

**City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
Monday, October 24, 2022**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Deputy Mayor Melanie O’Cain
Councilmember David Baker
Councilmember Joe Marshall
Councilmember Angel Kugler
Councilmember Debra Srebnik
Councilmember Corina Pfeil

Staff: City Manager Rob Karlinsey
Assistant City Manager Stephanie Lucash
City Attorney Dawn Reitan
Deputy City Clerk Michelle Kang
Co-Clerk Brian Randall
Development Services Director Samantha Loyuk
Assistant to the City Manager Garrett Oppenheim
Parks Project Manager Rob Sayre-McCord
Finance & Administration Director Leticia Salcido
Community Development Director Debbie Bent
Environmental Services Manager Richard Sawyer

Speaking Guests: Washington State Department of Commerce Growth Management
Services Deputy Managing Director Valerie Smith
Rhododendron Boathouse Fundraising Committee Member Tom
Sanderson

Public Comments Speaking Guests:
Dakota Rash, Lake Forest Park Resident
Jim Myers, Kenmore Resident
Ausamee Sawatpradit, Thailand Resident
Elizabeth Mooney, Kenmore Resident
Jon Culver, Kenmore Resident
Nicholas Bykov, Kenmore Resident

Phyllis Finley, Kenmore Resident
Stacey Valenzuela, Kenmore Resident

Public Hearing Speaking Guests:

Phyllis Finley, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
Corey Holder, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at 6:00 PM.

STUDY SESSION AGENDA

Amendments to the City of Kenmore Tree Regulations including Exceptional Trees (Ordinance No. 22-0553), presented by Development Services Director Samantha Loyuk and Assistant to the City Manager Garrett Oppenheim, *for Discussion and Direction*

[Agenda Bill - Tree Regulation Amendments](#)

[Attachment 1 - Current Kenmore Municipal Code Tree Regulations](#)

[Attachment 2 - Proposed Code Amendments \(Draft\)](#)

[Attachment 3 - Tree Fund Memo](#)

Development Services Director Samantha Loyuk and Assistant to the City Manager Garrett Oppenheim presented the proposed amendments to the City of Kenmore Tree Regulations including Exceptional Trees. Staff reviewed the Agenda Bill and Attachments with Council. Attachment 1 is the current Tree Regulations found in the Kenmore Municipal Code. Attachment 2 is the proposed code amendments to the Kenmore Municipal Code. Attachment 3 is a memo about tree regulations in general.

Staff presented the proposed code amendments and Councilmembers provided questions and comments throughout.

(C = Councilmember. S = Staff)

- C: Some of the language was confusing and required better organization within the regulation.
- C: We should be mindful of circumstances that necessitate removal of a tree.
- C: If significant trees are not causing harm to the property, it should be preserved.
- C: The language of “enjoyment of a substantial property right” is too broad
- C: Where did the list of exceptional tree species come from?
 - S: The list based off other cities around the area. The trees are all native to this region of the Pacific Northwest lowlands.
- S: The term “exceptional trees” is just used for a means of protection classification
- C: The purpose is to protect mature trees
- C: We should consider holding public developers to the same standards as private developers. Reworking the language may be needed so the city can do its job, but still walk the walk.

- C: Prohibited activities need to be reviewed further to consider family activities, such as tree houses, tire swings, etc. Staff should return with some reasonable, limited recreational use.
- S: Our regulation already states that if you are participating in any activities that would kill a tree within three years, the activity is already prohibited. But other activities that would not kill a tree, could be considered normal use.
- S: Mitigation requirements would exist where a removed tree would have to be replaced with three native species trees.
- C: There should be a survivability requirement of these replacement trees.
- S: A procedure exists called bond and agreement. A developer would put up a financial guarantee tied to an agreement for three years. There would be an inspection at the end of the three years and if everything is good with the trees, the funds would be released.

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the special meeting at 7:01 PM.

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at 7:01 PM.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

MOTION: Councilmember Kugler motioned to add the Amendments to the City of Kenmore Tree Regulations including Exceptional Trees (Ordinance No. 22-0553) Study Session to be the next item in the agenda to finish the discussion. Councilmember Pfeil seconded the motion.
APPROVED BY UNANIMOUS CONSENT

STUDY SESSION AGENDA - CONTINUED

Staff continued presenting the proposed code amendments and Councilmembers continued providing questions and comments throughout.

