capital funds would be made available by delaying other improvements in the fund such as the Juanita Drive ditch repair.

RECOMMENDATION:

City staff recommends that the NE 181st Street Culvert Replacement Project scope of work be modified to include an additional 75 feet of existing pipe and that the Otak, Inc. contract scope of work be amended to provide for the additional design.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

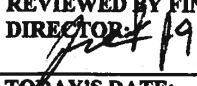
Consistent with: the 2011-2012 Biennium Budget and adopted 2008 Surface Water Management Plan;

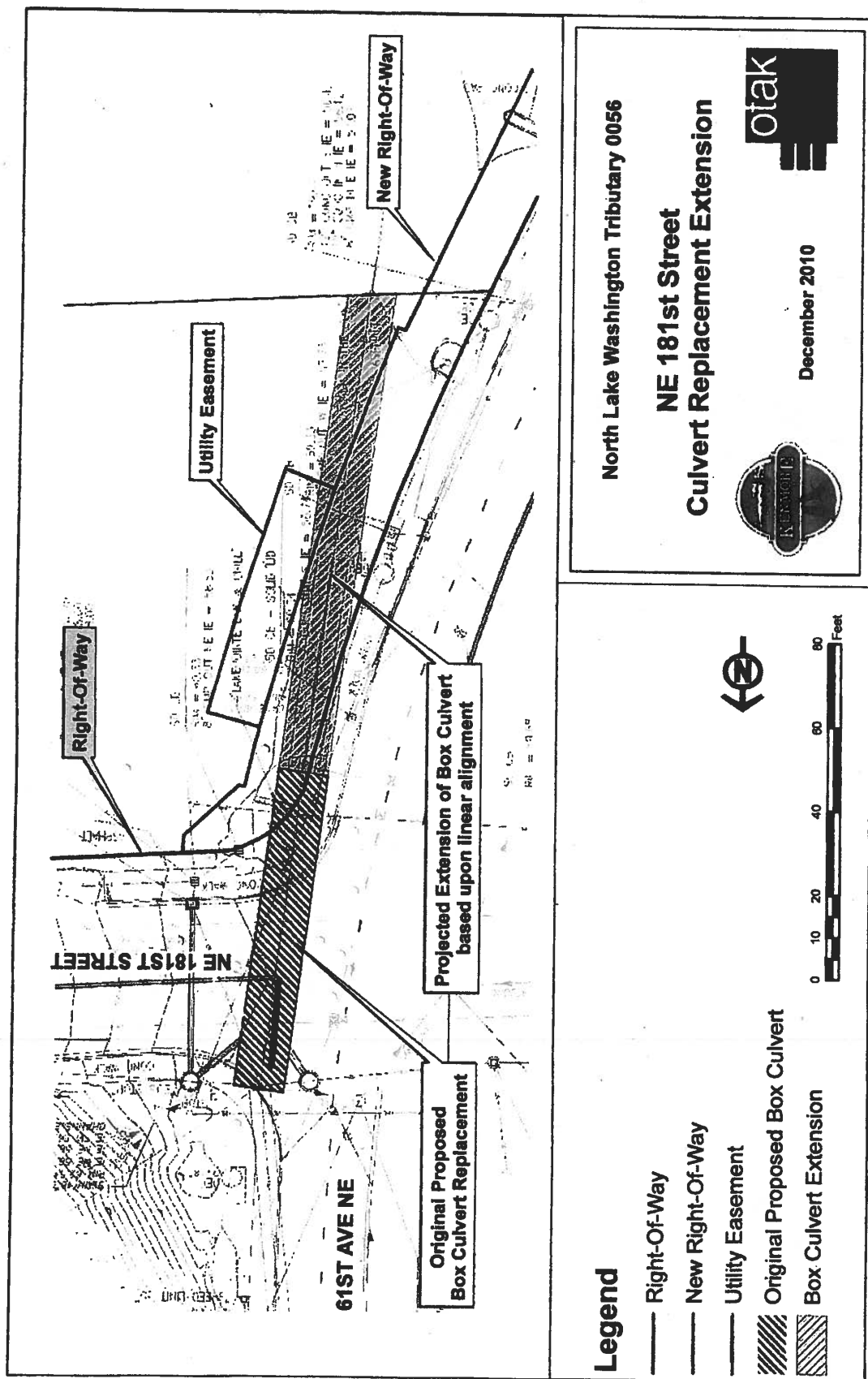
Council action on July 26th, authorizing the design and right-of-way acquisition for the 61st Avenue NE and NE 181st Street traffic signal.

Council action on September 27th, selecting Alternative 2 including the acquisition of right-of-way from Jack'n the Box, Uplake Town Center and Burke-Gilman Trail.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Authorize the City Manager to execute Addendum #2 of the On-Call Surface Water and National Pollutant Discharge Elimination System Support Services contract with Otak, Inc. (09-C777) in the amount of \$24,971.

REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE: December 27 th , 2010	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0133 0056 Culvert Replacement\Council Meetings\Jan 10, 2011 Council Meeting\2011-01-10-Agenda\Bill-Otak Contract-Chg Scope.doc



**Contract No. 09-C777
Amendment No. 2**

The following sections of the On-Call Surface Water and NPDES Support Services contract dated March 1st, 2009, between the City of Kenmore and Otak, Inc. is amended as set forth below or in the attached. All other terms and conditions of the underlying contract shall remain in full force and effect.

Section 1. Scope of Services to be Performed by Consultant. The Consultant shall perform the services described in Exhibit "A" of this Amendment. In performing the services, the Consultant shall comply with all federal, state and local laws and regulations applicable to the services. The Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance.

Section 2. Compensation and Method of Payment. The City shall pay the Consultant \$24,971 for the additional services described in Exhibit "A". The total not to exceed contract amount will be, with this amendment, \$763,981.

DATED this 10th day of, January 2011.

CITY OF KENMORE:

CONSULTANT:

BY: _____

BY: _____

Title: City Manager

Title: _____

Attest/Authenticated:

Address: _____

City Clerk, Lynn Batchelor

Approved as to Form:

Rod Kaseguma, City Attorney

City of Kenmore
On-Call Stormwater Surface Water and NPDES Support Services
Scope Element C – On-Call Storm Water Management and Flood Mitigation Planning and
Engineering Services – Stream 0056 Basin Plan and Culvert Improvement
Otak Project No. 31301E

Addendum No. 2 to Scope of Services Element C – Stream 0056 Basin Plan and Culvert
Improvement
December 15, 2010

Background Information

- The original budget for Scope Element C was \$240,000.
- The original scope for this task included the planning, design, environmental analysis and permitting of the NE 181" Street Culvert Improvement as described in Scope Element C Tasks C5 and C6. The preferred alternative for final design was for replacement of existing culvert within the NE 181" Street right-of-way with a fish passable culvert.
- This addendum, as requested by City staff, provides for the extension of the culvert replacement project from the south side of the NE 181" Street right-of-way to the point where the deteriorated twin-culvert system leaves the future 61" Avenue NE public right-of-way onto private property (near the north property line of the Jack-In-The-Box property along the alignment of the existing twin-culvert system).
- This addendum includes additional budget in the amount of \$23,558 for labor and \$1,413 for expenses, for a total of \$24,971. The addition of \$24,941 to the original budget of \$240,000 brings the total for Scope Element C to \$264,971.

Addendum No. 2 Scope of Services

Objective

Modify final design plans for the NE 181" Culvert Replacement project to include extension of the culvert replacement project from the south side of the NE 181" Street right-of-way to the point where the deteriorated twin-culvert system leaves the future 61" Avenue NE public right-of-way onto private property (near the north property line of the Jack-In-The-Box property along the alignment of the existing twin-culvert system, an additional length of approximately 75 feet).

Activities

- A1 Provide preliminary analysis of the culvert extension including review of the alignment and existing utilities within the alignment, review of the video of the culvert interior for the alignment relative to final design, and record the potholing findings of outside contractor by field survey for inclusion in the design and final plans (potholing to be coordinated and contracted by the City at City expense).
- A2 Perform an updated hydraulic analysis for the extended system to define design slopes and verify velocities and rock sizes are adequate for the revised design. Prepare a brief technical memorandum describing the extended culvert proposal and analyses and provide updated 60

City of Kenmore
On-Call Stormwater Surface Water and NPDES Support Services
Scope Element C – On-Call Storm Water Management and Flood Mitigation Planning and
Engineering Services – Stream 0056 Basin Plan and Culvert Improvement
Otak Project No. 31301E

percent plans and revised opinion of probable construction cost for City review and comment. Submit 60 percent plans to utilities for their review and comment relative to their respective utilities.

- A3 Prepare 90% plans and opinion of probable construction cost and submit to City for review and comment. Update the previously prepared SEPA checklist and JARPA application for the revised project and submit to the City.
- A4 Provide bid-ready plans, specifications and opinion of probable construction cost for the revised project.

Deliverables/Meetings

- Field survey of potholing locations by Otak survey personnel.
- Technical memorandum describing the culvert extension and the results of the site, utility and hydraulic analyses.
- 60 percent plans and opinion of probable construction cost
- Meeting with City to review its comments on the 60 percent submittal.
- 90 percent construction plans, opinion of probable construction cost and updated SEPA checklist.
- Meeting with City to review its comments on the 90 percent submittal.
- Bid-ready plans, specifications and opinion of project construction cost for the revised project.

Time of Completion

- The estimated time of completion for the addendum services is three months.

Assumptions

- Potholing services of an independent contractor for the existing culvert system in the area of extension will be arranged and paid for by the City. Otak recommends that potholing be performed to determine the centerline location of each twin culvert at midpoint and end locations of the culvert extension.
- Submittal of the revised 60 percent to the permitting agencies except the City is assumed not to be required and is excluded from this addendum.

Free Estimate Addendum Additional Services

Olak Project # 31301E

WITNESSES:
JAMES M. KELLEY
JOHN J. KELLEY

December 15, 2010

NLW TRIBUTARY 0056 - City of Kenmore
NE 181st STREET CULVERT REPLACEMENT

Construction Cost Estimate - 60%

Last Update: 9/14/2010

Item No.	Spec. Section	Description	Unit	Total Quantity	Unit Price	Total Amount
DIVISION 1						
1	1-04.4(1)	Minor Change	EST	5,000	\$ 1.00	\$ 5,000.00
2	1-05.3(1)	Record Drawings	LS	1	\$ 2,000.00	\$ 2,000.00
3	1-05.4	Surveying	LS	1	\$ 2,000.00	\$ 2,000.00
4	1-07.15(1)	SPCC Plan	LS	1	\$ 2,000.00	\$ 2,000.00
5	1-09.7	Mobilization	LS	1	\$ 19,000.00	\$ 19,000.00
6	1-10	Project Temporary Traffic Control	LS	1	\$ 20,000.00	\$ 20,000.00
DIVISION 2						
7	2-02	Removal of Structure and Obstruction	LS	1		\$ 5,800.00
8	2-03	Gravel Borrow Incl. Haul	CY	6	\$ 28.00	\$ 180.00
9	2-09	Shoring or Extra Excavation Class B	SF	2,000	\$ 1.00	\$ 2,000.00
DIVISION 4						
10	4-04	Crushed Surfacing Base Course	TN	840	\$ 26.00	\$ 21,900.00
11	4-06	Asphalt Treated Base	TN	40	\$ 135.00	\$ 5,400.00
DIVISION 5						
12	5-04	HMA Cl. 1/2 In. PG 64-22	TN	20	\$ 135.00	\$ 2,700.00
DIVISION 7						
13	7-02	12'W x 8'H Pre-Cast Reinforced Concrete Box Culvert	LF	76	\$ 1,880.00	\$ 142,900.00
14	7-04	Schedule A Storm Sewer Pipe 12 in. Diam.	LF	54	\$ 40.00	\$ 2,200.00
15	7-04	Schedule A Storm Sewer Pipe 18 in. Diam.	LF	8	\$ 50.00	\$ 400.00
16	7-05	Catch Basin Type 1	EA	1	\$ 1,200.00	\$ 1,200.00
17	7-05	Catch Basin Type 2 48 in. Diam.	EA	2	\$ 2,500.00	\$ 5,000.00
DIVISION 8						
18	8-01	Silt Fence	LF	70	\$ 5.00	\$ 350.00
19	8-01	Inlet Protection	EA	2	\$ 100.00	\$ 200.00
20	8-01	Temporary Stream Bypass	LS	1	\$ 15,000.00	\$ 15,000.00
21	8-01	Tree Protection	LS	1	\$ 1,000.00	\$ 1,000.00
22	8-04	Cement Conc. Traffic Curb and Gutter	LF	65	\$ 30.00	\$ 1,950.00
23	8-14	Cement Conc. Sidewalk	SY	30	\$ 50.00	\$ 1,500.00
24	8-19	Streambed Gravel	CY	20	\$ 60.00	\$ 1,200.00
25	8-19	Streambed Boulder	EA	160	\$ 100.00	\$ 16,000.00
26	8-22	Paint Line	LF	15	\$ 25.00	\$ 375.00
27	8-22	Plastic Stop Line	LF	22	\$ 5.00	\$ 110.00
Subtotal Construction Cost						\$ 277,400
Contingency						10.0% \$ 27,740
Sales Tax						9.5% \$ 26,360
Total Construction Cost						\$ 303,760
Total Construction Cost (Rounded)						\$ 304,000

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Presentation of Field Investigations, Preliminary Hydraulic Modeling of Stream 0056, and Recommended NE 181 st Street Culvert Replacement Alternative.			May 10 th , 2010
DEPARTMENT	DIRECTOR	MEETING ATTENDEES	PHONE
Engineering	Ron Loewen 	Ron Loewen, Staff Kent Vaughan, Staff Russ Gaston, Otak, Inc.	(425) 398-8900
COST OF PROPOSAL: Preliminary cost estimate to replace the NE 181 st Street culvert at 61 st Avenue NE with a fish-passable culvert is ~\$340,000 (Alternative 1).		ACCOUNT NUMBER: 41 00 7033 Stream 0056 41 00 5001 Regular Salary & Wages	
AMOUNT BUDGETED: 2009-2010 Budget: \$500,000 Consultant Budget: North Lake Washington (NLW) Tributary 0056 Basin Plan and NE 181 st Street Culvert Replacement Project \$240,000, (\$112,475 expended to date, ~47% of Consultant Budget) Staff Salary & Wages: \$24,000 Remaining Budget to Construct NE 181st Street Culvert Replacement Alternative 1: \$236,000 Estimated Budget Shortfall: ~\$104,000		NAME AND FUND #: Surface Water Management Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: • May 10th, 2010 City Council Presentation; • Draft Geomorphic Assessment Report; • Otak, Inc. Memo dated April 27th, 2010 entitled "NE 181st Street CIP Culvert Replacement Alternatives Analysis – NLW Tributary 0056."			
SUMMARY STATEMENT: Background: In September 2009, City Council approved a contract amendment to the City's 2009 / 2010 On-Call Surface Water and NPDES Support Services Contract with Otak, Inc. to complete the North Lake Washington (NLW) Tributary 0056 Basin Plan and NE 181 st Street Culvert Replacement Project (\$240,000). The NE 181 st Street Culvert Replacement project was identified in 5-year CIP program of the adopted 2008 Surface Water Management Plan (2009-2010 Budget, \$500,000). Discussion: The Tributary 0056 Drainage Basin is comprised of five jurisdictions: Brier (39.2% of Basin), Kenmore (36.3% of Basin), Lake Forest Park (21.1% of Basin), Snohomish County (3.2% of Basin), and Mountlake Terrace (0.1% of Basin).			

The scope of work for this project included the following:

- Updating the hydrologic and hydraulic model in the Tributary 0056 drainage basin;
- Updating sediment source locations in the Tributary 0056 drainage basin;
- Developing potential solutions to stabilize stream banks and reduce erosion and sediment transport within Tributary 0056;
- Facilitating discussions with upstream jurisdictions in the drainage basin to address erosion and sediment control and;
- Evaluating NE 181st Street culvert replacement options and completing the design and plans, specifications, and estimate (PS&E) for the culvert replacement project.

Progress Update: Otak, Inc. has completed the hydrologic and hydraulic modeling updates, geomorphic assessment, field survey of the drainage basin, and alternatives analysis for the NE 181st Street culvert replacement. This City Council briefing will focus on the updated modeling results and sediment source locations in the basin, and the recommended NE 181st Street culvert replacement alternative, Alternative 1.

Basin Plan: Otak, Inc. has completed a field survey of Stream 0056 and identified the major sediment sources within the Tributary 0056 drainage basin. This data is summarized in the draft geomorphic assessment report (attached). The majority of sediment sources occur on private property located within the boundaries of Kenmore and Brier.

The top six (6) sediment generating sites have been identified and sediment control solutions for each site will be determined. For those sites within City right-of-way, projects will be considered for implementation as part of the 2011-2012 Surface Water Capital Improvement Plan. For locations on private property or within other jurisdictions, the city will educate and advise property owners / jurisdictions of the issues and encourage improvements.

NE 181st Culvert Replacement at 61st Avenue NE: In May 2008, emergency repairs were made to the existing Tributary 0056 culvert crossing in the NE 181st Street right-of-way at 61st Avenue NE. The Washington State Department of Fish & Wildlife (DFW) approved the emergency repair with the condition that any permanent culvert improvements at this location must be made fish-passable. As part of this scope of work, Otak, Inc. evaluated the cost of replacing the existing culvert in the NE 181st Street right-of-way with a fish-passable culvert (Alternative 1). For discussion and comparison purposes, City Staff also had Otak, Inc. evaluate the additional cost of installing a fish ladder in the stream between NE 175th Street and SR522 (Alternative 2) and additional cost of making the entire Tributary 0056 culvert fish-passable from NE 181st Street to SR522 (Alternative 3). Based on the Alternatives Analysis (attached) and allotted budget, City Staff will be moving forward with the implementation of Alternative 1 to replace the damaged culvert within City right-of-way and satisfy DFW requirements.

Upcoming Public Meeting: Otak, Inc. and City Staff will be hosting a public open house meeting in late May or early June to present initial field assessments of the drainage basin and solicit comments from attendees on the study to share local knowledge of this stream and drainage basin. At the public meeting, the May 10th 2010 City Council presentation will be given.

Next Steps: The "next steps" in this work effort include the following:

- Develop and refine potential sediment source control solutions, develop cost estimates for

each solution within public right-of-way and complete the Tributary 0056 Basin Plan report; • Complete the PS&E for the NE 181 st Street Culvert Replacement Alternative 1; • Begin discussions with neighboring jurisdictions focused on erosion and sediment source control in the drainage basin.		
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Consistent with the City's 2009-2010 Budget, adopted 2008 Surface Water Management Plan and 2009-2010 On-call Surface Water and NPDES Support Services Contract with Otak, Inc.		
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: No action is required at this time. This is a briefing to advise the City Council of the upcoming public meeting and the material to be presented. City Staff will move forward with the development of contract bid documents to replace the existing culvert within NE 181 st Street right-of-way at 61 st Avenue NE with a fish-passable culvert (Alternative 1).		
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE: April 27, 2010	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0133 0056 Culvert Replacement\Council Meetings\May 10, 2010 Council Meeting\100421-0056 Sediment Basin Study and 181st Culvert Replacement Agenda Bill.doc

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the City Manager to Execute Contract Amendment #1 to the On-Call Contract No.09-C777 with Otak, Inc. for the Preparation of the North Lake Washington (NLW) Tributary 0056 Basin Plan and NE 181 st Street Culvert Replacement Project in an amount not to exceed \$240,000			September 28 th , 2009
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Kent Vaughan	(425) 398-8900
COST OF PROPOSAL: \$240,000 of the 2009-2010 Budget of \$500,000. City Staff Salary & Wages to manage this project: \$24,000		ACCOUNT NUMBER: 41 00 7033 Stream 0056 41 00 5001 Regular Salary & Wages	
AMOUNT BUDGETED: 2009-2010 Budget: \$500,000		NAME AND FUND #: Surface Water Management Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Contract Amendment #1 to Contract No. 09-C777 with Scope of Work and Fee Estimate			
SUMMARY STATEMENT: <u>Background:</u> In November 2008, City Council passed Resolution 08-161 adopting the 2008 Surface Water Management Plan and its Capital Improvement Projects Implementation Plan 2009 - 2012 (CIP) funded by the City's Surface Water Utility Program. The #1-ranked urban project in the CIP list was the Culvert Replacement on Tributary 0056 at 61st / 181st under SR522 (project NLW3RE1). This project was added to the CIP to address a sink hole that developed in NE 181st Street in the summer of 2008. The sink hole was attributed to the failure of the existing culvert crossing at 61st Avenue NE. City Crews were permitted by the Department of Fish & Wildlife to make a temporary repair to the existing culvert with the understanding that a long term solution to replacing the culvert crossing with a fish passable culvert would be developed. As a result, the project was included in the CIP list (project NLW3RE1) in the amount of \$475,000, which was subsequently approved as part of the 2009-2010 Biennium Budget in the amount of \$500,000 (\$50,000 in 2009, and \$450,000 in 2010). In March 2009, City Staff and Otak held two special Council briefings to discuss the history of surface water and flooding issues in Kenmore and the complexity of permitting / agency coordination with stormwater-related projects. The briefings also served as a forum to discuss the Council's interest in pursuing an interlocal agreement with neighboring jurisdictions in the Swamp Creek Basin to develop a basin-wide approach to managing stormwater / flooding issues in Swamp Creek. At the conclusion of the briefings, Council supported the interlocal agreement concept to the Swamp Creek River Basin and expressed interest in pursuing a similar type of basin-wide approach to address Stream 0056 flooding / sedimentation issues. City Staff agreed to follow-up with Council on this idea and return with a scope of work for their consideration.			

In late April 2009, Council approved the 2009 / 2010 On-Call Surface Water and NPDES Support Services Contracts with Gray & Osborne Inc. (in the amount of \$311,683) and Otak Inc. (in the amount of \$498,947) to perform consultant work related to the 2008 Surface Water Management Plan. The 0056 Culvert Replacement Project (project NLW3RE1) was listed as one of projects to be completed thru the On-Call Surface Water contract. City Staff recommended that the 0056 Culvert Replacement Project be brought before Council at a later date for authorization once the project scope was better defined. The proposed Stream 0056 work effort before Council will cost \$240,000. With approval of this project, the On-Call Surface Water Contract 09-C777 with Otak will be amended to an amount not to exceed \$738,947 (original amount of \$498,947 + \$240,000).

Contract Summary:

The contract before Council includes the following work efforts:

1. Establishment and Development of an interlocal agreement with the governmental jurisdictions within the North Lake Washington (NLW) Stream 0056 watershed including Lake Forest Park, Brier, and Snohomish County to develop a watershed stabilization strategy to address long-term sediment management and stabilization of NLW Stream 0056. This work effort would involve staff discussing, identifying and pursuing common goals within the Stream 0056 basin with the other agencies contributing stormwater runoff. The contract cost of this effort would be \$10,000 (Task C1 in attached scope of work).
2. A 0056 Basin Plan (North Lake Washington (NLW) Tributary 0056 Basin Plan) that includes sediment source identification, field survey, hydrologic and hydraulic modeling, and plan development of up to 6 CIP projects to address sediment problems in the Stream 0056 watershed. This work effort would include field investigations and modeling outside of the City limits, primarily within the City of Brier. The contract cost of this effort would be \$85,000 (portions of Tasks C2, C3, C4, C5, and C7 in attached scope of work).
3. Development of three design alternatives and the preparation of bid documents including plans and specifications of the preferred design alternative to replace the Stream 0056 culvert at NE 181st Street. The contract cost of this effort would be \$145,000 (portions of Tasks C2, C3, C4, C5, and C7, and Task C6 in attached scope of work).

Discussion:

The three primary elements of the scope of work respond to the main issues confronting the drainage basin and previous Council direction. Interjurisdictional coordination will provide the opportunity to jointly manage the storm water in the basin and allow a dialogue with other jurisdictions about the quantity of water discharged to Stream 0056, the amount of sedimentation generated and how to manage it, and lastly how the stream and its habitat should be managed in the future.

The portion of the scope of work dealing with a comprehensive sedimentation analysis will continue previous council direction to reduce the sediment load in the stream especially as it enters Lake Washington. The City has previously tried to construct a sediment vault at the NE 175th Street culvert crossing but was denied approval by the Washington State Department of Fish and Wildlife because it would have presented a barrier to fish passage. This new effort will pursue reduction in sediment at the source. Additionally it may result in other methods of reducing the sediment load that would not present barriers to fish passage.

The third portion of the scope of work will address the failed culvert beneath NE 181st Street. The City is only responsible for this portion of the culvert. The portion passing beneath private property appears to be the responsibility of the private property owners and the box culvert beneath SR 522 is the responsibility of the Washington State Department of Transportation. Even though the City is only responsible for a small portion of the culvert, we will be required to make this portion fish passable. The scope of work provides for the consideration of several alternatives with varying degrees of effort to make the culvert fish passable and the final design and preparation of bid documents and permitting for the preferred alternative. The design alternatives will be presented to City Council for consideration and an open house will be held for public input, prior to moving forward with the final design.

While this work effort does not specifically address the immediate problems of sedimentation at the Marina and Harbour Village Condominiums that have been discussed in the past, it will provide some long term solutions to reduce sediment sources and transport in the Stream 0056 basin. The long term solutions, if implemented, could reduce the need to dredge the ponds and marina in the future.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Consistent with the 2009-2010 Biennium Budget, adopted 2008 Surface Water Management Plan and Council feedback at the March 23rd and March 26th, 2009 City Council Workshops entitled "City of Kenmore's Flood Mitigation and Capital Improvement Program."

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Authorize the City Manager to Execute Contract Amendment #1 to the On-Call Contract No.09-C777 with Otak, Inc. for the Preparation of the North Lake Washington (NLW) Tributary 0056 Basin Plan and NE 181st Street Culvert Replacement Project in an amount not to exceed \$240,000

REVIEWED BY FINANCE
DIRECTOR:

[Signature]

REVIEWED BY CITY
ATTORNEY:

APPROVED BY CITY MANAGER:

Nick F. Stander

TODAY'S DATE
September 11th, 2009

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\On-Call Surface Water Management-
NPDES\0133 0056 Culvert
Replacement\Council Meetings\Sept 28
Council Meeting\090911-Agenda Bill.doc

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Ordinance No. 12-0335 of the City of Kenmore, Washington; Adopting a New Chapter 8.40 of Kenmore Municipal Code for Special Events			March 19, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Land Development and Permitting	Bryan Hampson	Bryan Hampson	425-398-8900
COST OF PROPOSAL: Staff Cost: Staff time to prepare City Attorney time to review		ACCOUNT NUMBER: 01 59 5001 Regular Salary & Wages	
AMOUNT BUDGETED: The 2011/2012 biennium budget includes regular salaries and wages and City Attorney expenses		NAME AND FUND #: General Fund 01	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1. Ordinance No. 12-0335 with attached Kenmore Municipal Code Chapter 8.40, Special Events (Exhibit A). 2. February 27 th version of Ordinance with changes shown.			
EXECUTIVE SUMMARY: At the February 27, 2012 Council meeting the Special Events Ordinance was presented to and discussed with the City Council. During the discussion, an inconsistency was identified between the "applicant", "event organizer" and "person". These three roles and responsibilities have been clarified and defined to provide consistency and clarity. ❖ In order to assist the community in providing, planning and managing events partially or completely within Kenmore, a Special Events Ordinance is being proposed. It is recognized that special events enhance the Kenmore lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services. By recognizing special events, it is further intended to ensure the health and safety of patrons of special events, to ensure proper parking and traffic flow, to prohibit illegal activity from occurring within special event venues, and to protect the rights and interests granted the special event permit holder and the community. Special events include activities conducted on public or private property that affects the ordinary use of the property, or has a significant impact on land use, traffic or emergency services. Special events include activities such as parades, runs, walks, block parties, street fairs, art festivals, concerts, and farmers markets. The City expects to see a variety of special event applications ranging from six to			

twelve per year.

Currently, special events are processed through both the City's right-of-way and business licensing regulations. The right-of-way process adequately addresses road restrictions and street closures. However, it does not consider all of the other impacts to the community, public resources and health and safety. The business license process is limited to events such as live entertainment and carnivals and also does not consider all of the other impacts to the community, public resources and health and safety.

The new special events code language is very similar to the cities surrounding Kenmore. In fact, the special event program in the cities of Shoreline, Bellevue, Bothell, Mountlake Terrace, and Edmonds were all evaluated and where applicable incorporated into Kenmore's program. Additionally, the proposed special events program meets Washington Cities Insurance Authorities recommendations. The fees have been previously established in the 2011 Fee Schedule. The City's current fee is \$100, and is comparable to fees charged by other Washington Cities.

For example, an event was conducted last summer in Kenmore that may have benefited from a special events process. For this particular event, the impacts to the community were not considered. Two similar events are anticipated this spring and summer. The City, community and event organizers will benefit by having a special event process in place.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Ordinance No. 00-0094 & 98-0042 regarding noise exemptions;
Ordinance No. 98-0017 regarding business licenses for amusement places; and
Resolution No. 12-194, 2012 Fee Schedule, adoption of special event permit fee.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Adopt Ordinance No. 12-0335 of the City of Kenmore, Washington, Adopting the City of Kenmore, Washington Special Events Ordinance

**REVIEWED BY FINANCE
DIRECTOR:**

**REVIEWED BY CITY
ATTORNEY:**
D.R. - 3/5/2012

APPROVED BY CITY MANAGER:

Ing. Per J.S.

TODAY'S DATE:
3/5/2012

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
I:\City Clerk\AGENDA ITEMS\Land Development & Permitting\2012 Council Meetings\March 19, 2012\Agenda Bill Summary_Special Events.doc

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 12-0335

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON; ADOPTING A NEW CHAPTER 8.40 OF THE KENMORE MUNICIPAL CODE ESTABLISHING REGULATIONS AND A PERMITTING PROCESS FOR SPECIAL EVENTS; AMENDING SECTIONS 8.05.020.J, 8.10.020, 12.35.020.A, 12.40.020.A, AND 18.10.040.C OF THE KENMORE MUNICIPAL CODE TO PROVIDE CONSISTENT CROSS-REFERENCING TO CHAPTER 8.40 KMC; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that special events enhance the Kenmore life style and provide benefits to the citizens the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services; and

WHEREAS, the City Council desires to adopt new regulations for special events.

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

Section 1. Adoption of Chapter 8.40 of the Kenmore Municipal Code (KMC), Special Events. The City Council adopts Chapter 8.40 KMC as set forth in Exhibit A, attached hereto and incorporated by reference.

Section 2. Amendment. KMC 8.05.020(J) "Public Nuisance and Disturbance Noises" is amended to read as follows:

J. The foregoing provisions shall not apply to regularly scheduled events at ~~parks schools~~ or stadiums, such as public address systems for baseball games or ~~park concerts, or to community festivals or permitted parades~~ special events approved and permitted in accordance with Chapter 8.40 KMC.

Section 3. Amendment. KMC 8.10.020, "Sale, Possession, Use, and Discharge of Fireworks Unlawful - Exceptions" is amended to read as follows:

No person shall possess, use or discharge any fireworks within the city, nor shall any person offer for retail sale or sell any fireworks within the city. Except as authorized by a state license and city special event permit granted pursuant to RCW 70.77.260(2) (Public display), RCW 70.77.311(2) (Use by individual or

group for religious or other specified purpose on approved date and at approved location) or Chapter 8.40 KMC, no person shall ignite, explode or discharge any fireworks within the city.

Section 4. Amendment. KMC 12.35.020(A), "Permit Required for Improvement or Use – Application Processing" is amended to read as follows:

A. Permits Required. City street right-of-way shall not be privately improved or used for access or other purposes and no development approval shall be issued which requires use of privately maintained city right-of-way unless a permit has been issued pursuant to this chapter, except for utility construction work authorized pursuant to Chapter 12.55 KMC or special event permits approved and permitted in accordance with Chapter 8.40 KMC.

Section 5. Amendment. KMC 12.40.020(A), "Permit Requirement" is amended to read as follows:

A. Special use permits shall be required for any use of city property, except uses regulated pursuant to Chapter 12.55 KMC relating to utility permits ~~and~~ Chapter 12.35 KMC relating to city street system right-of-way use permits, or special event permits approved and permitted in accordance with Chapter 8.40 KMC.

Section 6. Amendment. KMC 18.10.040(C), "Conformity With This Title Required" is amended to read as follows:

C. All land uses and *development* authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other *city* regulations, the more restrictive requirements shall apply, except for special event permits approved and permitted in accordance with Chapter 8.40 KMC.

Section 7. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. 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 ____ DAY OF _____, 2011

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Lynn Suskin, City Clerk

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:

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Chapter 8.40 Special Events

Sections:

8.40.010	Title.
8.40.015	Purpose.
8.40.020	Definitions.
8.40.025	Special Event Permit Required.
8.40.030	Exceptions to Special Event Permit Requirement.
8.40.035	Issuance of Special Event Permit Does Not Obligate City Services.
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8.40.120	City Manager Authorized to Adopt Rules and Regulations.
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8.40.135	Other Permits and Licenses.
8.40.140	Unlawful to Sell Goods in Special Event Venue without Authorization.
8.40.145	Unlawful Selling Tickets to Special Event within Special Event Venue.
8.40.150.	Unlawful to Display Signs in Special Event Venue.
8.40.165	Unlawful to Interfere with Special Event or Demonstration.
8.40.170	Cost Recovery for Unlawful Special Event.

8.40.010 Title.

This Chapter shall be known as the "Special Events Ordinance."

8.40.015 Purpose.

It is the purpose of the City Council to establish a process for permitting *special events* conducted by the private sector on private or public property that affects the ordinary use of the property, and that use City *streets*, facilities or services. It is recognized that these *special events* enhance the Kenmore lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental

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services. By recognizing *special event venues*, it is further intended to supersede other City regulations, to provide a coordinated process for the regulation of certain activities to be conducted in conjunction with *special events*, to ensure the health and safety of patrons of *special events*, to prohibit illegal activity from occurring within *special event venues*, and to protect the rights and interests granted a *special event permit* holder.

8.40.020 Definitions.

A. "Applicant" means a person who files an application for a permit under this chapter and who is either the *event organizer* or authorized agent of such person.

B. "Building" means any structure used or intended for supporting or sheltering any use or occupancy. It includes push carts or sidewalk cafes, for which the sale of *goods*, food or beverages has been authorized.

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

D. "Demonstration" means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

E. "Event" is a *special event*.

F. "Event Organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a *special event*. Upon submittal of an application for a *special event* permit, the *event organizer* shall also mean the "*applicant*" as referenced throughout this chapter.

G. "Expressive activity" includes conduct the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include sports events, including, but not limited to, marathons, fundraising events, or events the principal purpose of which is entertainment.

H. "Goods" means goods, wares, personal property, merchandise or any other similar item which is generally sold.

I. "March" means an organized walk or event whose principal purpose is expressive activity in service of a public cause.

J. "Rally" means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

K. "Sidewalk" means that portion of a *street*, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

L. "Sign" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

M. "Special Event" means any of the following:

1. Any organized formation, parade, procession or assembly consisting of seventy-five (75) or more persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any *street* which does not comply with normal or usual traffic regulations or controls.

2. Any organized assemblage of seventy-five (75) or more persons at any public beach or public park which is to gather for a common purpose under the direction and control of a person.

3. Any organized assemblage or gathering of seventy-five (75) or more persons at any private property which does not comply with normal or ordinary use of the property.

4. Examples of *special events* include, but are not limited to, concerts, performances, parades, circuses, fairs, festivals, block parties, community events, demonstrations, farmer or

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outdoor market, mass participation sports (such as, marathons and running *events*, fundraising walks, fun runs, bicycle races or tours), golf tournaments, or spectator sports (such as, football, basketball and baseball games).

N. "Special Event Permit" means a permit issued under this Chapter.

O. "Special Event Venue" means that area for which a *special event permit* has been issued.

P. "Street" means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. *Street* includes highway.

Q. "Vendor" means any person who sells or offers to sell, any *goods*, food, or beverages within a *special event venue*.

8.40.025 Special Event Permit Required.

A. Except as provided in this Chapter, an *event organizer* of a *special event* shall obtain a *special event permit* from the *City Manager*.

B. The *City Manager* is authorized to issue permits for *special events* occurring within the city limits of the City pursuant to this Chapter. The *City Manager* is authorized to determine the *special event venue*. The *City Manager* shall set reasonable boundaries for the *special event venue*, balancing the *special event* requirements and public health, safety, and welfare. The *City Manager* is authorized to coordinate the issuance of a *special event permit* with other public agencies through whose jurisdiction or property the *event* or portion thereof occurs and to issue a *special event permit* upon the concurrence of other public agencies involved.

8.40.030 Exceptions to Special Event Permit Requirement.

A. A *special event permit* is not required for any activity listed in Section 8.40.030 (C).

B. Although not required to obtain a *special event permit*, an *event organizer* of an activity exempted pursuant to Section 8.40.030 (C) is required to comply with all other local, state and federal regulations applicable to the activity.

C. The following activities are exempt from the *special event permit* requirement:

1. Funeral processions by a licensed mortuary;
2. Weddings and wedding processions;
3. Lawful picketing on *sidewalks*;
4. *Special events* with fewer than seventy-five people;
5. *Special events* that are sponsored or conducted by the City of Kenmore, and activities conducted by other governmental agency acting within the scope of its authority;

6. A fireworks display involving an assembly of persons gathered on City public property for the primary purpose of watching such fireworks display, unless the fireworks display also involves the sale of food or alcohol at a location not exempted by Section 8.40.030(C)(8);

7. *Special events* conducted entirely on private property intended for such activities that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services. However an application for a *special event* may be submitted for any *special event* conducted on private property if the *event organizer* so desires; and

8. Activities held inside a *building* or a facility intended for such activities that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services.

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8.40.035 Issuance of a Special Event Permit Does Not Obligate City Services.

Issuance of a special event permit to this Chapter does not obligate or require the *City Manager* to provide City services, equipment or personnel in support of an *event*.

8.40.040 Priority of Special Event Permit Issuance.

Except for *events* sponsored by the City, and wherever possible, priority shall be given for the issuance of a *special event permit* to local Tax-exempt Non-profit Organizations operating in and providing services to the citizens of the City or County.

8.40.045 Use of City Seal or Name Prohibited.

It is unlawful for any *event organizer* to use in the title of an *event* the words "The City of Kenmore" or "City of Kenmore," or a facsimile of the seal of the City of Kenmore, without the prior approval of the *City Manager*.

8.40.050 Time for Filing Application for Special Event Permit; Time for Notifying City Manager of Demonstration.

A. An application for a *special event permit* shall be filed with the *City Manager* not less than sixty (60) calendar days, nor more than two (2) years, before the time when it is proposed to conduct the *special event*. Upon good cause shown and provided that there is no significant risk or burden to the City, the *City Manager* may, in his or her discretion, allow a later filing.

B. An application for an expressive activity special event permit shall be filed with the *City Manager* no less than seven calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown and provided that no risk or burden to the City ensues, the *City Manager* may, in his or her discretion, allow a later filing.

8.40.055 When Application for Special Event Permit Is Deemed Complete.

An application for a *special event permit* is deemed completed when the *applicant* has provided all of the information required in Section 8.40.065 including any additional information required by the *City Manager*, and the application has been approved by any City department designated by the *City Manager*.

8.40.060 Date of Special Event Not Confirmed Until Permit Issued.

Notwithstanding the *City Manager's* acceptance of a completed application, no date shall be considered confirmed until a *special event permit* is issued.

8.40.065 Content of Special Event Permit Application.

Applications for a *special event permit* may include the following:

- A. An application form provided by the department and completed by the *applicant* that includes, at minimum, the name, address, email, and telephone number of the *applicant*; and
- B. An application fee pursuant to the City's current fee schedule.

8.40.070 Conditions Affecting the Issuance of a Special Event Permit

A. The *City Manager* may issue a *special event permit*, when all of the conditions listed in Sections 8.40.070(1) – (10) are met.

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1. The *event* will not substantially interrupt the safe and orderly movement of aerial or marine navigation.
2. The *event* will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
3. The *event* will not cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.
4. The *event* will not block traffic lanes or close *streets* during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on State Route 522 or any *streets* designated as "Principal Arterials".
5. The *event* will not require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the City.
6. The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the *streets*.
7. The *event* will move from its assembly location to its disbanding location expeditiously and without stopping enroute.
8. The *event* will not substantially interfere with any other *special event* for which a permit has already been granted or with the provision of City services in support of other scheduled *events* or unscheduled governmental functions such as visits of chiefs of state.
9. The *event* will not have unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue.
10. If the *event* is a marathon, it will not occur within thirty (30) calendar days of another marathon.

B. To make the determination under Section 8.40.070 (A), the *City Manager* shall consider pedestrian and traffic circulation, traffic volume and population density.

C. In order to ensure that the conditions in Section 8.40.070 (A) are met, the *City Manager* may place conditions on the *special event permit*.

8.40.075 Denial of a Special Event Permit.

A. The *City Manager* may deny a special event permit if the *City Manager* determines that the *applicant* has not:

1. Provide a sufficient number of traffic controllers trained, certified and appointed pursuant to the City's road standards;
2. Provide sufficient monitors for crowd control and safety;
3. Provide sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the *event* will be conducted with due regard for safety;
4. Provide sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the *event*; or
5. Meet all of the requirements for submitting an application for a *special event permit*.

B. The *City Manager* may deny a *special event permit* if the *City Manager* determines that:

1. The *event* will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;
2. The *event* will violate public health or safety laws;
3. The *event* fails to conform to the requirements of law or duly established City Ordinance;
4. The *applicant* demonstrates an inability or unwillingness to conduct an *event* pursuant to the terms and conditions of this Chapter;

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5. The *applicant* has failed to conduct a previously authorized or exempted *special event* in accordance with law or the terms of a permit, or both;

6. The *event* will require the exclusive use of beach or park areas during any period from Memorial Day through Labor Day in a manner which will adversely impact upon the reasonable use or access to those areas by the general public;

7. The *applicant* has not obtained the approval of any other public agency within whose jurisdiction the *special event* or portion thereof will occur;

8. The *applicant* has failed to provide an adequate first aid or emergency medical services plan based on *event* risk factors; or

9. The *applicant* has failed to comply with any term of this Chapter, or with any condition of a *special event permit* previously issued to the *applicant*.

C. If the *City Manager* denies the application for the *special event permit* pursuant to Section 8.40.075, he or she shall notify the *applicant* in writing as soon as is reasonable practical. The *City Manager's* decision shall be final.

8.40.080 Display of Special Event Permit Required.

A copy of the *special event permit* shall be displayed in the *special event venue* in the method prescribed by the *City Manager* applicable to the particular *event* and shall be exhibited upon demand of any City official.

8.40.085 Contents of Special Event Permit.

A. A *special event permit* shall contain the following information or conditions:

1. The location of the *special event venue*, which may be identified by a map attached to the *special event permit*;

2. The date, assembly area, time for assembly and starting time of the *special event*;

3. The specific route plan to the *special event*;

4. The minimum and maximum speeds of the *special event*;

5. The number of persons, number and types of animals, vehicles and bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise mitigation;

6. The maximum interval of space to be maintained between booths or other structures to be used for the *special event*;

7. The portion of the *street and sidewalk* that is to be occupied by the *event* and the location of reviewing or audience stands, if any;

8. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the *special event organizer*,

9. The area and time for disbanding;

10. Conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of *vendors* and related sales activity by the *event organizer* during the *special event*;

11. Provisions for any required emergency medical services; and

12. Such other information and conditions as are reasonably necessary for the conduct of the *special event* and the enforcement of this Chapter, including the requirement for the on-site presence of the *event organizer* or its designated representative for all *event* coordination and management purposes.

B. As a condition of the issuance of a *special event permit*, the *applicant* shall be required to make adequate provisions for cleaning-up the area or route of the *event* both during and upon

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completion of the *event* and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the *event*.

8.40.090 Insurance & Indemnity Required to Conduct Special Event.

A. The *event organizer* of a *special event* must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the *event*. Such insurance shall name The City of Kenmore, its officers, employees, and agents and, as required, any other public entity involved in the *event*, as additional insured. Insurance coverage must be maintained for the duration of the *event*. Notice of cancellation shall be provided immediately to the City.

B. Except as provided in Section 8.40.090(C), comprehensive general liability insurance coverage required by Section 8.40.090 (A) shall be in a combined single limit of at least one million dollars (\$1,000,000).

C. If the *special event* is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the *City Manager* may authorize a greater or lesser amount of coverage than required by Sections 8.40.090 (A) and (B), or may require a particular type of insurance coverage different from that specified in Sections 8.40.090 (A) and (B).

D. The insurance required by Section 8.40.090 (A) shall encompass all liability insurance requirements imposed for other permits required under other sections of this Code and is to be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants.

E. The *event organizer's* current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the *City Manager* at least thirty (30) calendar days before the *event*, unless the *City Manager* for good cause modifies the filing requirements.

F. As a condition to the issuance of any *special events permit*, the *applicant* shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents for any and all suits, claims or liabilities caused by, or arising out of any use authorized by such permit, in a form approved by the City Attorney.

8.40.095 Waiver of Insurance Requirements.

A. Except for *special events* where the sale of alcoholic beverages is authorized or where a traffic control plan is required the insurance requirements of Section 8.40.090 may be waived by the *City Manager*.

B. Even though insurance is waived, the *City Manager* may require the *event organizer* of a *special event* to defend, indemnify and hold harmless the City from any claim or liability arising from the *event* in conformance with KMC 8.40.090.F.

8.40.100 Revocation of Special Event Permit.

A. Any *special event permit* issued pursuant to this Chapter is subject to revocation pursuant to this Section.

B. A *special event permit* may be revoked if the *City Manager* determines:

1. That the *event* cannot be conducted without violating the standards or conditions for *special event permit* issuance;
2. The *event* is being conducted in violation of any condition of the *special event permit*;
3. The *event* poses a threat to health or safety;

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4. The *event organizer* or any person associated with the *event* has failed to obtain any other permit required pursuant to this Code; or

5. The *special event permit* was issued in error or contrary to law.

C. Except as provided in Section 8.40.100(D), notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

D. If there is an emergency requiring immediate revocation of a *special event permit*, the *City Manager* may notify the permit holder verbally of the revocation.

8.40.105 Cost Recovery for Special Events.

A. Upon approval of an application for a permit for a *special event* not protected under the First and Fourteenth Amendments of the U.S. Constitution, the *City Manager* should provide the *applicant* with a statement of the estimated cost of city services and of equipment, materials and permit fees. Except as otherwise provided in this Chapter, or when funded or waived by the City the *City Manager* shall charge for the actual and indirect cost (including allocated salary, benefit and overhead costs associated with the position) for:

1. City personnel involvement in *event* traffic control, fire safety or other facility or *event* support; and

2. The use of City equipment and other non-personnel expense.

B. The *City Manager* shall require payment of fees required pursuant to Section 8.40.105 (A), or a reasonable estimate thereof, at the time the completed application is approved, unless the *City Manager* for good cause extends time for payment.

C. If the *event organizer* fails to comply with Section 8.40.085.B, the *event organizer* will be billed for actual City costs for clean-up and repair of the area or route occasioned by the *event*. If the *event organizer* failed to comply with Section 8.40.085.B under a previously issued *special event permit*, the *City Manager* may require the *event organizer* to deposit adequate surety in the form of cash or bond.

8.40.110 Expressive Activity Special Event.

A. When a *special event permit* is sought for an *expressive activity* such as a *demonstration*, *rally*, or *march* as defined in this chapter, the following exceptions shall apply:

1. Where the *special event* will not require temporary street closures, cost recovery, pursuant to KMC 8.40.105, shall be limited solely to a fee based on the cost of processing the permit application.

2. The insurance requirement of KMC 8.40.090 shall be waived; provided, that the *event organizer* has filed with the application a verified statement that he or she intends the special event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

3. Where the *special event* will require temporary street closures and any one or more of the conditions of subsection (4) of this section, are met requiring the city to provide services in the interests of public health, safety, and welfare, the special *City Manager* may condition the issuance of the *special event permit* upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. Any fee schedule adopted by the city shall contain a provision for waiver of, or a sliding scale for payment of, fees for city services, including police costs, on the basis of ability to pay.

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4. The *City Manager* may deny a *special event permit* for a *demonstration, rally or march* if:

- a. The *special event* will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
- b. The *special event* will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- c. The *special event* will block traffic lanes or close streets during peak commuter hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;
- d. The *special event* will require the diversion of police employees from their normal duties;
- e. The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;
- f. The *special event* will substantially interfere with another *special event* for which a permit has already been granted or with the provision of city services in support of other scheduled *special events*; or
- g. The *special event* will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

B. With regard to the permitting of *expressive activity special events* where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

C. Sections 8.40.070 and 8.40.075 of this chapter shall not apply to *expressive activity* special events.

8.40.120 City Manager Authorized to Adopt Rules and Regulations.

The *City Manager* is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this Chapter and the provisions of law that pertain to the conduct and operation of a *special event*.

8.40.125 Enforcement Authority.

The *City Manager* is authorized to administer and enforce the provisions of this Chapter. The *City Manager* and his or her designated Code Enforcement Officer may exercise any enforcement powers as set forth in Chapter 1.20 of this Code.

8.40.130 Unlawful to Conduct or Promote Attendance at Special Event without Permit.

A. It is unlawful to conduct a *special event* without a *special event permit* as required pursuant to this Chapter.

B. It is unlawful for any person to conduct, promote or manage any *special event* for which a *special event permit* has not been issued.

8.40.135 Other Permits and Licenses.

A. The issuance of a *special event permit* does not relieve any person from the obligation to obtain any other permit or license required pursuant to this Code.

B. The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a *special event permit* pursuant to this Chapter.

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8.40.140 Unlawful to Sell Goods in Special Event Venue without Authorization.

It is unlawful for any person to sell, resell, or offer to sell or resell, any Goods, food or beverages in a *special event venue*, except:

- A. From any *building*; or
- B. From any tent, booth or temporary structure expressly authorized pursuant to a *special event permit*; or
- C. As authorized pursuant to a conditional use permit pursuant to the City of Kenmore Zoning Code.

8.40.145 Unlawful Selling of Tickets to Special Event within Special Event Venue.

It is unlawful for any person to sell for profit, or offer to sell for profit, any ticket of admission to a *special event* within a *special event venue*, except:

- A. From any ticket office, booth, or other similar place established and maintained for the purpose of selling tickets; and,
- B. With the express authorization of the *City Manager* pursuant to a *special event permit*.

8.40.150 Unlawful to Display Signs in Special Event Venue

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any *sign* or advertising in violation of those provisions of Chapter 18.42 of this Code, regulating *signs* and advertising displays, except with the express authorization of the *City Manager* pursuant to a *special event permit*.

8.40.165 Unlawful to Interfere with Special Event or Demonstration.

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in an *event* for which a *special event permit* has been issued.

8.40.170 Cost Recovery for Unlawful Special Event.

Whenever a *special event* is conducted without a *special event permit* when one is required, or an *event* is conducted in violation of the terms of an issued *special event permit*, the *event organizer* shall be responsible for, and the *City Manager* shall charge the *event organizer* for, all City costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the *event*, or the violation of the *special event permit*, upon public safety.

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8.40.165	Unlawful to Interfere with Special Event or Demonstration.
8.40.170	Cost Recovery for Unlawful Special Event.

8.40.010 Title.

This Chapter shall be known as the "Special Events Ordinance."

8.40.015 Purpose.

It is the purpose of the City Council to establish a process for permitting *special events* conducted by the private sector on private or public property that affects the ordinary use of the property, and ~~that to use~~ City *streets*, facilities or services. It is recognized that these *special events* enhance the Kenmore lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of

EXHIBIT A

governmental services. By recognizing *special event venues*, it is further intended to supersede other City regulations, to provide a coordinated process for the regulation of certain activities to be conducted in conjunction with *special events*, to ensure the health and safety of patrons of *special events*, to prohibit illegal activity from occurring within *special event venues*, and to protect the rights and interests granted a *special event permit* holder.

8.40.020 Definitions.

A. "Applicant" means a person who files an application for a permit under this chapter and who is either the event organizer or authorized agent of such person.

B. "Building" means any structure used or intended for supporting or sheltering any use or occupancy. It includes push carts or sidewalk cafes, for which the sale of *goods*, food or beverages has been authorized.

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

D. "Demonstration" means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

E. "Event" is a *special event*.

F. "Event Organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a ~~commercial or non-commercial~~ *special event*. Upon submittal of an application for a special event permit, the event organizer shall also mean the "applicant" as referenced throughout this chapter.

G. "Expressive activity" includes conduct the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include sports events, including, but not limited to, marathons, fundraising events, or events the principal purpose of which is entertainment.

H. "Goods" means goods, wares, personal property, merchandise or any other similar item which is generally sold.

I. "March" means an organized walk or event whose principal purpose is expressive activity in service of a public cause.

J. "Rally" means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

K. "Sidewalk" means that portion of a *street*, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

L. "Sign" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

M. "Special Event" means any of the following:

1. Any organized formation, parade, procession or assembly consisting of seventy-five (75) or more persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any *street* which does not comply with normal or usual traffic regulations or controls.

2. Any organized assemblage of seventy-five (75) or more persons at any public beach or public park which is to gather for a common purpose under the direction and control of a person.

3. Any organized assemblage or gathering of seventy-five (75) or more persons at any private property which does not comply with normal or ordinary use of the property.

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4. Examples of *special events* include, but are not limited to, concerts, performances, parades, circuses, fairs, festivals, block parties, community events, demonstrations, farmer or outdoor market, mass participation sports (such as, marathons and running *events*, fundraising walks, fun runs, bicycle races or tours), golf tournaments, or spectator sports (such as, football, basketball and baseball games).

N. "Special Event Permit" means a permit issued under this Chapter.

O. "Special Event Venue" means that area for which a *special event permit* has been issued.

P. "Street" means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. *Street* includes highway.

Q. "Vendor" means any person who sells or offers to sell, any *goods*, food, or beverages within a *special event venue*.

8.40.025 Special Event Permit Required.

A. Except as provided in this Chapter, ~~any person that is an event organizer of a and conducts, promotes, manages, aids, or solicits attendance at a~~ *special event* shall obtain a *special event permit* from the *City Manager*.

B. The *City Manager* is authorized to issue permits for *special events* occurring within the city limits of the City pursuant to this Chapter. The *City Manager* is authorized to determine the *special event venue*. The *City Manager* shall set reasonable boundaries for the *special event venue*, balancing the *special event* requirements and public health, safety, and welfare. The *City Manager* is authorized to coordinate the issuance of a *special event permit* with other public agencies through whose jurisdiction or property the *event* or portion thereof occurs and to issue a *special event permit* upon the concurrence of other public agencies involved.

8.40.030 Exceptions to Special Event Permit Requirement.

A. A *special event permit* is not required for any activity listed in Section 8.40.030 (C).

B. Although not required to obtain a *special event permit*, an *event organizer* of an activity exempted pursuant to Section 8.40.030 (C) is required to comply with all other local, state and federal regulations applicable to the activity.

C. The following activities are exempt from the *special event permit* requirement:

1. Funeral processions by a licensed mortuary;

2. Weddings and wedding processions;

3. Lawful picketing on *sidewalks*;

4. *Special events* with fewer than seventy-five people;

5. *Special events* that are sponsored or conducted by the City of Kenmore, and activities conducted by other governmental agency acting within the scope of its authority;

6. A fireworks display involving an assembly of persons gathered on City public property for the primary purpose of watching such fireworks display, unless the fireworks display also involves the sale of food or alcohol at a location not exempted by Section 8.40.030(C)(8);

7. *Special events* conducted entirely on private property intended for such activities that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services. However an application for a *special event* may be submitted for any *special event* conducted on private property if the *event organizer* so desires; and

EXHIBIT A

8. Activities held inside a *building* or a facility intended for such activities that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services.

8.40.035 Issuance of a Special Event Permit Does Not Obligate City Services.

Issuance of a special event permit to this Chapter does not obligate or require the *City Manager* to provide City services, equipment or personnel in support of an *event*.

8.40.040 Priority of Special Event Permit Issuance.

Except for *events* sponsored by the City, and wherever possible, priority shall be given for the issuance of a *special event permit* to local Tax-exempt Non-profit Organizations operating in and providing services to the citizens of the City or County.

8.40.045 Use of City Seal or Name Prohibited.

It is unlawful for any *event organizer* to use in the title of an *event* the words "The City of Kenmore" or "City of Kenmore," or a facsimile of the seal of the City of Kenmore, without the prior approval of the *City Manager*.

8.40.050 Time for Filing Application for Special Event Permit; Time for Notifying City Manager of Demonstration.

A. An application for a *special event permit* shall be filed with the *City Manager* not less than sixty (60) calendar days, nor more than two (2) years, before the time when it is proposed to conduct the *special event*. Upon good cause shown and provided that there is no significant risk or burden to the City, the *City Manager* may, in his or her discretion, allow a later filing.

B. An application for an expressive activity special event permit shall be filed with the *City Manager* no less than seven calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown and provided that no risk or burden to the City ensues, the *City Manager* may, in his or her discretion, allow a later filing.

8.40.055 When Application for Special Event Permit Is Deemed Complete.

An application for a *special event permit* is deemed completed when the *applicant* has provided all of the information required in Section 8.40.065 including any additional information required by the *City Manager*, and the application has been approved by any City department designated by the *City Manager*.

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8.40.060 Date of Special Event Not Confirmed Until Permit Issued.

Notwithstanding the *City Manager's* acceptance of a completed application, no date shall be considered confirmed until a *special event permit* is issued.

8.40.065 Content of Special Event Permit Application.

Applications for a *special event permit* may include the following:

A. An application form provided by the department and completed by the *applicant* that includes, at minimum, the name, address, email, and telephone number of the *applicant*; and

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B. An application fee pursuant to the City's current fee schedule.

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8.40.070 Conditions Affecting the Issuance of a Special Event Permit

EXHIBIT A

A. The *City Manager* may issue a *special event permit*, when all of the conditions listed in Sections 8.40.070(1) – (10) are met.

1. The *event* will not substantially interrupt the safe and orderly movement of aerial or marine navigation.
2. The *event* will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
3. The *event* will not cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.
4. The *event* will not block traffic lanes or close *streets* during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on State Route 522 or any *streets* designated as “Principal Arterials”.
5. The *event* will not require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the City.
6. The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the *streets*.
7. The *event* will move from its assembly location to its disbanding location expeditiously and without stopping enroute.
8. The *event* will not substantially interfere with any other *special event* for which a permit has already been granted or with the provision of City services in support of other scheduled *events* or unscheduled governmental functions such as visits of chiefs of state.
9. The *event* will not have unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue.
10. If the *event* is a marathon, it will not occur within thirty (30) calendar days of another marathon.

B. To make the determination under Section 8.40.070 (A), the *City Manager* shall consider pedestrian and traffic circulation, traffic volume and population density.

C. In order to ensure that the conditions in Section 8.40.070 (A) are met, the *City Manager* may place conditions on the *special event permit*.

8.40.075 Denial of a Special Event Permit.

A. The *City Manager* may deny a special event permit if the *City Manager* determines that the *applicant* has not:

1. Provide a sufficient number of traffic controllers trained, certified and appointed pursuant to the City’s road standards;
 2. Provide sufficient monitors for crowd control and safety;
 3. Provide sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the *event* will be conducted with due regard for safety;
 4. Provide sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the *event*; or
 5. Meet all of the requirements for submitting an application for a *special event permit*.
- B. The *City Manager* may deny a *special event permit* if the *City Manager* determines that:
1. The *event* will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;
 2. The *event* will violate public health or safety laws;
 3. The *event* fails to conform to the requirements of law or duly established City Ordinance;

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4. The *applicant* demonstrates an inability or unwillingness to conduct an *event* pursuant to the terms and conditions of this Chapter;

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5. The *applicant* has failed to conduct a previously authorized or exempted *special event* in accordance with law or the terms of a permit, or both;

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6. The *event* will require the exclusive use of beach or park areas during any period from Memorial Day through Labor Day in a manner which will adversely impact upon the reasonable use or access to those areas by the general public;

7. The *applicant* has not obtained the approval of any other public agency within whose jurisdiction the *special event* or portion thereof will occur;

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8. The *applicant* has failed to provide an adequate first aid or emergency medical services plan based on *event* risk factors; or

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9. The *applicant* has failed to comply with any term of this Chapter, or with any condition of a *special event permit* previously issued to the *applicant*.

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C. If the *City Manager* denies the application for the *special event permit* pursuant to Section 8.40.075, he or she shall notify the *applicant* in writing as soon as is reasonable practical. The *City Manager's* decision shall be final.

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8.40.080 Display of Special Event Permit Required.

A copy of the *special event permit* shall be displayed in the *special event venue* in the method prescribed by the *City Manager* applicable to the particular *event* and shall be exhibited upon demand of any City official.

8.40.085 Contents of Special Event Permit.

A. A *special event permit* shall contain the following information or conditions:

1. The location of the *special event venue*, which may be identified by a map attached to the *special event permit*;

2. The date, assembly area, time for assembly and starting time of the *special event*;

3. The specific route plan to the *special event*;

4. The minimum and maximum speeds of the *special event*;

5. The number of persons, number and types of animals, vehicles and bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise mitigation;

6. The maximum interval of space to be maintained between booths or other structures to be used for the *special event*;

7. The portion of the *street and sidewalk* that is to be occupied by the *event* and the location of reviewing or audience stands, if any;

8. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the *special event organizer*,

9. The area and time for disbanding;

10. Conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of *vendors* and related sales activity by the *event organizer* during the *special event*;

11. Provisions for any required emergency medical services; and

12. Such other information and conditions as are reasonably necessary for the conduct of the *special event* and the enforcement of this Chapter, including the requirement for the on-site presence of the *event organizer* or its designated representative for all *event* coordination and management purposes.

EXHIBIT A

B. As a condition of the issuance of a *special event permit*, the *applicant* shall be required to make adequate provisions for cleaning-up the area or route of the *event* both during and upon completion of the *event* and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the *event*.

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8.40.090 Insurance & Indemnity Required to Conduct Special Event.

A. The *event organizer* of a *special event* must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the *event*. Such insurance shall name The City of Kenmore, its officers, employees, and agents and, as required, any other public entity involved in the *event*, as additional insured. Insurance coverage must be maintained for the duration of the *event*. Notice of cancellation shall be provided immediately to the City.

B. Except as provided in Section 8.40.090(C), comprehensive general liability insurance coverage required by Section 8.40.090 (A) shall be in a combined single limit of at least one million dollars (\$1,000,000).

C. If the *special event* is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the *City Manager* may authorize a greater or lesser amount of coverage than required by Sections 8.40.090 (A) and (B), or may require a particular type of insurance coverage different from that specified in Sections 8.40.090 (A) and (B).

D. The insurance required by Section 8.40.090 (A) shall encompass all liability insurance requirements imposed for other permits required under other sections of this Code and is to be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants.

E. The *event organizer's* current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the *City Manager* at least thirty (30) calendar days before the *event*, unless the *City Manager* for good cause modifies the filing requirements.

F. As a condition to the issuance of any *special events permit*, the *applicant* shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents for any and all suits, claims or liabilities caused by, or arising out of any use authorized by such permit, in a form approved by the City Attorney.

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8.40.095 Waiver of Insurance Requirements.

A. Except for *special events* where the sale of alcoholic beverages is authorized or where a traffic control plan is required the insurance requirements of Section 8.40.090 may be waived by the *City Manager*.

B. Even though insurance is waived, the *City Manager* may require the *event organizer* of a *special event* to defend, indemnify and hold harmless the City from any claim or liability arising from the *event* in conformance with KMC 8.40.090.F.

8.40.100 Revocation of Special Event Permit.

A. Any *special event permit* issued pursuant to this Chapter is subject to revocation pursuant to this Section.

B. A *special event permit* may be revoked if the *City Manager* determines:

EXHIBIT A

1. That the *event* cannot be conducted without violating the standards or conditions for *special event permit* issuance;
 2. The *event* is being conducted in violation of any condition of the *special event permit*;
 3. The *event* poses a threat to health or safety;
 4. The *event organizer* or any person associated with the *event* has failed to obtain any other permit required pursuant to this Code; or
 5. The *special event permit* was issued in error or contrary to law.
- C. Except as provided in Section 8.40.100(D), notices of revocation shall be in writing and specifically set forth the reasons for the revocation.
- D. If there is an emergency requiring immediate revocation of a *special event permit*, the *City Manager* may notify the permit holder verbally of the revocation.

8.40.105 Cost Recovery for Special Events.

A. Upon approval of an application for a permit for a *special event* not protected under the First and Fourteenth Amendments of the U.S. Constitution, the *City Manager* should provide the *applicant* with a statement of the estimated cost of city services and of equipment, materials and permit fees. Except as otherwise provided in this Chapter, or when funded or waived by the *City* the *City Manager* shall charge for the actual and indirect cost (including allocated salary, benefit and overhead costs associated with the position) for:

1. City personnel involvement in *event* traffic control, fire safety or other facility or *event* support; and
2. The use of City equipment and other non-personnel expense.

B. The *City Manager* shall require payment of fees required pursuant to Section 8.40.105 (A), or a reasonable estimate thereof, at the time the completed application is approved, unless the *City Manager* for good cause extends time for payment.

C. If the *event organizer* fails to comply with Section 8.40.085.B, the *event organizer* will be billed for actual City costs for clean-up and repair of the area or route occasioned by the *event*. If the *event organizer* failed to comply with Section 8.40.085.B under a previously issued *special event permit*, the *City Manager* may require the *event organizer* to deposit adequate surety in the form of cash or bond.

8.40.110 Expressive Activity Special Event.

A. When a *special event permit* is sought for an *expressive activity* such as a *demonstration*, *rally*, or *march* as defined in this chapter, the following exceptions shall apply:

1. Where the *special event* will not require temporary street closures, cost recovery, pursuant to KMC 8.40.105, shall be limited solely to a fee based on the cost of processing the permit application.

2. The insurance requirement of KMC 8.40.090 shall be waived; provided, that the *event organizer* has filed with the application a verified statement that he or she intends the *special event* purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

3. Where the *special event* will require temporary street closures and any one or more of the conditions of subsection (4) of this section, are met requiring the city to provide services in the interests of public health, safety, and welfare, the *special City Manager* may condition the

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EXHIBIT A

issuance of the *special event permit* upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. Any fee schedule adopted by the city shall contain a provision for waiver of, or a sliding scale for payment of, fees for city services, including police costs, on the basis of ability to pay.

4. The *City Manager* may deny a *special event permit* for a *demonstration, rally or march* if:

- a. The *special event* will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
- b. The *special event* will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- c. The *special event* will block traffic lanes or close streets during peak commuter hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;
- d. The *special event* will require the diversion of police employees from their normal duties;
- e. The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;
- f. The *special event* will substantially interfere with another *special event* for which a permit has already been granted or with the provision of city services in support of other scheduled *special events*; or
- g. The *special event* will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

B. With regard to the permitting of *expressive activity special events* where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

C. Sections 8.40.070 and 8.40.075 of this chapter shall not apply to *expressive activity* special events.

8.40.120 City Manager Authorized to Adopt Rules and Regulations.

The *City Manager* is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this Chapter and the provisions of law that pertain to the conduct and operation of a *special event*.

8.40.125 Enforcement Authority.

The *City Manager* is authorized to administer and enforce the provisions of this Chapter. The *City Manager* and his or her designated Code Enforcement Officer may exercise any enforcement powers as set forth in Chapter 1.20 of this Code.

8.40.130 Unlawful to Conduct or Promote Attendance at Special Event without Permit.

A. It is unlawful to conduct a *special event* without a *special event permit* as required pursuant to this Chapter.

B. It is unlawful for any person to conduct, promote or manage any *special event* for which a *special event permit* has not been issued.

8.40.135 Other Permits and Licenses.

EXHIBIT A

A. The issuance of a *special event permit* does not relieve any person from the obligation to obtain any other permit or license required pursuant to this Code.

B. The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a *special event permit* pursuant to this Chapter.

8.40.140 Unlawful to Sell Goods in Special Event Venue without Authorization.

It is unlawful for any person to sell, resell, or offer to sell or resell, any Goods, food or beverages in a *special event venue*, except:

A. From any ~~Building~~; or

B. From any tent, booth or temporary structure expressly authorized pursuant to a *special event permit*; or

C. As authorized pursuant to a conditional use permit pursuant to the City of Kenmore Zoning Code.

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8.40.145 Unlawful Selling of Tickets to Special Event within Special Event Venue.

It is unlawful for any person to sell for profit, or offer to sell for profit, any ticket of admission to a *special event* within a *special event venue*, except:

A. From any ticket office, booth, or other similar place established and maintained for the purpose of selling tickets; and,

B. With the express authorization of the *City Manager* pursuant to a *special event permit*.

8.40.150 Unlawful to Display Signs in Special Event Venue

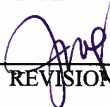
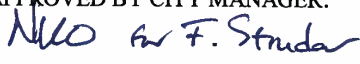
It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any *sign* or advertising in violation of those provisions of Chapter 18.42 of this Code, regulating *signs* and advertising displays, except with the express authorization of the *City Manager* pursuant to a *special event permit*.

8.40.165 Unlawful to Interfere with Special Event or Demonstration.

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in an *event* for which a *special event permit* has been issued.

8.40.170 Cost Recovery for Unlawful Special Event.

Whenever a *special event* is conducted without a *special event permit* when one is required, or an *event* is conducted in violation of the terms of an issued *special event permit*, the *event organizer* shall be responsible for, and the *City Manager* shall charge the *event organizer* for, all City costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the *event*, or the violation of the *special event permit*, upon public safety.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
2012 Legislative Session Update from Gordon, Thomas Honeywell			19 March 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Frederick Stouder	Nancy Ousley	425-398-8900
COST OF PROPOSAL: n/a		ACCOUNT NUMBER: 01.13.5401	
AMOUNT BUDGETED: \$0		NAME AND FUND #: General Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1) 9 January 2012 Agenda Packet			
SUMMARY STATEMENT: The City's state government affairs consultants from Gordon, Thomas Honeywell will brief the Council on the 2012 Legislative Session, which is scheduled to adjourn on 8 March 2012.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: The City Council approved the 2012 Legislative Agenda on January 9, 2012 to prioritize funding for SR 522 Corridor improvements; public records process reforms; stormwater and other infrastructure assistance for local governments; aligning state mandates with the realities of local government resources; and support for drug take-back programs.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: No action requested; briefing and report only.			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
			
TODAY'S DATE: 2 March 2012	REVISION DATE(S):		FILE NAME & PATH (HYPERLINK): See below

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CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Washington State Legislature 2012 Session: Approve City of Kenmore Legislative Agenda and Priorities			9 January 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Frederick Stouder	Nancy Ousley	425-398-8900
COST OF PROPOSAL: n/a		ACCOUNT NUMBER: 01.13.5401	
AMOUNT BUDGETED: n/a		NAME AND FUND #: General Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1) Proposed City of Kenmore 2012 Legislative Priorities 2) Association of Washington Cities 2012 Major Priorities 3) House Bill 1667 (2011 Session)			
SUMMARY STATEMENT: The 2012 Legislative Session begins on January 9. The 2012 Session is a 60 day ("short") session. In addition to the major budget issues in the 2012 Supplemental Budget, the Legislature is expected to be dealing with options for a new transportation revenue package, including the recommendations from the Governor's Connecting Washington Task Force. In the 2011 Session, the State House of Representatives passed HB 1667, which prioritizes funding for SR 522 when a new transportation revenue package is enacted. The 2011-2013 Transportation Budget passed in the 2011 Session includes \$650,000 in Federal funds for intersection improvements at 61 st Ave NE and NE 181 st Street. The City has continued to discuss the SR 522 Corridor's needs, particularly with the advent of SR 520 tolling and the SR 520 Bridge project support activity in Kenmore, in meetings and tours with Legislative Transportation leadership and Legislators from neighboring districts between Legislative Sessions. Bothell and Lake Forest Park have been involved in many of the meetings. Proposed Legislative priorities continue the City's focus of the past several sessions: securing funding for improvements to the SR 522 Corridor; public records process reforms; stormwater and other infrastructure assistance for local governments; and aligning state mandates with the budget realities of local government.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: The City Council has discussed and approved similar Legislative Priorities for the 2011 Legislative Session in October 2010. The City Council authorized Contract No.09-C816 with Gordon Thomas Honeywell for state government relations services in October, 2009 and approved Amendment No. 1 to the Contract, extending the contract term through December 2012, on November 28, 2011.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Approve City of Kenmore 2012 Legislative Agenda			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
TODAY'S DATE: 23 Dec 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):	

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CITY OF KENMORE, WASHINGTON**PROPOSED 2012 LEGISLATIVE SESSION PRIORITIES****9 JANUARY 2012****Funding Improvements to the SR 522 Corridor**

The City continues to advocate for funding to complete improvements to State Route 522. The State House passed House Bill 1667 in the 2011 Session that prioritizes funding for this Corridor once a new transportation revenue package is enacted. The Senate Transportation Committee held a hearing for the companion bill (SB 5532). While the 2011-2013 Transportation Budget includes funds for intersection improvements adjacent to the Corridor, the SR 520 Tolling will divert more traffic to this Corridor. Kenmore is also playing a role in the SR 520 Bridge Project, with project support activity that will result in efficiencies in transporting bridge deck panels and anchors to the project site.

Public Records Reform

The City of Kenmore supports reform to statutes governing public records requests, and recognizes the importance of transparency and accountability in government. However, situations that abuse the system should be addressed in order to avoid costly and cumbersome practices that affect overall service delivery. The City looks forward to working with interested parties to develop reform ideas.

Stormwater and other Infrastructure Funding

The City of Kenmore supports maintaining the Public Works Trust Fund at current or enhanced levels, recognizing its role in improving local infrastructure and supporting construction jobs. The City also supports continued funding for stormwater projects.

Examining State Mandates for Local Governments in Difficult Economic Times

State mandates for stormwater, environmental and growth management regulations should recognize the cost of meeting mandates and adjust timelines/requirements or provide financial assistance to local governments.

December 2011



Board of Directors adopts 2012 major priorities

Help our communities drive job growth

- Invest in building and maintaining critical infrastructure, thus creating jobs. For example, the Public Works Trust Fund should be held harmless or enhanced.
- Reform the SEPA process to streamline it and better align it with other environmental reviews, reducing regulatory costs and spurring development that will create jobs.
- Enable tax increment financing authorities to support public-private economic development partnerships that will foster job-creating growth.
- Support workforce training and education programs, such as the Governor's aerospace initiative.

Give cities revenue flexibility to meet community needs

- Continue revenue sharing that helps pay for public safety and other critical services.
- Ease restrictions on how local governments can spend their own revenue to best meet local needs, and preserve local taxing authority that reflects community priorities.
- Explore new opportunities for funding local priorities.

Reform policies and regulations to reduce costs and uncertainty

- Pursue greater regulatory flexibility to reflect reduced resources. For example, the state should ensure that stormwater regulations are both financially and technologically feasible.
- Address public records abuses that drive up local costs without enhancing real transparency or the public's right to know.
- Resist transferring state responsibilities to local government without adequate funding or resources.
- Provide more clarity on the medical marijuana law to give local government better guidance on how to address this issue.
- Look for opportunities to address unsustainable personnel costs, such as modifying binding interest arbitration.

AWC contact

Dave Williams, Director of State &
Federal Relations
davew@awcnet.org
(360) 753.4137

H-0872.1

HOUSE BILL 1667

State of Washington 62nd Legislature 2011 Regular Session
By Representatives Kagi, Armstrong, Ryu, Llias, Clibborn, Angel,
Goodman, Stanford, and Moscoso

Read first time 01/28/11. Referred to Committee on Transportation.

1 **AN ACT Relating to state route number 522; and creating new**
2 **sections.**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:**

4 **NEW SECTION. Sec. 1.** The legislature finds that state route
5 number 522 is a vital transportation corridor in the Puget Sound region
6 for the following reasons:

7 (1) State route number 522: Has been designated a highway of
8 statewide significance; traverses the cities of Lake Forest Park,
9 Bothell, Kenmore, Seattle, and unincorporated King county; connects to
10 multiple main arterials, including Northeast 145th Street (state route
11 number 523) and Northeast Ballinger Way (state route number 104); and
12 provides an important link between Interstates 5 and 405;

13 (2) State route number 522 carries more than forty-eight thousand
14 vehicles per day and is forecasted to carry more than sixty-two
15 thousand vehicles per day in 2026;

16 (3) The corridor is a major route for transporting freight and
17 carries more than thirteen million tons of freight per year;

18 (4) State route number 522 is a key regional transit corridor for

1 five bus routes carrying three thousand three hundred seventy
2 passengers per day;

3 (5) State route number 522 serves employment centers that provide
4 jobs to more than fifty thousand workers;

5 (6) State route number 522 is the only direct link between the
6 designated urban centers of Canyon Park, Northgate, and the University
7 District;

8 (7) State route number 522 is regionally significant in that it
9 provides an alternative to the often-congested state route number 520
10 bridge across Lake Washington and is a designated emergency evacuation
11 route for the Puget Sound region; and

12 (8) The corridor serves the University of Washington Bothell
13 campus, an institution with approximately three thousand students, and
14 Bastyr University, an institution with approximately one thousand
15 students.

16 NEW SECTION. Sec. 2. The legislature recognizes that there are
17 correctable traffic collisions on the state route number 522 corridor
18 and therefore finds that there is a need to improve safety in this
19 corridor.

20 NEW SECTION. Sec. 3. The legislature acknowledges that the cities
21 along the state route number 522 corridor have formed a strong
22 partnership with federal and state representatives to address problems,
23 develop a list of improvements, and to fund and manage projects that
24 improve safety and mobility on this corridor. To this end, the city of
25 Kenmore has contributed more than nine million dollars, the city of
26 Bothell has contributed more than thirty-four million dollars, and the
27 transportation improvement board has contributed more than fifty
28 million dollars. Contributions for the corridor from the state have
29 also included thirteen million dollars of transportation partnership
30 account funds, one million dollars for roadway preservation, and five
31 million five hundred thousand dollars of transportation 2003 account
32 (nickel account) funds. In addition, forty million dollars of
33 transportation 2003 account (nickel account) and transportation
34 partnership account funds were expended to construct the University of
35 Washington Bothell campus access on state route number 522.

1 NEW SECTION. Sec. 4. The 2010 legislature recognized state route
2 number 522 as an important link between Interstates 5 and 405 and noted
3 that state route number 522 will be impacted by diversion when the
4 state route number 520 floating bridge is tolled. The 2010 legislature
5 therefore expressed its intent to provide priority funding for the
6 corridor.

7 NEW SECTION. Sec. 5. The 2011 legislature expresses its intent to
8 fund improvements to significantly increase the flow of people and
9 goods on the state route number 522 corridor and directs the state
10 department of transportation to continue to work with affected cities,
11 the Puget Sound regional council, the freight community, and the
12 federal government to secure the necessary funding and other resources
13 to continue improvements in the corridor. The state department of
14 transportation is further directed to review the projects recently
15 constructed or currently being designed, including business access and
16 transit (BAT) lanes, by the cities of Seattle, Bothell, Kenmore, and
17 Lake Forest Park and prepare a letter to the legislature on their
18 general consistency as well as identify improvements that remain
19 unfunded.

20 NEW SECTION. Sec. 6. Given that tolling on state route number
21 520 is scheduled to begin in spring 2011, the 2011 legislature finds
22 that funding to mitigate this impact on the state route number 522
23 corridor is urgently needed.

--- END ---

CITY OF KENMORE, WASHINGTON											
AGENDA BILL SUMMARY											
AGENDA TITLE			MEETING DATE								
SR 522 Phase I Stage 2 Discussion of Project Segmenting for Funding Purposes			March 19, 2012								
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE								
Engineering	Ron Loewen	Phil Thordarson	425 398 8900								
COST OF PROPOSAL: N/A		ACCOUNT NUMBER: 09 11 7088 SR 522 Phase I Stage 2 Design									
AMOUNT BUDGETED: 2011-12 Project Budget: \$261,000 Total SR 522 Phase I, Stage 2 Project Estimate: <table> <tr> <td>Design</td> <td>\$ 3,395,340</td> </tr> <tr> <td>Right of Way</td> <td>\$ 3,063,700</td> </tr> <tr> <td>Construction</td> <td><u>\$18,800,800</u></td> </tr> <tr> <td>Total Project</td> <td><u>\$25,269,740</u></td> </tr> </table>		Design	\$ 3,395,340	Right of Way	\$ 3,063,700	Construction	<u>\$18,800,800</u>	Total Project	<u>\$25,269,740</u>	NAME AND FUND #: Arterial Street Fund No. 09	
Design	\$ 3,395,340										
Right of Way	\$ 3,063,700										
Construction	<u>\$18,800,800</u>										
Total Project	<u>\$25,269,740</u>										
ATTACHMENT(S) TO AGENDA PACKET ITEM:											
1. Project Segment Descriptions and Estimated Construction Costs 2. Project Segment Map 3. SR 522 and 61st Avenue NE Traffic Signal and Intersection Improvements 4. Puget Sound Regional Council (PSRC) Call for Projects											
SUMMARY STATEMENT:											
During the current State legislative session the City was asked to submit the SR 522 Phase I Stage 2 Project (west end) in a different project sequence from the current Transportation Improvement Program. As a result the project was split into segments that might more logically be funded by the State Capital Budget and the State Transportation Budget. The sidewalks and other improvements along the north side of the roadway from 61st to 65th Avenues NE were split into three projects to be funded under the State Capital Budget. The remaining elements were split into three projects. The projects and the respective cost estimates for construction are shown in the two attachments. The City will also be submitting one project segment for the 2013-14 Federal Highway Administration Grants. There are two programs available under the PSRC call for projects, see attached letter. The first program allocates funds to projects through a regional competition between all jurisdictions within PSRC and begins with project prioritization by the regional transportation partnerships; in the City's case the Eastside Transportation Partnership. The second program, the countywide program, is a competition between agencies within King County. This second program is ranked by agency staff and then adjusted based on geographical distribution. This program is the one that resulted in the City recently receiving \$2.5 million for right of way acquisition. The total funds being allocated through the regional program are \$35.95 million and the countywide											

program is \$22.8 million. The proposed segment is one that needs to rank well with regards to providing access to regional centers and providing improvements to travel time and capacity. It also needs to be a project that can be shown to be or is very close to be fully funded. Submitting the entire SR 522 Phase I Stage 2 project would be difficult given the available funds and the City's ability or inability to fund the remaining project if full funding were not provided. City staff proposes to submit the project segment from the western city limits through the intersection of 61st Avenue NE. This project would widen SR 522 by adding an eastbound to northbound left turn lane and a southbound right turn lane on 61st Avenue NE. This would improve capacity at this intersection, reduce travel times, improve safety and has the potential of receiving funding from the Transportation Improvement Board. The total project cost will be approximately \$12 million. The City has allocated approximately \$1.2 million in the Transportation Improvement Program for this project requiring a \$10.8 million grant unless additional funds are made available by the State Legislature or Transportation Improvement Board.

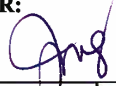
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Council set a priority for SR 522 as part of previous goals.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Approval of project segment and submittal for PSRC Federal Highway Administration regional and countywide grant programs.

**REVIEWED BY FINANCE
DIRECTOR:**



**REVIEWED BY CITY
ATTORNEY:**

APPROVED BY CITY MANAGER:



TODAY'S DATE:
March 4, 2012

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\0050.50 SR 522 Phase 1, Stage 2\Council
Items\Agenda\Bill-020810_Funding
Priorities\FundPrior_030412.doc



City Of Kenmore, Washington

February 8, 2012

SR 522 West Segment (57th Ave NE to 65th Ave NE) Proposed Project Segments and Estimated Construction Costs by Washington State Funding Sources

TRANSPORTATION PROJECTS:

Roadway widening, asphalt, walls and medians

#1 - SR522 - 57 th Ave NE to 61 st Ave NE (with Burke-Gilman Trail wall & noise wall)	\$10,398,700
#2 - 61 st Ave NE - North of SR522 to NE 175 th St (Improve safety for trail users and auto traffic)	\$2,369,600
#3 - SR522 - 61 st Ave NE to 65 th Ave NE (South of existing north edge of roadway)	\$2,198,100

Total \$14,966,400

CAPITAL PROJECTS:

Proposed projects are north of the existing north edge of the roadway, where there are currently no or very limited sidewalks. Busy transit stops and a park and ride lot are north of SR 522 in this area, and pedestrian safety needs to be improved.

Improvements include: Sidewalks including curbs and gutters, streetscape including utilities and landscaping/trees, and storm drains.

#1 - SR522 - 61 st Ave NE to 62 nd Ave NE	\$714,900
#2 - SR522 - 62 nd Ave NE to 63 rd Ave NE	\$746,800
#3 - SR522 - 63 rd Ave NE to 65 th Ave NE	\$2,372,700

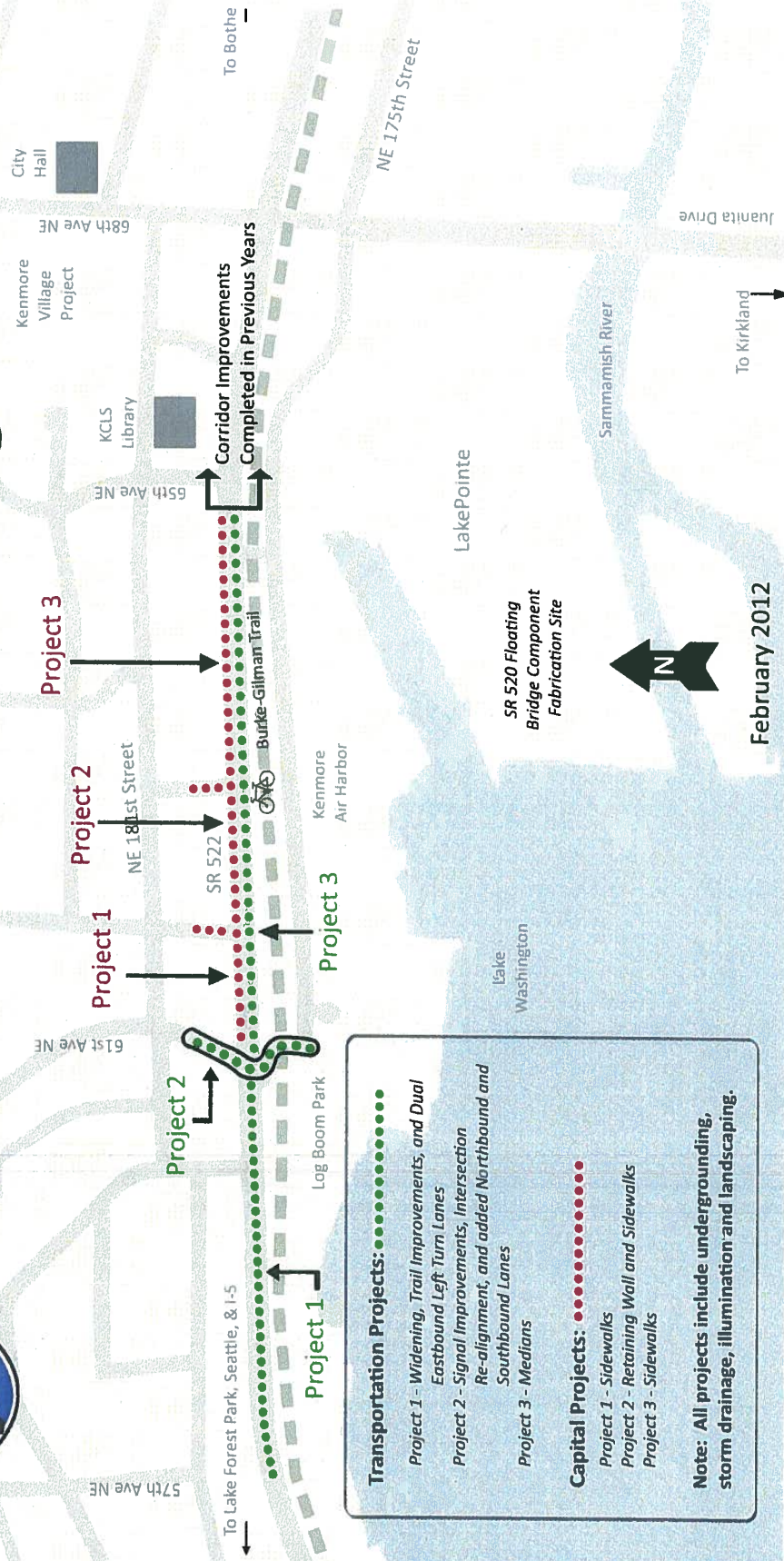
Total \$3,834,400

Grand Total \$18,800,800



SR 522 Corridor Improvements Phase I, Stage 2

ATTACHMENT #2



Transportation Projects:

- Project 1 - Widening, Trail Improvements, and Dual Eastbound Left Turn Lanes
- Project 2 - Signal Improvements, Intersection Re-alignment, and added Northbound and Southbound Lanes
- Project 3 - Medians

Capital Projects:

- Project 1 - Sidewalks
- Project 2 - Retaining Wall and Sidewalks
- Project 3 - Sidewalks

Note: All projects include undergrounding, storm drainage, illumination and landscaping.

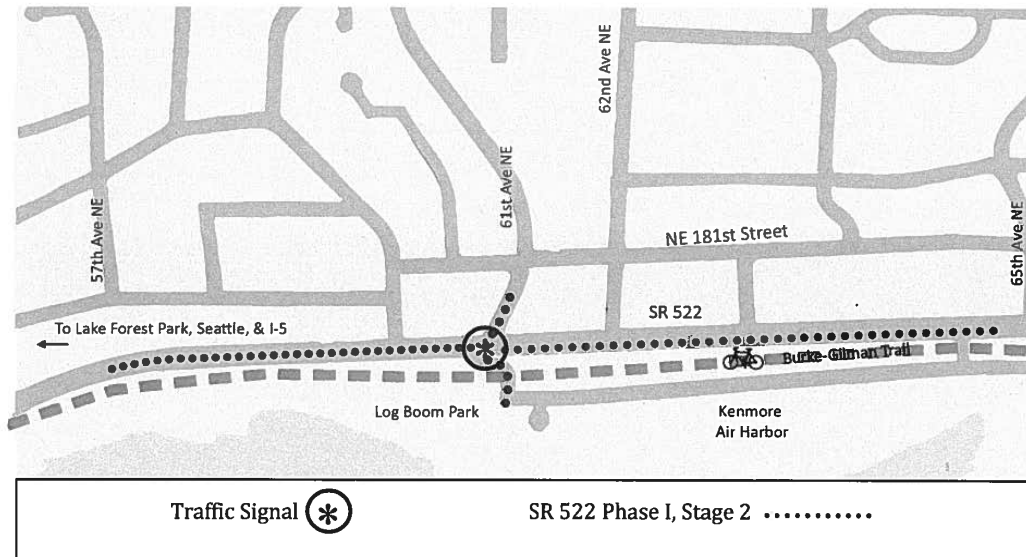
Attachment 3



City of Kenmore, Washington

February 29, 2012

SR 522 and 61st Avenue NE Traffic Signal and Intersection Improvements



This project will install new upgraded traffic signal system and widen the north approach to the intersection of SR 522 and 61st Avenue NE. The improvements will meet several objectives:

- Provide an improved traffic signal system at the intersection of SR 522 (Bothell Way) and 61st Avenue NE consistent with the future completion of SR 522 Phase1, Stage 2 project.
- Widen the north approach to separate the through and left turn movements to provide for dedicated double right turn lanes to westbound SR 522.

The project scope and budget includes construction only. Preparation of contract plans and specifications, permits, and right of way acquisition are currently funded. Improvements will include installation of a traffic signal with mast arms, traffic signal controller, interconnect to SR 522 traffic signal system, undergrounding of signal conduit, channelization, widening the north approaches for left turn pockets, sidewalk and curb revisions and street lighting.

Total Project Cost: \$1,100,000

For further details contact:

Ron Loewen, P.E.
City Engineer
(425) 398-8900
rloewen@ci.kenmore.wa.us

ATTACHMENT #4



MEMORANDUM

March 2, 2012

To: All Public Agencies and Interested Parties
From: Kelly McGourty, Program Manager
Subject: **2012 Project Selection Process for PSRC's Federal Funds: Call for Projects**

The Puget Sound Regional Council (PSRC) invites public agencies in King, Kitsap, Pierce, and Snohomish counties to submit projects for the 2012 Project Selection Process for PSRC's Federal Funds. PSRC will be distributing approximately \$440 million of 2013-2014 Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funds. There are separate competitive processes for each funding source, described below. PSRC's Executive Board adopted the *2012 Policy Framework for PSRC's Federal Funds* on February 23, 2012, which details all of the requirements for the competitive distribution of the funds, including eligibility, policy focus, amounts, and procedures. As it has been in the past, the adopted policy focus for the 2012 Project Selection Process is "support for centers and the corridors that serve them."

All projects submitted for PSRC funds must meet the eligibility requirements of each funding source, as well as regional policies and all other federal requirements. Materials for this Call for Projects are available on PSRC's website at <http://www.psrc.org/transportation/tip/selection>. These materials include the following:

- Dates and locations of Project Selection Workshops (to be held March 6-12, 2012)
- *2012 Policy Framework for PSRC's Federal Funds* (including detailed schedule)
- Regional Project Evaluation Criteria (for both FHWA and FTA processes)
- Regional Project Evaluation Applications (for both FHWA and FTA processes)
- Summary of FHWA project eligibility requirements

PROCESS FOR PSRC'S FHWA FUNDS

PSRC distributes FHWA funds from the Surface Transportation Program (STP) and from the Congestion Mitigation and Air Quality Improvement Program (CMAQ). A shared regional and countywide process is conducted. For federal fiscal years (FFY) 2013-2014, there is an estimated total of \$103.6 million of STP and \$54.0 million of CMAQ funds, for a total of \$157.6 million. The Policy Framework describes the process and procedures for both the regional competition and the four countywide processes.

Regional Competition - FHWA

Applications for the Regional Competition for PSRC's FHWA funds are due by **5:00p.m. Friday, April 13, 2012**. The number of applications able to be submitted into the regional competition is limited to 36, based on the following distribution: 6 each from Kitsap, Pierce and Snohomish countywide forums; 12 from the King countywide forum; and 2 each from WSDOT, Sound Transit, and the Puget Sound Clean Air Agency. The three regional agencies may also participate in, and submit projects through, the countywide forums.

The Regional Project Evaluation Criteria and the Regional Project Application, along with all other materials in the Call for Projects (such as eligibility information), may be found on PSRC's website at <http://www.psrc.org/transportation/tip/selection>. Regional applications should be submitted by the April 13th deadline to tippec@psrc.org.

Countywide Competitions

Each of the four countywide forums will conduct their own competitive processes for their respective portion of PSRC's FHWA funds. Additional information on the countywide processes is available in the Policy Framework. Final project recommendations from each countywide forum are due to PSRC by June 18, 2012.

PROCESS FOR PSRC'S FTA FUNDS

PSRC distributes FTA funds from the Urbanized Area Formula Program (5307) and the Fixed Guideway Modernization Program (5309FG). There are three urbanized areas (UZA) in the PSRC region – Bremerton, Marysville and Seattle-Tacoma-Everett. The Bremerton and Marysville UZAs contain only one transit agency, therefore their funds are distributed via an earned share process which is described in the Policy Framework. The Seattle-Tacoma-Everett UZA has multiple transit agencies, and funds are distributed within this UZA via both an earned share distribution and a regional competition. The amounts available within each UZA are identified in the Policy Framework.

Regional Competition - FTA

Applications for the Regional Competition for PSRC's FTA funds are due by **5:00p.m. Friday, April 6, 2012**. There is no limit to the number of applications able to be submitted to the regional competition. The Regional Project Evaluation Criteria and the Regional Project application, along with all other materials in the Call for Projects (such as eligibility information), may be found on PSRC's website at <http://www.psrc.org/transportation/tip/selection>. Regional applications should be submitted by the April 6th deadline to tipfta@psrc.org.

For additional information or questions, please contact Kelly McGourty at 206-971-3601 or kmcgourty@psrc.org.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Accept December 2011 Financial Reports for the City of Kenmore, Washington			March 19, 2012
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Finance	Joanne Gregory	Joanne Gregory	425-398-8900
COST OF PROPOSAL: N/A		ACCOUNT NUMBER: Various	
AMOUNT BUDGETED: 2011-2012 Amended City Budget \$41,198,917		NAME AND FUND #: All Funds	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1. December 2011 Financial Reports for the City of Kenmore, Washington			
SUMMARY STATEMENT: The December monthly financial report is submitted for Council review and adoption. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's year to date revenues and expenditures in comparison to the City's 2011-2012 adopted biennial budget. It also provides an early opportunity to identify any potential variances or fluctuations from the adopted budget. A mid biennial budget review was performed and the budget was amended by Ordinance No.11-331 on November 28, 2011. The financial reports have been updated to reflect the budget amendments. December signifies the end of the first year of the two year biennium,. Sales tax and real estate excise tax (REET) revenues remain low, especially when compared to already low results in 2009 and 2010. In the General Fund, sales tax revenue is about \$87,000 below projections at this point. Development revenues overall, including impact fees, and gas taxes are not showing any improvement; property tax collections are on target. On the national level, the unemployment rate dropped unexpectedly to 8.5% in December from 8.7% in November. This was the lowest unemployment rate reported since February, 2009. The Dow Jones closed in December at 12,218, an increase from 12,045 reported in November.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: 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.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Accept December 2011 Financial Report for the City of Kenmore, Washington			
REVIEWED BY FINANCE DIRECTOR: JMG		REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: <i>One for ES.</i>
TODAY'S DATE: February 24, 2011	REVISION DATE(S):		FILE NAME & PATH (HYPERLINK) i:\admin & finance\monthly reports\2011\nov ab summary.docx

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The City of Kenmore

PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM]

TO: Frederick Stouder, City Manager
FROM: Joanne Gregory, Finance Director *JMG*
DATE: February 24, 2012
RE: December 2011 Financial Reports for the City of Kenmore, Washington

December 2011 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
- All Funds Cash Summary
- Other Funds Monthly Activity
- Cash and Investment Report
- Schedule of Investments
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Monthly Report for Kenmore Village
- SR 522 Phase I Revenue and Expenditure History
- SR 522 Phase II Revenue and Expenditure History

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

GENERAL FUND

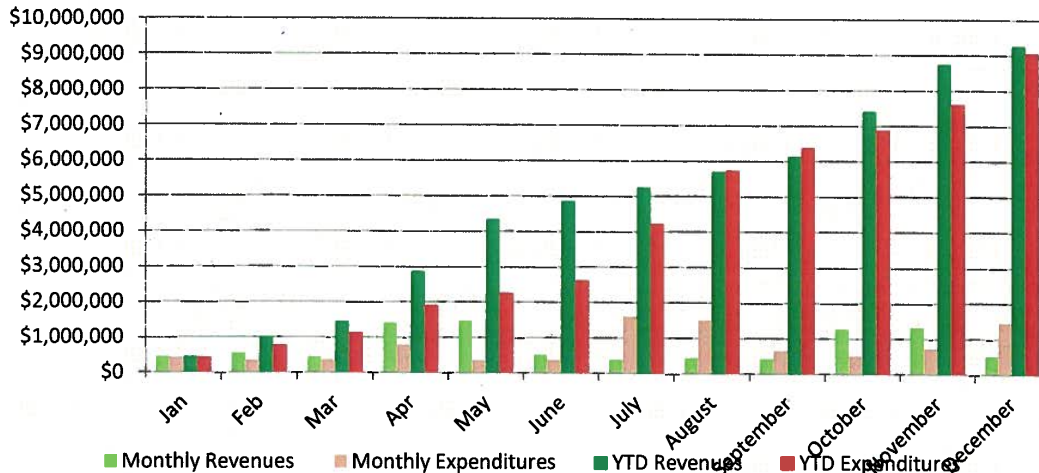
The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service.

In the context of the biennial budget, December is the twelfth month (50%) of the 2011-2012 biennial budget period.

For the month of December, expenditures exceeded revenues in the General Fund by **\$929,880**. For the fiscal year, however, total revenues exceeded total expenditures by **\$217,845**.

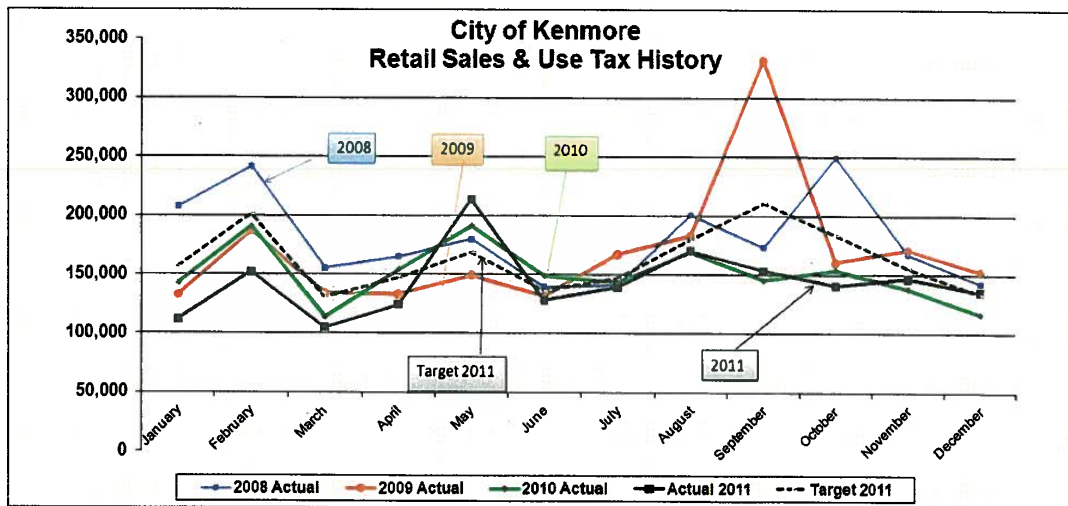
City of Kenmore, Washington
Monthly Financial Report
December 2011

The following chart illustrates the monthly revenue and expenditure activity in the General Fund through December, 2011.

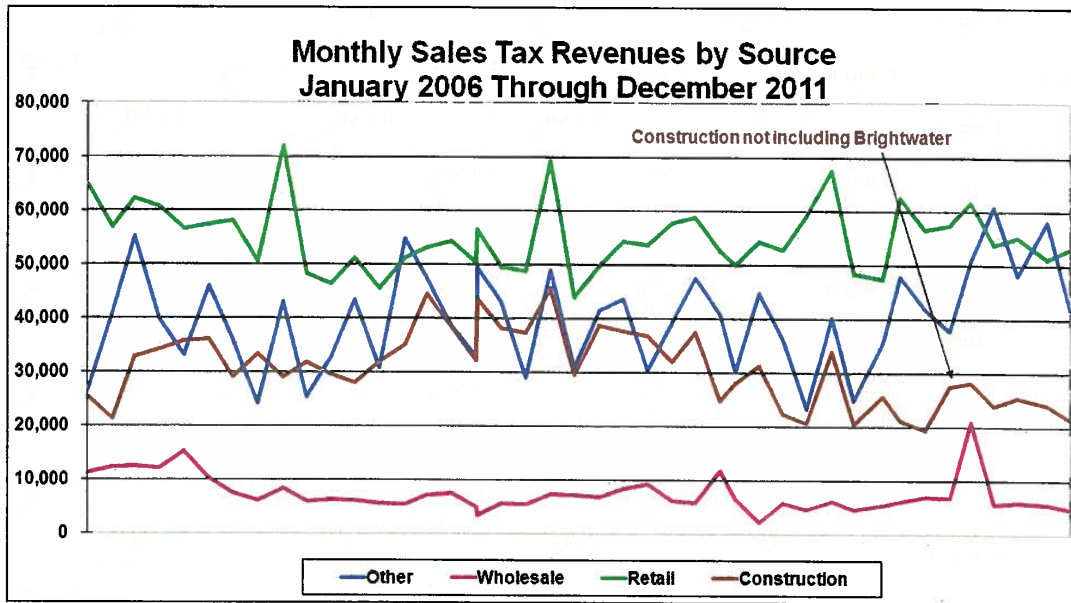


Total **revenues** for the month were **\$524,595**. Year to date the revenues are \$9,287,507 which is 49% of the amended budgeted revenues of \$18,945,596. Primary sources of revenue for the month included property taxes in the amount of \$16,151, retail sales and use taxes in the amount of \$135,379, and utility taxes in the amount of \$125,817. Note that year to date franchise fees are unusually high because two of the 2010 quarterly payments (total of \$121,674) were remitted to the City in early 2011.

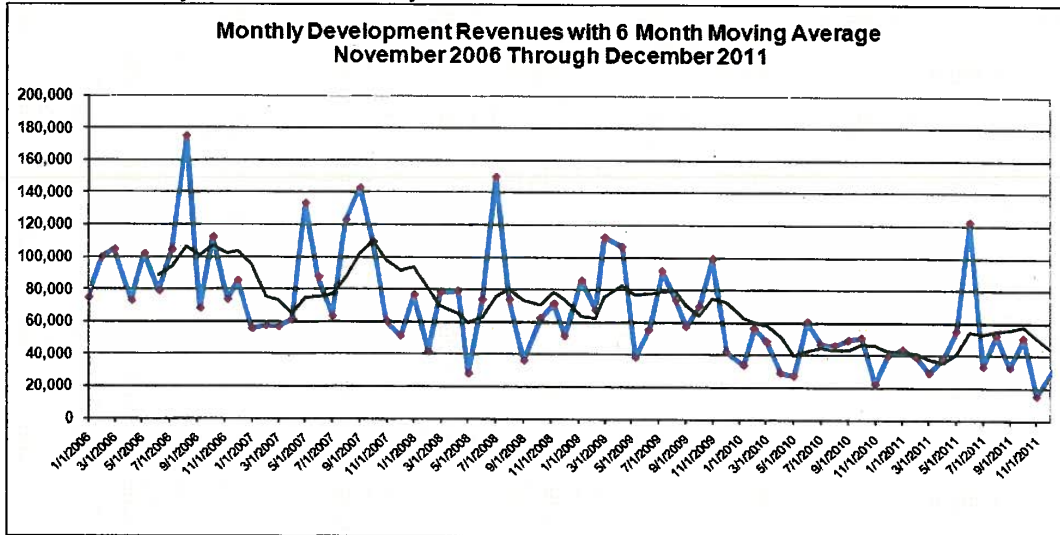
A summary of sales tax revenues received in December is attached. These receipts are based on October sales activity and have been tracking lower each month than the previous three years. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2011 line is a monthly average of actual receipts by month during 2008, 2009, and 2010. The solid black line represents 2011 actual receipts.



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 2006 through December 2011. Construction sales taxes are shown without the benefit of the Brightwater construction project and are declining. This category previously had the benefit of the city hall, Bastyr dorms, fire station and library construction projects which have been completed. Other segments have not yet experienced significant, prolonged downturns; however wholesale, construction, and manufacturing receipts have definitely fallen off.



Development revenues are also declining noticeably. The following chart illustrates the revenue activity over the last five years.



December 2011 expenditures were \$1,454,475. Year to date expenditures are \$9,069,662 which is 47.9% of the amended budget expenditures of \$18,914,946. Public Safety expenditures totaled \$550,672 for the month of December. This total includes \$450,243 in Police Services Contract expenditures for the months of November & December 2011. Non-departmental expenditures totaled \$424,751 for the month and included a transfer of \$317,000 to the Capital Projects Fund.

The General Fund 2011-2012 budgeted beginning fund balance is \$4,941,884. This is a substantial reserve and represents 53% of the budgeted 2011 expenditures. The City's Financial Policy 3) Contingent Accounts prescribes that the minimum General Fund balance reserve should be \$1,876,990 for 2011. The City Council will provide policy direction regarding the additional reserve of \$3,064,894.

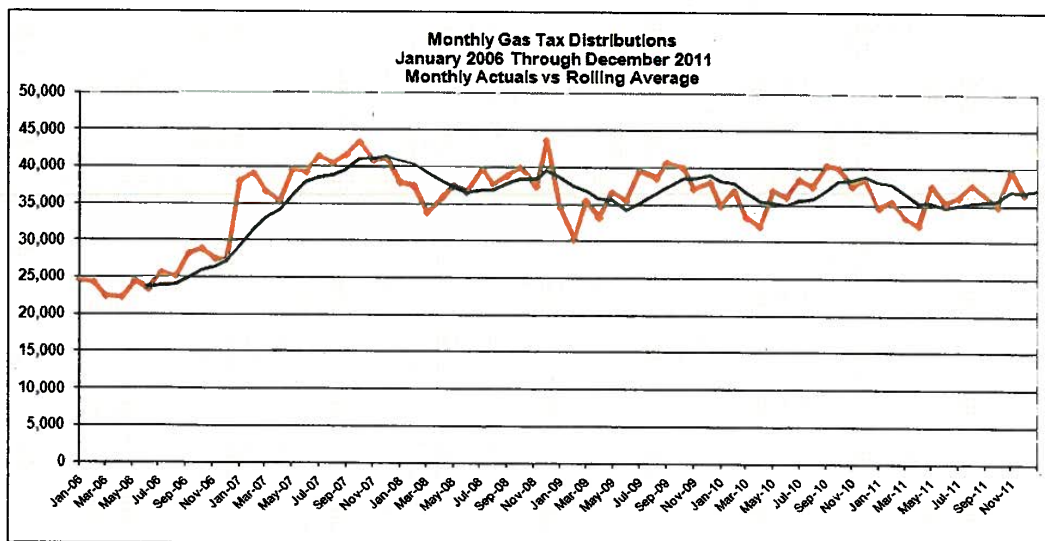
OTHER FUNDS

The December cash activity for all funds is presented on the attached All Funds Cash Summary. Total City cash and investments, at the end of December, totaled \$15,171,959. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2011-2012 biennial budget.

Other than the following, there were no significant transactions or unusual activities noted during the month of December. Total other fund (non General Fund) revenues were \$2,079,575 and total other fund (non-General Fund) expenditures were \$2,463,412.

In the **Street Fund** revenue from gas tax distributions was \$36,578.

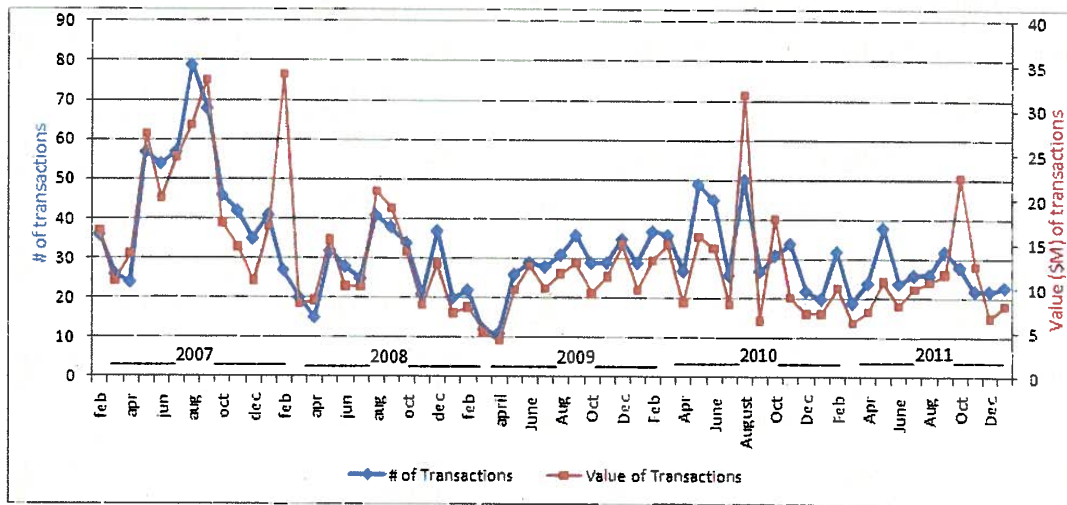
The following chart shows recent gas tax receipts through December, 2011. The price of gas seems to have stabilized although revenues are not expected to rise due to economizing by the public and increased use of fuel efficient vehicles.



In the **Arterial Street Fund**, \$25,748 was expended on SR 522 Phase I and Phase II. A total of \$25,850 was spent on various other transportation projects including the slide repair on 61st Place NE.

The **Municipal Capital Fund** received \$39,510 of real estate excise taxes (REET) in December from sales activity that occurred in November. 23 transactions were reported this month.

The attached Real Estate Excise Tax Report shows the monthly activity since 2007. Below is a chart that shows both the number of real estate transactions and the value of those transactions for the years 2007, 2008, 2009, 2010, 2011. It is evident that there are a stable number of monthly transactions but not at the peak level experienced in 2007.



SUMMARY

This concludes the financial report for the City of Kenmore as of **December 31, 2011**. 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
December 31, 2011**



	CURRENT PERIOD 2011-2012				PRIOR PERIOD 2009-2010		
	MONTH	YEAR TO DATE	% of	AMENDED BUDGET	YEAR TO DATE		BIENNIUM BUDGET
	<u>December</u>	<u>2011</u>	<u>BUDGET</u>	<u>2011-2012</u>	<u>December-2010</u>	<u>2010</u>	<u>2009-2010</u>
REVENUES							
Beginning Fund Balance		4,941,884		4,941,884			3,683,966
Property Taxes	16,151	4,148,487	50.3%	8,254,387	35,324	4,077,418	7,870,521
Sales and Use Taxes	168,031	2,132,545	49.1%	4,339,202	148,796	2,203,377	4,486,179
Utility Taxes	125,817	1,419,668	47.3%	3,002,082	156,907	1,405,831	3,001,932
Other Taxes	47	27,629	26.5%	104,104	100	30,553	145,900
Development Fees & Permits	43,069	557,183	38.7%	1,439,095	40,554	513,421	1,803,313
Franchise Fees	0	394,363	60.6%	650,588	-47,786	142,282	466,900
Intergovernmental and Grants	39,271	370,347	48.6%	761,476	56,775	452,525	760,841
Investment Interest	-40,900	39,631	70.8%	56,000	-54,165	-37,330	180,000
Fines and Forfeitures	0	664	0.0%	0	1	-13,621	0
Transfers and Other Revenues	173,110	196,989	58.2%	338,662	256,270	402,056	235,220
Total Revenues	524,595	9,287,507	49.0%	18,945,596	592,776	9,176,513	18,950,806
Total Revenues & Beginning Fund Balance		14,229,391		23,887,480			22,634,772

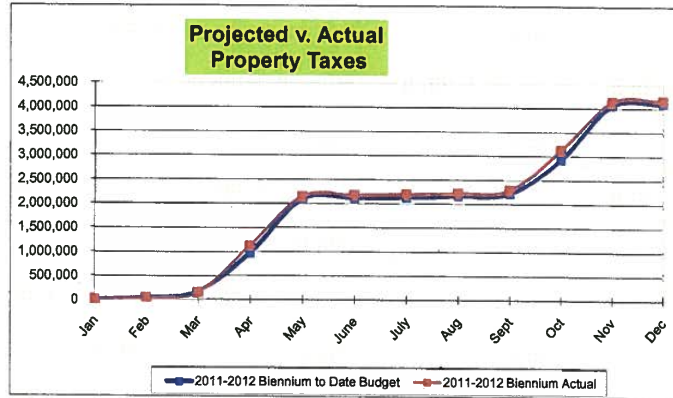
	CURRENT PERIOD 2011-2012				PRIOR PERIOD 2009-2010		
	MONTH	YEAR TO DATE	% of	AMENDED BUDGET	YEAR TO DATE		BIENNIUM BUDGET
	<u>December</u>	<u>2011</u>	<u>BUDGET</u>	<u>2011-2012</u>	<u>December-2010</u>	<u>2010</u>	<u>2009-2010</u>
EXPENDITURES							
<u>Cost Center</u>							
City Council	12,096	127,749	58.7%	217,644	14,518	135,567	184,307
City Manager	104,296	912,314	50.8%	1,796,600	115,578	928,793	1,576,240
City Clerk	27,951	255,040	47.6%	536,261	34,448	251,893	503,323
Finance	42,210	295,047	46.2%	639,213	26,210	253,561	484,516
Legal	49,392	294,320	59.5%	494,285	50,081	271,803	415,000
Non-Departmental	424,750	1,071,568	69.9%	1,532,818	114,395	922,767	1,774,827
Interfund Transfers	0	600,000	38.4%	1,564,000	-162,500	-162,500	3,296,095
Public Safety	550,672	3,403,896	47.4%	7,179,563	870,037	3,858,286	6,969,090
Engineering	60,628	503,575	48.2%	1,045,741	87,565	474,747	1,197,788
Planning & Community Dev	35,589	330,213	46.3%	712,632	111,113	1,315,451	3,358,755
Land Dev & Permitting	68,816	560,680	37.4%	1,501,147	0	0	0
Parks & Facility Maintenance	78,076	715,261	42.2%	1,695,042	118,373	790,866	1,001,942
Total Expenditures	1,454,475	9,069,662	47.9%	18,914,946	1,379,818	9,041,033	20,761,883
Ending Fund Balance		5,159,728		4,972,534			1,872,888
Total Expenditures and Ending Fund Balance		14,229,391		23,887,480			22,634,771

**City of Kenmore, Washington
General Fund Revenue Graphs
December 31, 2011**

PROPERTY TAXES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	10,862	10,090
Feb	53,674	48,396
Mar	178,078	158,944
Apr	977,365	1,129,979
May	2,104,307	2,148,453
June	2,128,886	2,176,581
July	2,141,268	2,199,227
Aug	2,178,622	2,221,494
Sept	2,234,210	2,290,582
Oct	2,939,254	3,126,873
Nov	4,071,083	4,132,336
Dec	4,106,660	4,148,487
2011	4,106,660	

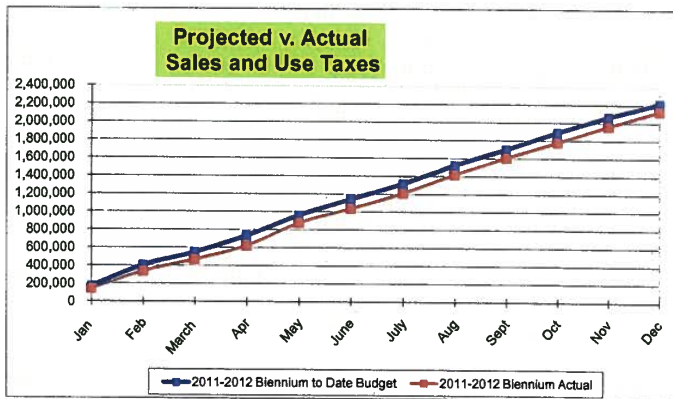
Year To Date
Actual v. Projected 101%



SALES, USE, CRIM JUSTICE TAXES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	174,792	143,734
Feb	408,586	337,267
March	552,562	470,750
Apr	738,057	624,068
May	964,931	877,898
June	1,145,610	1,039,289
July	1,320,155	1,212,465
Aug	1,526,322	1,420,527
Sept	1,706,765	1,608,830
Oct	1,894,218	1,783,436
Nov	2,069,709	1,964,514
Dec	2,219,601	2,132,545
2011	2,219,601	

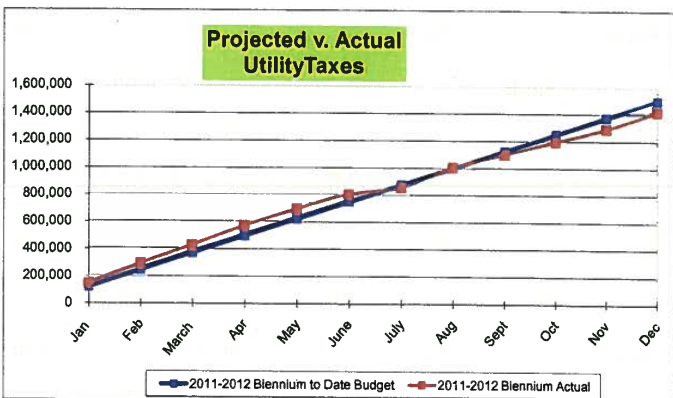
Year To Date
Actual v. Projected 96%



UTILITY TAXES

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	125,087	145,824
Feb	250,173	289,238
March	375,260	425,114
Apr	500,347	567,667
May	625,433	690,623
June	750,520	803,249
July	875,607	858,371
Aug	1,000,693	1,006,409
Sept	1,125,780	1,103,199
Oct	1,250,867	1,196,226
Nov	1,375,953	1,293,851
Dec	1,501,040	1,419,668
2011	1,501,040	

Year To Date
Actual v. Projected 95%

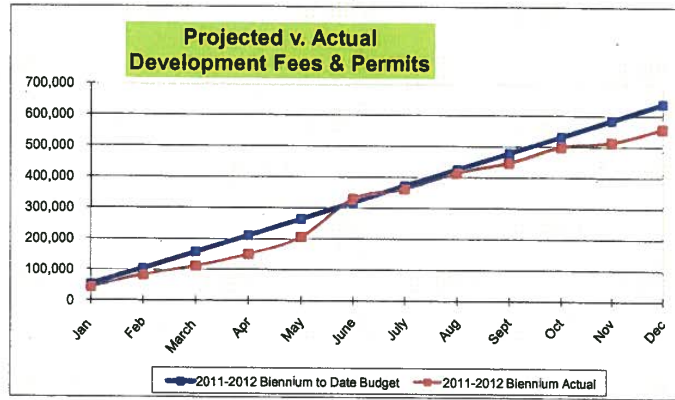


**City of Kenmore, Washington
General Fund Revenue Graphs
December 31, 2011**

DEVELOPMENT FEES & PERMITS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	53,274	43,730
Feb	106,549	83,138
March	159,823	112,539
Apr	213,097	151,023
May	266,372	206,368
June	319,646	328,915
July	372,920	362,254
Aug	426,195	414,990
Sept	479,469	447,787
Oct	532,743	498,819
Nov	586,018	514,115
Dec	639,292	557,183
2011	639,292	

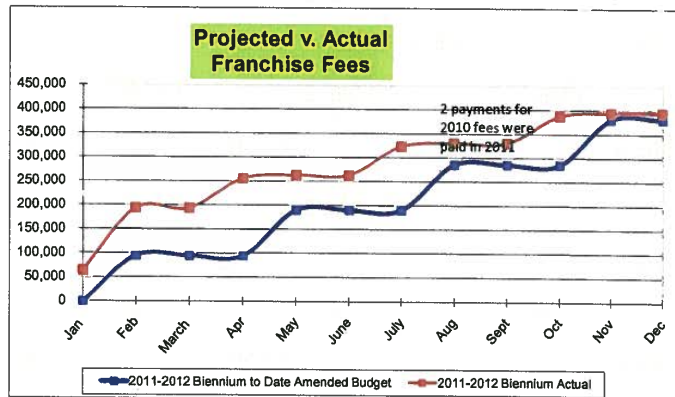
Year To Date
Actual v. Projected 87%



FRANCHISE FEES

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	0	64,328
Feb	95,324	193,553
March	95,324	193,553
Apr	95,324	255,526
May	190,647	263,275
June	190,647	263,275
July	190,647	323,165
Aug	285,971	330,421
Sept	285,971	330,421
Oct	285,971	387,556
Nov	381,294	394,363
Dec	381,294	394,363
2011	381,294	

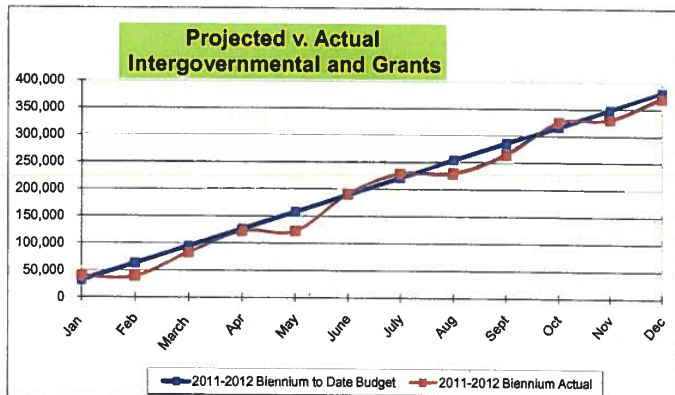
Year To Date
Actual v. Projected 103%



INTERGOVERNMENTAL & GRANTS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	31,728	39,034
Feb	63,456	39,034
March	95,185	83,130
Apr	126,913	122,950
May	158,641	122,950
June	190,369	191,908
July	222,097	229,826
Aug	253,825	229,826
Sept	285,554	265,224
Oct	317,282	325,794
Nov	349,010	331,076
Dec	380,738	370,347
2011	380,738	

Year To Date
Actual v. Projected 97%



**City of Kenmore, Washington
General Fund Revenue Graphs
December 31, 2011**

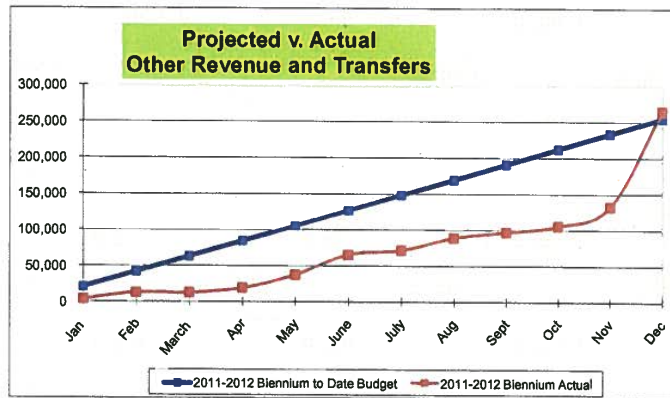
OTHER REVENUES AND TRANSFERS

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	21,279	3,527
Feb	42,558	12,958
March	63,836	12,742
Apr	85,115	19,440
May	106,394	37,647
June	127,673	65,709
July	148,951	71,702
Aug	170,230	89,107
Sept	191,509	97,124
Oct	212,788	105,740
Nov	234,066	132,656
Dec	255,345	264,912
2011	255,345	

Year To Date

Actual v. Projected

104%



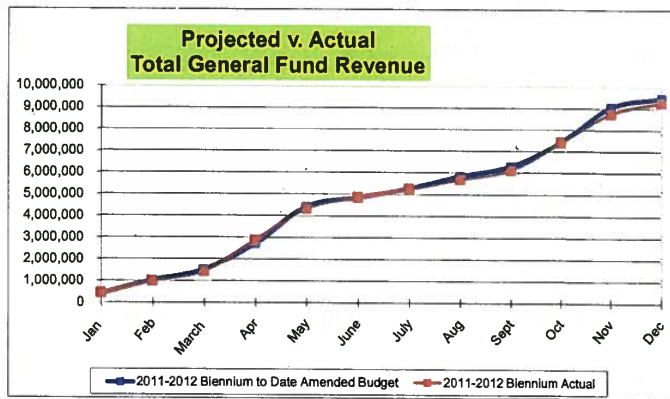
TOTAL GENERAL FUND REVENUE

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	417,023	450,267
Feb	1,020,320	1,003,584
March	1,520,068	1,456,772
Apr	2,736,218	2,870,653
May	4,416,726	4,347,214
June	4,853,352	4,868,926
July	5,271,646	5,257,010
Aug	5,841,859	5,712,774
Sept	6,309,258	6,143,167
Oct	7,433,123	7,424,444
Nov	9,067,134	8,762,911
Dec	9,483,971	9,287,507
2011	9,483,971	

Year To Date

Actual v. Projected

97.93%

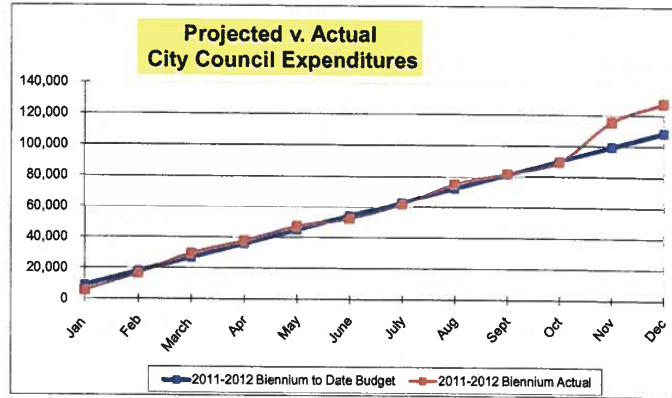


**City of Kenmore, Washington
General Fund Expenditure Graphs
December 31, 2011**

CITY COUNCIL

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	9,066	5,667
Feb	18,133	16,802
March	27,199	29,707
Apr	36,266	37,836
May	45,332	47,279
June	54,399	52,709
July	63,465	62,098
Aug	72,531	75,252
Sept	81,598	82,181
Oct	90,664	89,916
Nov	99,731	115,653
Dec	108,797	127,749
2011	108,797	

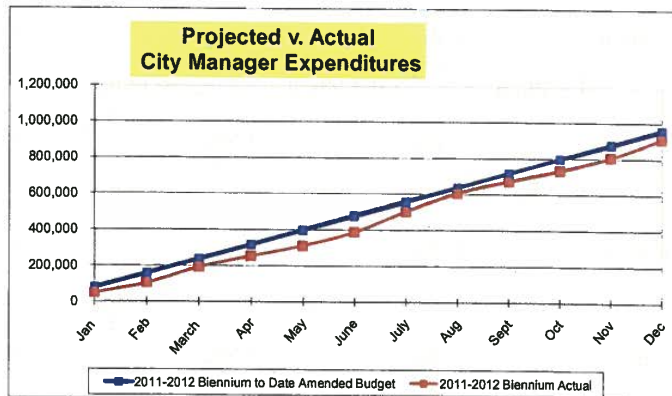
Year To Date
Actual v. Projected 117%



CITY MANAGER

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	79,978	50,407
Feb	159,956	105,614
March	239,934	193,272
Apr	319,911	255,744
May	399,889	313,496
June	479,867	389,432
July	559,845	504,572
Aug	639,823	607,849
Sept	719,801	674,097
Oct	799,778	734,016
Nov	879,756	808,018
Dec	959,734	912,314
2011	959,734	

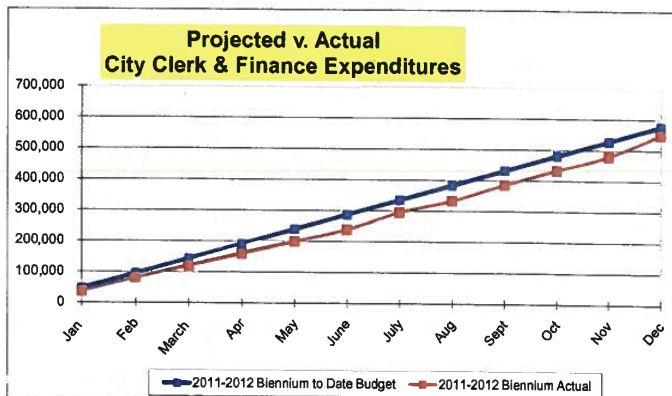
Year To Date
Actual v. Projected 95%



CITY CLERK & FINANCE

	2011-2012 Biennium to Date Budget	2011-2012 Biennium Actual
Jan	48,098	38,133
Feb	96,197	82,263
March	144,295	121,368
Apr	192,394	160,428
May	240,492	200,582
June	288,591	239,473
July	336,689	295,925
Aug	384,787	334,297
Sept	432,886	386,134
Oct	480,984	434,085
Nov	529,083	479,926
Dec	577,181	550,087
2011	577,181	

Year To Date
Actual v. Projected 95%

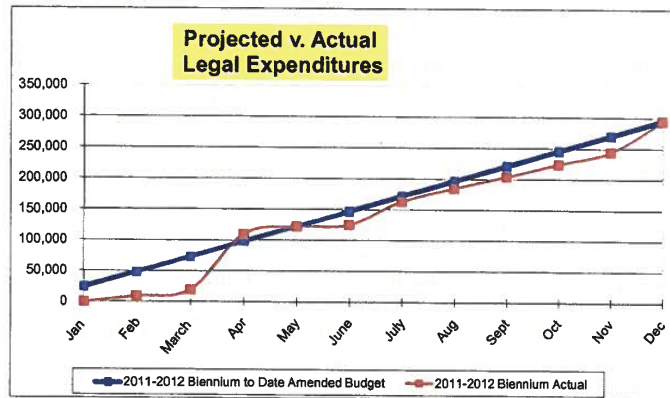


**City of Kenmore, Washington
General Fund Expenditure Graphs
December 31, 2011**

LEGAL

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	24,649	0
Feb	49,298	9,472
March	73,946	19,947
Apr	98,595	110,349
May	123,244	122,937
June	147,893	125,740
July	172,541	163,560
Aug	197,190	185,238
Sept	221,839	204,280
Oct	246,488	224,658
Nov	271,136	244,928
Dec	295,785	294,320
2011	295,785	

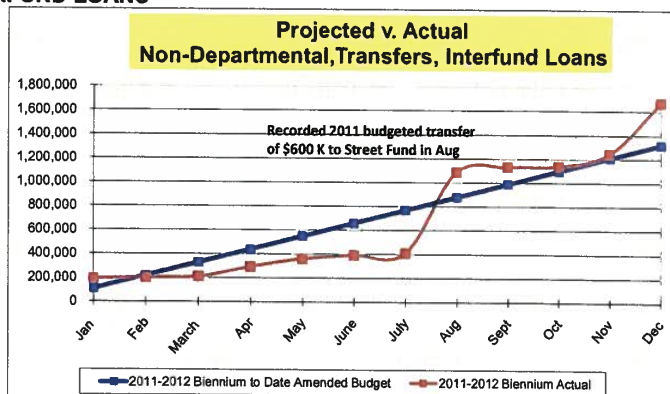
Year To Date
Actual v. Projected 100%



NON-DEPARTMENTAL, TRANSFERS, INTERFUND LOANS

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	110,267	194,427
Feb	220,534	203,114
March	330,801	211,943
Apr	441,068	293,277
May	551,335	361,357
June	661,602	392,134
July	771,868	409,875
Aug	882,135	1,088,378
Sept	992,402	1,133,037
Oct	1,102,669	1,140,467
Nov	1,212,936	1,246,818
Dec	1,323,203	1,671,568
2011	1,323,203	

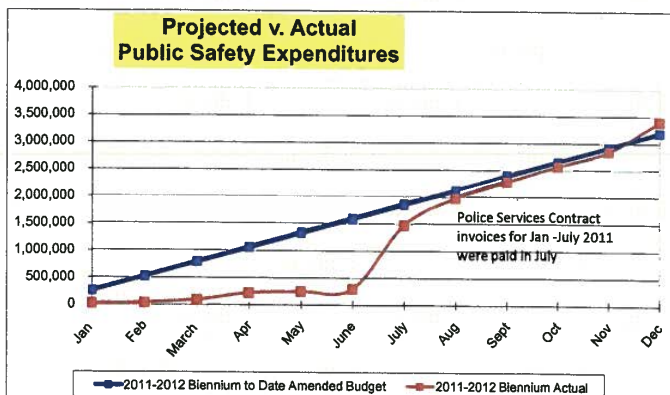
Year To Date
Actual v. Projected 126%



PUBLIC SAFETY

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	266,342	30,467
Feb	532,684	45,647
March	799,027	101,426
Apr	1,065,369	225,914
May	1,331,711	253,770
June	1,598,053	303,077
July	1,864,395	1,482,515
Aug	2,130,737	1,982,156
Sept	2,397,080	2,286,667
Oct	2,663,422	2,575,066
Nov	2,929,764	2,853,223
Dec	3,196,106	3,403,896
2011	3,196,106	

Year To Date
Actual v. Projected 107%



**City of Kenmore, Washington
General Fund Expenditure Graphs
December 31, 2011**

ENGINEERING

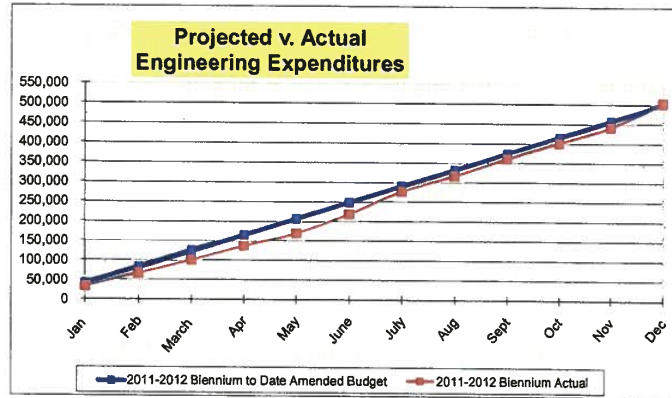
	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
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Jan	41,780	33,890
Feb	83,560	67,607
March	125,340	101,292
Apr	167,120	137,709
May	208,900	170,320
June	250,681	219,589
July	292,461	277,509
Aug	334,241	317,607
Sept	376,021	361,705
Oct	417,801	401,955
Nov	459,581	442,947
Dec	501,361	503,575
2011	501,361	

Year To Date

Actual v. Projected

100%



PLANNING & COMMUNITY DEV

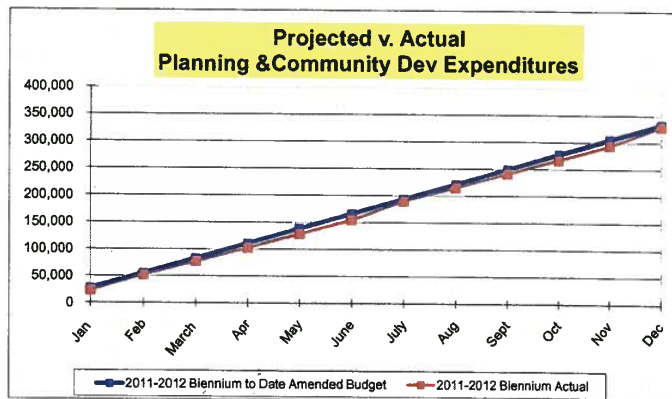
	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
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Jan	27,823	23,392
Feb	55,646	52,442
March	83,470	77,462
Apr	111,293	102,864
May	139,116	128,864
June	166,939	155,152
July	194,762	190,246
Aug	222,585	215,483
Sept	250,409	241,931
Oct	278,232	267,567
Nov	306,055	294,624
Dec	333,878	330,213
2011	333,878	

Year To Date

Actual v. Projected

99%



LAND DEV & PERMITTING

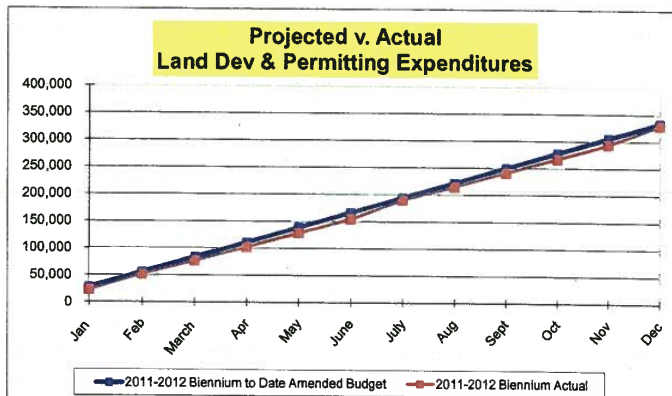
	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
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Jan	58,482	39,962
Feb	116,964	81,679
March	175,446	122,785
Apr	233,927	163,379
May	292,409	203,960
June	350,891	260,010
July	409,373	318,402
Aug	467,855	359,625
Sept	526,337	406,195
Oct	584,818	449,396
Nov	643,300	491,865
Dec	701,782	560,680
2011	701,782	

Year To Date

Actual v. Projected

80%

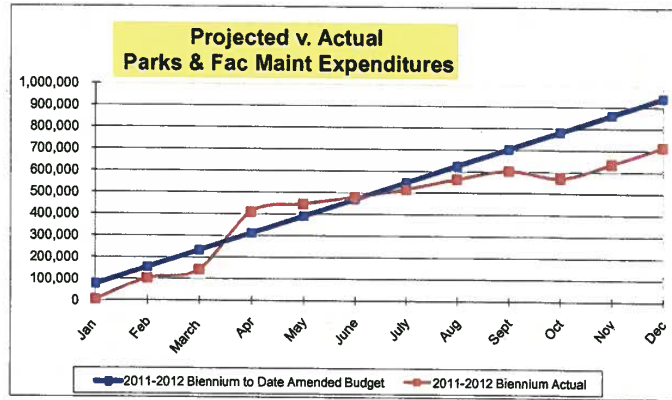


**City of Kenmore, Washington
General Fund Expenditure Graphs
December 31, 2011**

PARKS & FACILITY MAINT

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	78,498	6,230
Feb	156,996	103,546
March	235,494	144,923
Apr	313,992	411,504
May	392,490	448,660
June	470,988	479,517
July	549,486	517,159
Aug	627,984	564,547
Sept	706,482	603,964
Oct	784,980	570,902
Nov	863,478	637,185
Dec	941,976	715,261
2011	941,976	

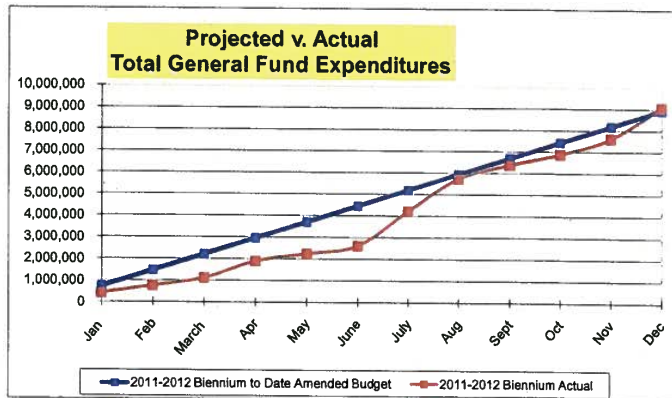
Year To Date
Actual v. Projected 76%



TOTAL GENERAL FUND EXPENDITURES

	2011-2012 Biennium to Date Amended Budget	2011-2012 Biennium Actual
Jan	744,984	422,575
Feb	1,489,967	768,186
March	2,234,951	1,124,125
Apr	2,979,934	1,899,004
May	3,724,918	2,251,225
June	4,469,902	2,616,833
July	5,214,885	4,221,861
Aug	5,959,869	5,730,432
Sept	6,704,852	6,380,191
Oct	7,449,836	6,888,028
Nov	8,194,819	7,615,187
Dec	8,939,803	9,069,662
2011	8,939,803	

Year To Date
Actual v. Projected 101%



City of Kenmore, Washington
All Funds Cash Summary
December 31, 2011



	2009-2010		2011-2012	
	BIENNIUM	AMENDED BUDGET	DECEMBER	BIENNIUM TO DATE
GENERAL FUND				
Beginning Cash	2,748,258	4,941,884		4,941,884
Interfund Loan Repayment	6,850,000	0	0	0
Revenues	18,944,234	18,945,595	524,595	9,287,507
Total Sources	28,542,492	23,887,479	524,595	14,229,391
Interfund Loans	5,350,000	0		0
Expenditures	18,262,703	18,914,946	1,454,475	9,069,662
Ending Cash	4,929,789	4,972,533		5,159,728
Total Uses	28,542,492	23,887,479	1,454,475	14,229,391
STREET FUND				
Beginning Cash	228,568	2,040,582		2,040,582
Interfund Loan	3,550,000	0	0	0
Revenues	8,568,320	2,394,724	47,789	1,036,456
Total Sources	12,346,888	4,435,306	47,789	3,077,038
Interfund Loan Repaid	6,150,000			0
Expenditures	4,156,306	3,160,790	149,057	1,395,044
Ending Cash	2,040,582	1,274,516		1,681,994
Total Uses	12,346,888	4,435,306	149,057	3,077,038
ARTERIAL STREET FUND				
Beginning Cash	1,432,272	1,209,197		1,209,197
Interfund Loan	8,300,000	0	0	0
Revenues	23,393,136	7,574,163	1,474,971	1,751,881
Total Sources	33,125,408	8,783,360	1,474,971	2,961,079
Interfund Loan Repaid	10,500,000	0		0
Expenditures	21,416,211	8,420,240	122,590	2,438,721
Ending Cash	1,209,197	363,120		522,358
Total Uses	33,125,408	8,783,360	122,590	2,961,079
PUBLIC ART FUND				
Beginning Cash	67,378	68,244		68,244
Revenues	130,857	3,979	819	819
Total Sources	198,235	72,223	819	69,063
Expenditures	129,991	1,000	0	500
Ending Cash	68,244	71,223		68,563
Total Uses	198,235	72,223	0	69,063
PARK IMPACT FEE FUND				
Beginning Cash	976,339	1,354,455		1,354,455
Revenues	396,799	440,942	18,120	76,853
Total Sources	1,373,138	1,795,397	18,120	1,431,308
Expenditures	18,683	700,000	0	0
Ending Cash	1,354,455	1,095,397		1,431,308
Total Uses	1,373,138	1,795,397	0	1,431,308
TRANSPORTATION IMPACT FEE FUND				
Beginning Cash	146,087	545,655		545,655
Revenues	1,280,266	943,962	34,513	239,206
Total Sources	1,426,353	1,489,617	34,513	784,861
Expenditures	880,698	1,221,255	343,096	610,628
Ending Cash	545,655	268,362		174,233
Total Uses	1,426,353	1,489,617	343,096	784,861
SWAMP CREEK BASIN FUND				
Beginning Cash	0	1,762,640		1,762,640
Revenues	1,762,640	35,619	10,650	10,650
Total Sources	1,762,640	1,798,259	10,650	1,773,289
Expenditures	0	0	0	0
Ending Cash	1,762,640	1,798,259		1,773,289
Total Uses	1,762,640	1,798,259	0	1,773,289

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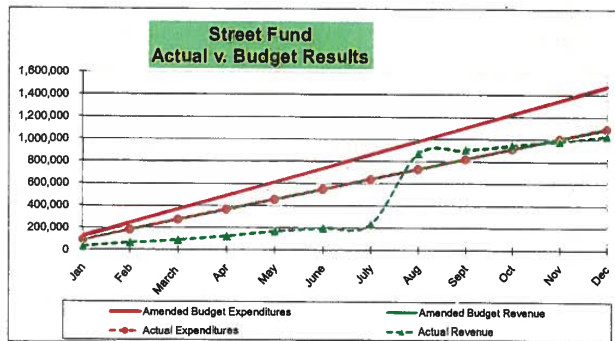
City of Kenmore, Washington
All Funds Cash Summary
December 31, 2011



	2009-2010		2011-2012	
	BIENNIUM	AMENDED BUDGET	DECEMBER	BIENNIUM TO DATE
MUNICIPAL CAPITAL RESERVE FUND				
Beginning Cash	2,402,043	1,866,318		1,866,318
Interfund Loan Repayment	8,800,000	0	0	0
Revenues	1,493,254	2,038,341	49,290	658,183
Total Sources	12,695,297	3,904,659	49,290	2,524,500
Interfund Loan	5,500,000	0		0
Expenditures	5,328,980	3,262,894	1,126,447	1,211,586
Ending Cash	1,866,318	641,765		1,312,914
Total Uses	12,695,297	3,904,659	1,126,447	2,524,500
CAPITAL PROJECTS FUND				
Beginning Cash	12,016,588	60,725		60,725
Revenues	4,693,262	508,079	368,619	447,634
Total Sources	16,709,850	568,804	368,619	508,359
Expenditures	16,636,626	507,820	4,377	474,789
Ending Cash	73,223	60,984		33,570
Total Uses	16,709,850	568,804	4,377	508,359
SURFACE WATER MANAGEMENT FUND				
Beginning Cash	3,865,039	1,590,280		1,590,280
Revenues	2,824,196	3,743,334	44,561	1,604,654
Total Sources	6,689,235	5,333,614	44,561	3,194,934
Expenditures	5,098,954	4,866,475	709,279	2,301,189
Ending Cash	1,590,280	467,139		893,745
Total Uses	6,689,235	5,333,614	709,279	3,194,934
STRATEGIC RESERVE FUND				
Beginning Cash	1,057,632	1,264,464		1,264,464
Interfund Loan Repayment	1,000,000	0	0	0
Revenues	206,832	0	0	0
Total Sources	2,264,464	1,264,464	0	1,264,464
Interfund Loans	1,000,000			0
Expenditures	0	0	0	0
Ending Cash	1,264,464	1,264,464		1,264,464
Total Uses	2,264,464	1,264,464	0	1,264,464
EQUIPMENT REPLACEMENT FUND				
Beginning Cash	510,358	524,310		524,310
Revenues	111,198	161,520	22,313	79,164
Total Sources	621,556	685,830	22,313	603,474
Expenditures	97,246	143,497	0	11,385
Ending Cash	524,310	542,333		592,089
Total Uses	621,556	685,830	0	603,474
TRUST AND AGENCY (NON BUDGETED FUND)*				
Beginning Cash	269,109	278,859		278,859
Revenues	144,107	0	7,929	80,860
Total Sources	413,216	278,859	7,929	359,719
Expenditures	134,357	0	8,567	96,016
Ending Cash	278,859	278,859		263,703
Total Uses	413,216	278,859	8,567	359,719
TOTALS				
Beginning Cash	25,719,671	17,507,613		17,507,613
Interfund Loan	28,500,000	0	0	0
Revenues	63,949,101	36,790,258	2,604,170	15,273,864
Total Sources	118,168,772	54,297,871	2,604,170	32,781,477
Interfund Loan	28,500,000	0	0	0
Expenditures	72,160,756	41,198,917	3,917,887	17,609,519
Ending Cash	17,508,016	13,098,954		15,171,958
Total Uses	118,168,772	54,297,871	3,917,887	32,781,477

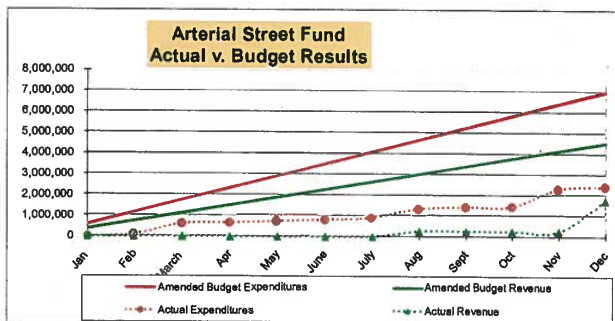
**City of Kenmore, Washington
Other Funds Monthly Activity
December 31, 2011**

STREET FUND				
	2011-2012 Amended Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Amended Budget Revenue	2011-2012 Actual Revenue
Jan	122,922	18,288	91,479	34,676
Feb	245,844	68,162	182,958	70,210
March	368,766	113,125	274,437	98,562
Apr	491,688	239,310	365,916	133,365
May	614,610	273,622	457,395	173,982
June	737,532	348,629	548,875	203,911
July	860,454	425,081	640,354	240,096
Aug	983,376	582,201	731,833	877,865
Sept	1,106,298	951,398	823,312	912,824
Oct	1,229,220	997,777	914,791	952,447
Nov	1,352,142	1,245,987	1,006,270	988,666
Dec	1,475,064	1,395,044	1,097,749	1,036,456
2011-2012	3,160,790		2,394,724	
Total Actual to Date vs Total Budget		44%		43%



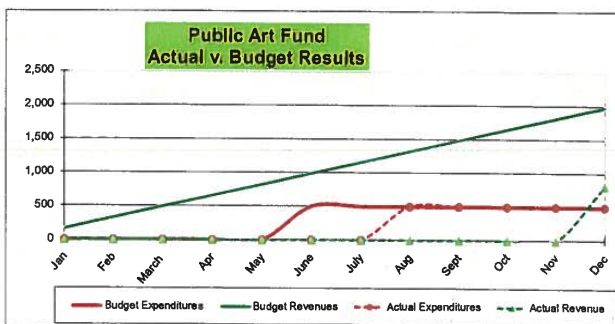
The Street Fund accounts for street maintenance operations, funded by the State's fuel tax and transfers from the General Fund.

ARTERIAL STREET FUND				
	2011-2012 Amended Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Amended Budget Revenue	2011-2012 Actual Revenue
Jan	581,008	0	377,841	0
Feb	1,162,016	87,039	755,683	0
March	1,743,025	615,104	1,133,524	0
Apr	2,324,033	662,062	1,511,366	0
May	2,905,041	728,886	1,889,207	0
June	3,486,049	805,385	2,267,049	0
July	4,067,057	892,203	2,644,890	0
Aug	4,648,065	1,328,032	3,022,731	276,910
Sept	5,229,074	1,426,836	3,400,573	276,910
Oct	5,810,082	1,457,851	3,778,414	276,910
Nov	6,391,090	2,316,131	4,156,256	276,910
Dec	6,972,098	2,438,721	4,534,097	1,751,881
2011-2012	8,420,240		7,574,163	
Total Actual to Date vs Total Budget		29%		23%



The Arterial Street 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.

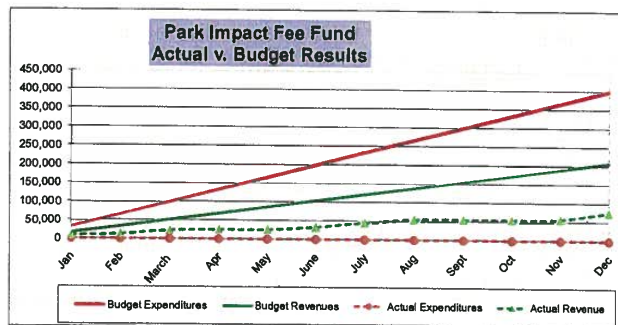
PUBLIC ART FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	0	0	165	0
Feb	0	0	330	0
March	0	0	496	0
Apr	0	0	661	0
May	0	0	826	0
June	500	0	991	0
July	500	0	1,156	0
Aug	500	500	1,321	0
Sept	500	500	1,487	0
Oct	500	500	1,652	0
Nov	500	500	1,817	0
Dec	500	500	1,982	819
2011-2012	1,000		3,979	
Total Actual to Date vs Total Budget		50%		21%



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.

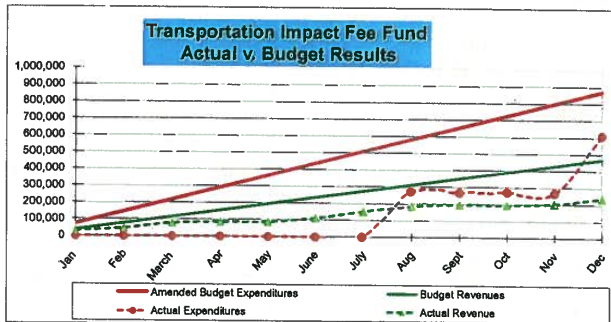
**City of Kenmore, Washington
Other Funds Monthly Activity
December 31, 2011**

PARK IMPACT FEE FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	33,333	0	17,432	9,852
Feb	66,667	0	34,864	14,478
March	100,000	0	52,296	24,130
Apr	133,333	0	69,728	26,543
May	166,667	0	87,160	26,543
June	200,000	0	104,592	33,841
July	233,333	0	122,023	45,984
Aug	266,667	0	139,455	55,714
Sept	300,000	0	156,887	56,300
Oct	333,333	0	174,319	56,300
Nov	366,667	0	191,751	58,733
Dec	400,000	0	209,183	76,853
2011-2012	700,000		440,942	
Total Actual to Date vs Total Budget		0%		17%



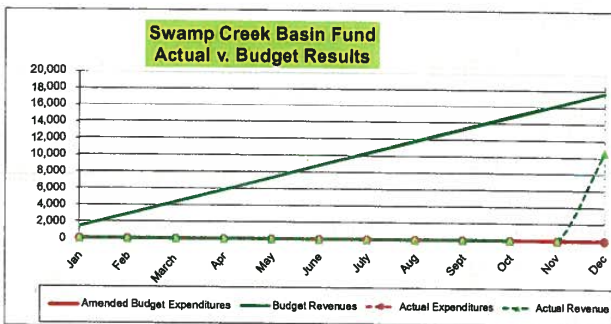
This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements. In the 2011-2012 budget, expenditures represent transfers to Municipal Capital Fund for improvements to City parks.

TRANSPORTATION IMPACT FEE FUND				
	2011-2012 Amended Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	72,605	0	39,172	32,089
Feb	145,209	0	78,345	48,133
March	217,814	0	117,517	80,222
Apr	290,418	0	156,689	88,244
May	363,023	0	195,861	88,244
June	435,628	0	235,034	112,502
July	508,232	0	274,206	152,869
Aug	580,837	267,532	313,378	185,214
Sept	653,441	267,532	352,550	196,606
Oct	726,046	267,532	391,723	196,606
Nov	798,650	267,532	430,895	204,692
Dec	871,255	610,628	470,067	239,206
2011-2012	1,221,255		943,962	
Total Actual to Date vs Total Budget		50%		25%



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

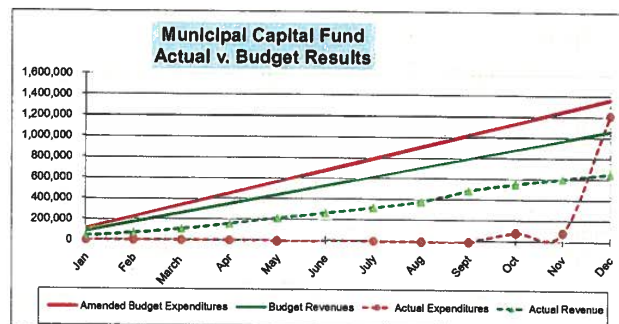
SWAMP CREEK BASIN FUND				
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	0	0	1,477	0
Feb	0	0	2,954	0
March	0	0	4,430	0
Apr	0	0	5,907	0
May	0	0	7,384	0
June	0	0	8,861	0
July	0	0	10,337	0
Aug	0	0	11,814	0
Sept	0	0	13,291	0
Oct	0	0	14,768	0
Nov	0	0	16,244	0
Dec	0	0	17,721	10,650
2011-2012	0		35,619	
Total Actual to Date vs Total Budget		0%		30%



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.

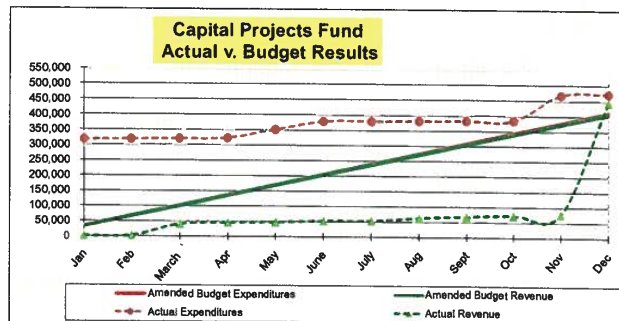
**City of Kenmore, Washington
Other Funds Monthly Activity
December 31, 2011**

MUNICIPAL CAPITAL FUND				
	2011-2012 Amended Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	113,695	0	88,632	48,679
Feb	227,391	0	177,264	76,105
March	341,086	0	265,896	113,307
Apr	454,781	0	354,527	164,931
May	568,477	0	443,159	218,284
June	682,172	(3,166)	531,791	271,718
July	795,867	97	620,423	324,983
Aug	909,563	179	709,055	382,538
Sept	1,023,258	179	797,687	494,364
Oct	1,136,953	85,139	886,318	557,206
Nov	1,250,649	85,139	974,950	608,892
Dec	1,364,344	1,211,586	1,063,582	658,183
2011-2012	3,262,894		2,038,341	
Total Actual to Date vs Total Budget		37%		32%



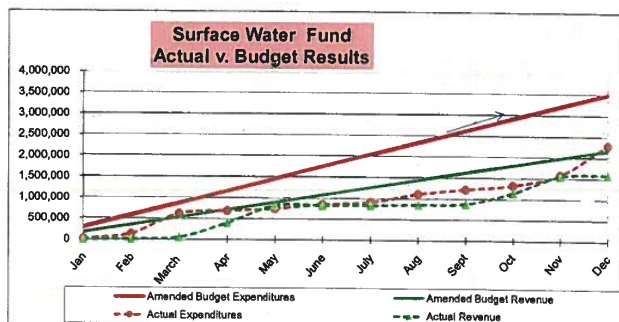
The Municipal Capital Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include park improvements and transfers to the Arterial Street Fund for transportation improvements.

CAPITAL PROJECTS FUND				
	2011-2012 Amended Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Amended Budget Revenue	2011-2012 Actual Revenue
Jan	34,368	319,303	33,901	2,738
Feb	68,735	321,118	67,802	4,264
March	103,103	322,887	101,703	42,431
Apr	137,470	325,215	135,604	47,157
May	171,838	352,611	169,505	49,144
June	206,205	379,257	203,407	53,808
July	240,573	380,619	237,308	54,558
Aug	274,940	382,421	271,209	64,041
Sept	309,308	383,693	305,110	69,032
Oct	343,675	385,554	339,011	74,023
Nov	378,043	470,412	372,912	79,015
Dec	412,410	474,789	406,813	447,634
2011-2012	507,820		508,079	
Total Actual to Date vs Total Budget		93%		88%



The Capital Projects Fund accounts for leasing activity within Kenmore Village and contributions to ARCH (A Regional Coalition for Housing).

SURFACE WATER MANAGEMENT FUND				
	2011-2012 Amended Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Amended Budget Revenue	2011-2012 Actual Revenue
Jan	292,040	21,232	181,052	3,070
Feb	584,080	144,148	362,104	23,504
March	876,120	623,844	543,156	69,576
Apr	1,168,159	699,033	724,208	411,501
May	1,460,199	752,925	905,260	826,993
June	1,752,239	855,025	1,086,312	834,249
July	2,044,279	912,933	1,267,364	839,150
Aug	2,336,319	1,116,748	1,448,416	864,767
Sept	2,628,359	1,229,415	1,629,468	884,807
Oct	2,920,398	1,337,016	1,810,520	1,157,246
Nov	3,212,438	1,591,910	1,991,572	1,560,093
Dec	3,504,478	2,301,189	2,172,624	1,604,654
2011-2012	4,866,475		3,743,334	
Total Actual to Date vs Total Budget		47%		43%

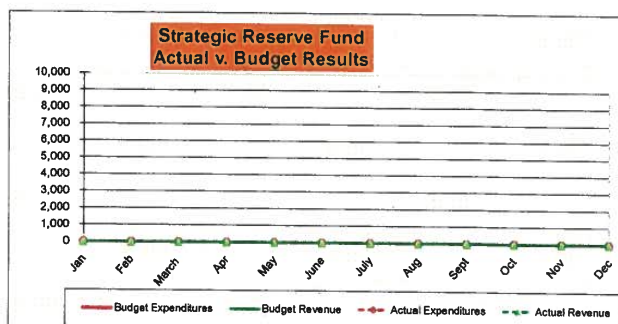


This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.

**City of Kenmore, Washington
Other Funds Monthly Activity
December 31, 2011**

STRATEGIC RESERVE FUND

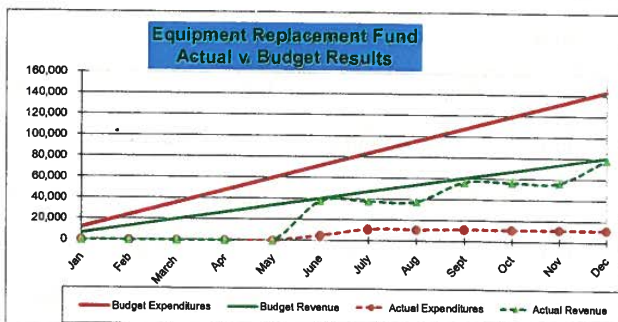
	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	0	0	0	0
Feb	0	0	0	0
March	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
June	0	0	0	0
July	0	0	0	0
Aug	0	0	0	0
Sept	0	0	0	0
Oct	0	0	0	0
Nov	0	0	0	0
Dec	0	0	0	0
2011-2012	0		0	
Total Actual to Date vs Total 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.

EQUIPMENT REPLACEMENT FUND

	2011-2012 Budget Expenditures	2011-2012 Actual Expenditures	2011-2012 Budget Revenue	2011-2012 Actual Revenue
Jan	11,958	0	6,756	0
Feb	23,916	0	13,512	0
March	35,874	0	20,268	0
Apr	47,832	0	27,024	0
May	59,790	0	33,780	0
June	71,749	4,878	40,536	37,901
July	83,707	10,935	47,292	37,901
Aug	95,665	10,935	54,048	37,901
Sept	107,623	11,385	60,804	56,851
Oct	119,581	11,385	67,560	56,851
Nov	131,539	11,385	74,316	56,851
Dec	143,497	11,385	81,072	79,164
2011-2012	143,497		161,520	
Total Actual to Date vs Total Budget		8%		49%



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
Cash and Investment Report
December 31, 2011**



Fund	Beg. Cash & Inv.	Monthly	Monthly	End. Cash & Inv.
	from Prev. Mo.	Revenues	Expenditures	Current Month
General	\$6,090,377	\$524,595	\$1,454,475	\$5,160,496
Street	1,783,260	47,789	149,057	1,681,993
Arterial Street	-830,023	1,474,971	122,590	522,358
Public Art	67,745	819	0	68,564
Park Impact Fee	1,413,190	18,120	0	1,431,310
Transp Impact Fee	482,816	34,513	343,096	174,234
Swamp Creek Basin	1,762,640	10,650	0	1,773,290
Municipal Capital	2,390,069	49,290	1,126,447	1,312,913
Capital Projects	-330,676	368,619	4,377	33,567
Capital Projects-Retainage	0	0	0	0
Surface Water Mgt.	1,558,464	44,561	709,279	893,746
Strategic Reserve	1,264,465	0	0	1,264,465
Equipment Replacement	569,775	22,313	0	592,088
Trust & Agency	264,337	7,929	8,567	263,700
Totals	\$16,486,440	\$2,604,170	\$3,917,887	\$15,172,723

Fund	Cash, Savings,	(> One Year)	
	Local Govt Investment Pool	Fixed Investments	Total
General	\$1,382,349	\$3,777,782	\$5,160,130
Street	831,993	850,000	1,681,993
Arterial Street	522,359	0	522,359
Public Art	53,563	15,000	68,563
Park Impact Fee	501,309	930,000	1,431,309
Transp Impact Fee	144,235	30,000	174,235
Swamp Creek Basin	373,290	1,400,000	1,773,290
Municipal Capital	1,312,913	0	1,312,913
Capital Projects	-416,433	450,000	33,567
Surface Water Mgt.	383,746	510,000	893,746
Strategic Reserve	414,465	850,000	1,264,465
Equipment Replacement	142,088	450,000	592,088
Trust & Agency	163,700	100,000	263,700
Totals	\$5,809,578	\$9,362,782	\$15,172,359

City of Kenmore, Washington
Schedule of Investments
December 31, 2011



		Average Yield to Maturity-Securities					Overall Average Yield		0.29%
Report by Security	Investment #	Type	Maturity Date	Purchase Date	Rate	Yield	Possible Call Date	Principal or Balance	Yield Equivalents
Piper Jaffray									
	313371PC4	FHLB	12/12/2014	6/7/2011	0.88%	1.13%	no call	991,238.90	11,201.00
	3134G14C5	FHLMC	3/7/2013	3/7/2011	1.00%	1.00%	3/7/2012	1,000,000.00	10,000.00
Total Piper Jaffrey Purchases								1,991,238.90	10,000.00
Seattle Northwest Securities									
called	3134G1N75	FHLMC	12/24/2015	8/22/2011	2.25%	0.30%	12/21/2011	-	-
Time Value Investments									
	313586QR3	FNMA	7/5/2014	6/7/2011	1.00%	1.00%	no call	998,858.37	9,988.58
called	3134G1K60	FHLMC	12/28/2015	12/28/2010	2.05%	2.05%	12/28/2011	-	-
	31398A4N9	FNMA	10/15/2013	12/8/2010	1.00%	1.00%	4/15/2011	999,990.00	9,999.90
	3136FTPX1	FNMA	11/13/2015	11/30/2011	1.15%	1.15%	11/30/2012	1,000,000.00	11,500.00
Total TVI Purchases								2,998,848.37	9,999.90
Wells Fargo Bank									
	313374CY4	FHLB	12/30/2014	6/30/2011	.75-3.0	0.75%	3/30/2012	1,000,000.00	7,500.00
	3136FTXD6	FNMA	12/28/2015	12/28/2011	1.10%	1.10%	12/28/2012	1,000,000.00	11,000.00
Total Wells Fargo Purchases								2,000,000.00	18,500.00
Banner Bank CD's									
	5740005425	CD	2/6/2012	2/6/2011	0.80%	0.80%		1,132,694.88	9,061.56
Total Banner Bank CD's								1,132,694.88	9,061.56
Sound Community Bank CD's									
	18299229	CD	8/11/2012	2/11/2011	0.55%	0.55%		1,000,000.00	5,500.00
Total Sound Community Bank CD's								1,000,000.00	5,500.00
Opus Bank CD's									
	280128104	CD	3/15/2012	3/16/2011	0.89%	0.89%		90,000.00	801.00
	280131082	CD	3/9/2012	3/10/2011	0.65%	0.65%		150,000.00	975.00
Total Cascade Bank CD's								240,000.00	1,776.00
TOTAL ALL SECURITIES								\$ 9,382,782.15	\$ 36,337.48
Banner Checking and Savings						0.18%	Banner	1,569,722.61	2,825.50
Opus Bank						0.21%		11,061.66	22.68
Cash								1,005.00	-
Local Government Investment Pool						0.13%	LGIP	4,227,786.97	5,496.12
Total Accounts								\$ 15,172,358.39	44,681.70

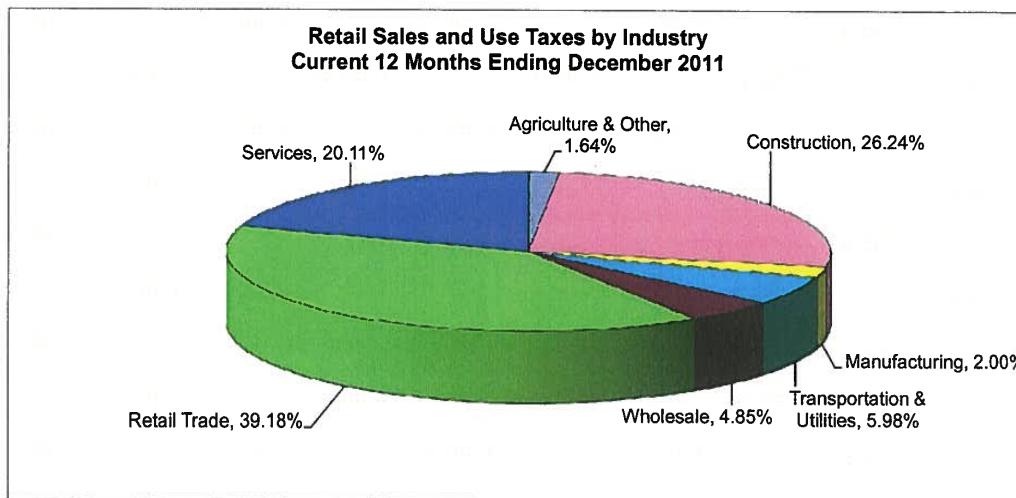
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 December 2011

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	2,867.59	2.34	2,869.93	2.1%
CONSTRUCTION	33,814.14	1,765.40	35,579.53	26.3%
MANUFACTURING	1,299.91	35.84	1,335.76	1.0%
TRANSPORTATION & UTILITIES	7,194.92	549.36	7,744.28	5.7%
WHOLESALE	4,731.67	69.63	4,801.30	3.5%
RETAIL TRADE	52,496.05	652.53	53,148.58	39.3%
SERVICES	27,243.32	564.34	27,807.66	20.5%
PUBLIC SERVICES	103.00	1,988.59	2,091.59	1.5%
	<u>129,750.60</u>	<u>5,628.04</u>	<u>135,378.64</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
December 31, 2011



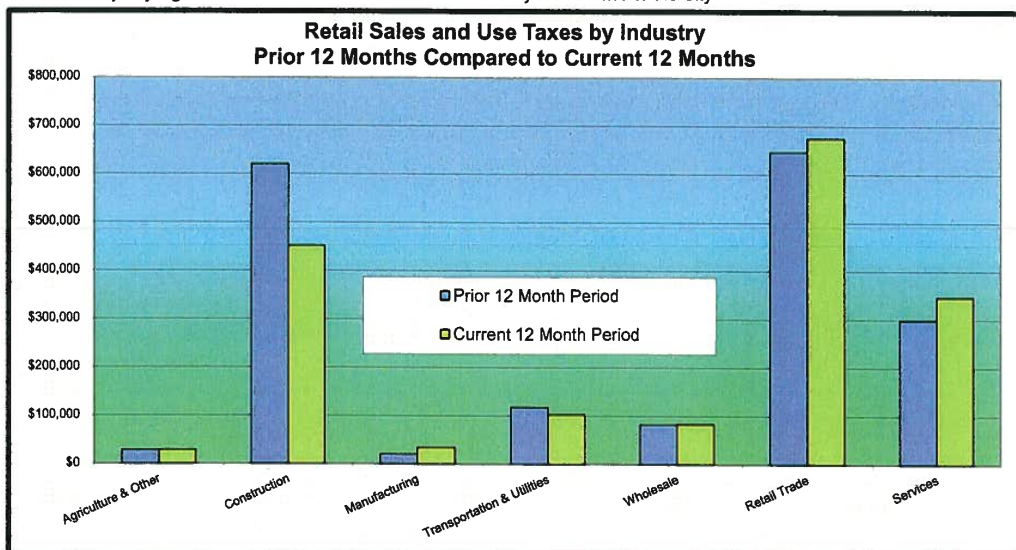
Industry	Prior 12 Months ending December 2010	Current 12 Months ending December 2011	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$27,816	\$28,306	1.76%	1.64%
Construction	619,835	451,567 *	-27.15%	26.24%
Manufacturing (Printing, Publishing, Other Manuf.)	20,264	34,391	69.71%	2.00%
Transp/Comm/Utilities (Telecomm., Air Transport.)	117,244	102,990	-12.16%	5.98%
Wholesale (Lumber, Other Wholesale)	81,955	83,457	1.83%	4.85%
Retail Trade (Eating, Merchandise, Food Stores)	645,941	674,203	4.38%	39.18%
Services (Auction, Recreation, Auto Repair, Financial)	298,439	346,040	15.95%	20.11%
Totals	\$1,811,495	\$1,720,954	-5.00%	100%
Increase/(Decrease)		(\$90,541)	-5.00%	



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

* Approximately 10% of this is due to the Brightwater project.

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



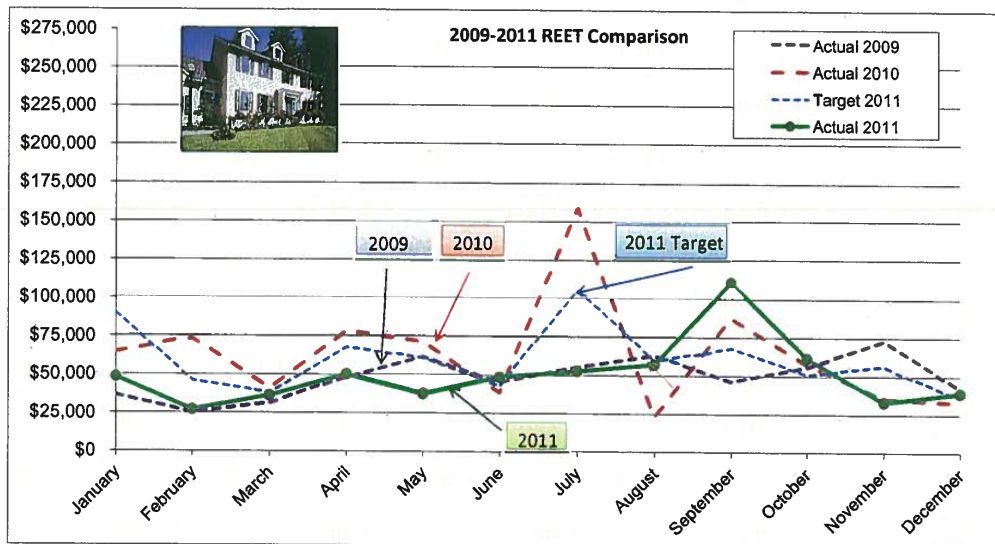
City of Kenmore, Washington
Real Estate Excise Tax Report
December 31, 2011



Real Estate Excise Taxes (REET) 2008 - 2011 Monthly Receipts					
	Actual 2008	Actual 2009	Actual 2010	Actual 2011	Target 2011
January	167,796	36,640	64,792	48,679	89,743
February	39,354	25,466	73,383	27,294	46,068
March	42,409	31,468	41,445	36,507	38,441
April	75,958	48,355	78,233	50,463	67,515
May	50,369	61,743	71,622	37,671	61,245
June	45,084	45,639	38,919	48,938	43,214
July	102,721	55,328	158,221	53,012	105,423
August	93,364	63,161	23,033	57,471	59,853
September	68,457	46,508	87,734	111,107	67,566
October	39,607	55,905	57,761	61,805	51,091
November	60,295	72,456	35,585	33,475	56,112
December	34,608	41,723	32,962	39,510	36,431
	\$820,021	\$584,392	\$763,689	\$605,931	\$722,701

For 2011, Taxes are \$157,758 less than the same period last year and below the 2011 target by \$116,771

Real Estate Excise Taxes (REET) 2008 - 2011 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			
	2008	2009	2010	2011	2008	2009	2010	2011
January	28,479,285	3,809,950	3,790,500	1,046,085	140,972	18,859	18,763	5,178
February	4,994,900	2,819,838	4,805,000	547,257	24,725	13,958	23,785	2,709
March	6,016,500	2,923,000	1,149,000	1,100,000	29,782	14,469	5,688	5,445
April	9,089,830	3,942,750	1,779,000	1,075,000	44,995	19,517	8,806	5,321
May	4,285,470	7,254,950	1,859,000	2,372,000	21,213	35,912	9,202	11,741
June	5,868,926	560,000	540,000	2,605,000	29,051	2,772	2,673	12,895
July	15,533,779	3,739,900	18,013,000	3,354,950	76,892	18,513	89,164	16,607
August	12,492,130	3,857,600	1,020,000	3,045,950	61,836	19,095	5,049	15,077
September	6,504,602	2,275,000	11,276,760	15,691,044	32,198	11,261	55,820	77,671
October	3,397,877	5,949,213	610,000	7,873,950	16,819	29,449	3,020	38,976
November	5,851,865	6,393,000	1,020,000	875,000	28,967	31,645	5,049	4,331
December	619,950	1,855,348	2,178,000	2,189,000	3,069	9,184	10,781	10,836
	\$103,135,114	\$45,380,549	\$48,040,260	\$41,775,236	\$510,519	\$224,634	\$237,800	\$206,787



* NOTE THE 2011 TARGET IS BASED ON A 3-YEAR AVERAGE (2008-2010) OF ACTUAL RECEIPTS.

**City of Kenmore, Washington
Monthly Report for Kenmore Village
December 31, 2011**



Revenues

Lease Income USPS (6700 Building)
Return of Security Deposit
Other Rent Income
Insurance Proceeds
Leasehold Excise Returned

Total Revenues

**December Biennium-to-
Activity Date**

\$0 \$ 35,560
0 3,257
0 6,000
0 19,672
0 2,025

Biennium Budget

\$ 88,266
0
0
0
0

0 66,514 88,266

Expenditures

6700 Building Improvements
Utilities and Insurance - Kenmore Village

Total Expenditures

4,377 27,296
0 50,589

40,820
0

4,377 77,885 40,820

Net Income (Loss)

\$ (11,370)

\$ 47,446

City of Kenmore, Washington
SR 522 Phase I Revenue and Expenditure History
as of December 31, 2011

Phase I		**Actuals Received on Cash Basis**					
Stage 3 Burke Gilman Trail @73rd Ave NE-nearing completion							
Stage 1 SR 522 Central Segment 65th to 73rd and other improvements, in construction							
Stage 2 SR 522 West Segment 57th to 65th and other improvements, pending funding							
		Cumulative through 2008	2009	2010	December 2011	Year to Date 2011	Life to Date
Revenues:	Secured:						
Wa State Transportation Improve. Board:							
to Street Fund	5,047,000	851,786	0	0	0	0	851,786
to Arterial Street Fund	0	148,214	2,545,308	1,501,692	0	0	4,195,214
Wa State Gas Tax	4,668,620	3,119,047	1,765,416	0	0	0	4,884,463
Federal Surface Transportation Prog	12,045,444	1,708,895	8,535,460	1,781,817	0	0	12,026,172
Brightwater	15,000	15,000	0	0	0	0	15,000
Federal: Wa State Dept of Trans Signal	357,914	0	0	546,862	0	0	546,862
King County Parks	906,500	514,616	201,467	0	0	0	716,083
King County Roads	350,000	350,000	0	0	0	0	350,000
Northshore Utility District Reimb	432,400	80,559	0	0	0	0	80,559
Puget Sound Energy Reimb	264,100	0	0	0	0	0	0
Northshore School Dist Reimb	22,258	0	0	0	0	0	0
Library Reimb	10,000	0	0	0	0	0	0
Comcast Reimb	168,800	88,620	0	0	0	0	88,620
Urban Partners	75,000	0	25,000	54,438	0	0	79,438
Fire District Reim	49,000	0	0	0	0	0	0
City Art Fund	126,486	0	0	0	0	0	0
City Funds:	5,607,250	0	0	0	0	0	0
Transfer from REET Muni Cap		1,083,250	0	3,290,000	0	0	4,373,250
Transfer from Street Fund		0	0	521,870	0	0	521,870
Stage 1/181st		0	334,000	0	0	0	334,000
Stage 2 Transfer from REET Muni Cap	700,000	0	700,000	0	1,126,447	1,126,447	1,826,447
Transfer from Trans Impact Fees		900,000	0	0	343,096	610,628	1,510,628
Total Revenues	30,840,772	8,859,987	14,106,651	7,696,679	1,469,543	1,737,075	32,400,392
Expenditures:							
Street Fund		15,148,961	1,090	0		0	15,150,051
Street-Interfund Loan Interest		0	0	0		0	0
1% Art Fund		0	0	0		0	0
253,860		253,860	11,708,313	2,874,519	7,123	154,162	14,990,854
Stage 2 Design Arterial Street Fund			483,830	435,358	1,950	132,834	1,052,022
Muni Cap Fund		46,782	0	0		0	46,782
Total Expenditures		15,449,603	12,193,233	3,309,877	9,074	352,046	31,239,709

City of Kenmore, Washington
SR 522 Phase II Revenue and Expenditure History
as of December 31, 2011

Phase II

SR 522 East Segment, 73rd to 83rd, nearing completion

****Actuals Received on Cash Basis****

Revenues:

	Secured:	Cumulative through 2008	2009	2010	December 2011	Year to Date 2011	Life to Date
Wa State Transportation Improve. Board:	3,450,000	3,145,975	131,526	172,500	0	0	3,450,000
Sound Transit	8,192,307	8,192,307	0	0	0	0	8,192,307
Brightwater	250,000	0	0	0	0	0	0
Federal Grant via WSDOT	697,312	578,381	91,120	0	0	6,683	676,184
Federal: WSDOT Signal/Overlay	683,608	185,272	498,322	0	0	0	683,594
Regional Mobility WSDOT	1,800,000	1,441,827	358,173	0	0	0	1,800,000
King County Metro	400,000	0	0	400,000	0	0	400,000
Wa State Gas Tax Grant	8,336,380	4,636,717	2,951,182	439,620	0	0	8,027,519
Comcast Reimb	147,770	92,680	0	55,090	0	0	147,770
Northshore Utility District Reimb	1,621,486	1,024,376	441,836	0	0	0	1,466,212
Northshore School District Reimb	28,914	0	0	0	0	2,694	2,694
PSE Reimbursement	150,000	0	0	0	0	0	0
City: Art Fund	161,006	0	0	0	0	0	0
City:	2,870,793	0	0	0	0	0	0
Investment Earnings		92,191	15,331	2,532	0	0	110,054
Fuel Tax		274,153	0	0	0	0	274,153
Transfer of Trans Impact Fees		512,000	430,698	450,000	0	0	1,392,698
Transfer from Street Fund		0	0	1,000,000	0	0	1,000,000
Transfer of REET		1,096,420	0	0	0	0	1,096,420
Total Revenues	28,789,576	21,272,299	4,918,188	2,519,742	0	9,377	28,719,606

Expenditures:

Arterial Street	22,497,211	4,671,626	1,068,152	16,674	1,403,237	29,640,225
Interfund Loan Interest	127,175	0	0	0	0	127,175
Art 1%	0	0	0	0	0	0
Transportation Impact Fee Fund	100,000	0	0	0	0	100,000
Total Expenditures	22,724,386	4,671,626	1,068,152	16,674	1,403,237	29,867,400