- S: Hazardous trees are ones that are sick or have some kind of defect that makes them very likely to fail. It has a “high” or “extreme” risk, and no other mitigation measure will reduce the risk below “high.”
- C: How do we ensure there is no abuse from the exception where a tree can be removed/should be removed?
 - S: The property owner would obtain a tree risk assessment prepared by their arborist, the City would review the assessment, and if there were a question about the validity of the assessment, we could require a site visit before issuing a permit. We can have a city arborist go out and do a site inspection. We could add an additional safeguard by requiring a second opinion before removal of an exceptional tree.
- C: Do we have a current City arborist?
 - S: No, we don’t have one on staff, but we contract arborists.
- C: How many exceptional trees do you foresee to be requested to remove?
 - S: We have no way of answering that question at this time because our current permit system does not ask the size of the tree.

- S: A “fee in lieu” option is only available if a resident does not have the space to plant the three replacement trees. The cost of the fee is for the cost of purchasing one 8-10 foot tall native coniferous tree, installation (labor and equipment), maintenance for five years, and fund administration.
- S: Next steps include going to SEPA and Department of Commerce. We would then bring the tree regulation amendments back for a public hearing, and a vote by Council, hopefully in the first quarter of 2023.

PRESENTATION

- A. Washington State Department of Commerce Growth Management Services Deputy Managing Director Valerie Smith presented the Governor’s 2022 Smart Communities Award for the Rhododendron Boathouse to the City of Kenmore, the Northshore School District, the Kenmore Community Rowing Club, and the George Pocock Rowing Foundation. Council accepted the award for the City of Kenmore and took a photo with Ms. Smith.
- B. Rhododendron Boathouse Fundraising Quarterly Update, presented by Parks Project Manager Rob Sayre-McCord and Rhododendron Boathouse Fundraising Committee Member Tom Sanderson
[Agenda Bill - Rhododendron Park Boathouse Fundraising Quarterly Update \(updated on 10/19\)](#)
[Attachment 1 - Lease Agreement](#)

Parks Project Manager Rob Sayre-McCord and Rhododendron Boathouse Fundraising Committee Member Tom Sanderson provided a quarterly update to Council.

- The management of the Friends of Kenmore Boathouse Board has transitioned since the last update, which took place in July 2022.
- The West Sammamish River Bridget celebration was largest single event we have had since we were last together.
- We do not currently have kayak storage for the public. However, it was the most popular request we have received.
- We are currently working on the design of a donor wall to recognize donors who support the Boathouse.
- We submitted the final paperwork for the tax-exempt approval last week.
- The major tasks for the next three months:
 1. Complete the design of the donor wall and get that approved
 2. Receive confirmation from the IRS that our tax-exempt status is complete
 3. Figuring out the events, specifically targeting the high schoolers and their families
 4. Bringing one or two student athletes onto the board
 5. Adding a directional sign to indicate how to get to the Boathouse
 6. Joining the Kenmore-Bothell Chamber of Commerce
- We have a need to close the fundraising gap. The two biggest levers are grants and high-value donations.

Councilmembers asked questions and provided comments. Staff responded.

- How many families participated this year, last year, and the first year, specifically in the high school?

- About 120 families
- A list of those households should be generated for outreach to help with closing the fundraising gap.

PUBLIC COMMENTS

The Council took comments from the public.

Timestamped link included here: <https://youtu.be/l7fdgTCD700?t=6247>

CONSENT AGENDA

MOTION: Deputy Mayor O’Cain moved to approve the consent agenda including items A – F outlined above. Councilmember Kugler seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

PUBLIC HEARING

Public Hearing No. 2 for the 2023-2028 Capital Improvement Program (CIP) for Parks, Transportation, Surface Water, City Facilities, and Other Public Facilities, presented by Finance & Administration Director Leticia Salcido.

[Agenda Bill - Capital Improvement Program Public Hearing No. 2](#)

[Exhibits A-L - Capital Improvement Program](#)

[Presentation - Capital Improvement Program Public Hearing No. 2](#)

Finance & Administration Director Leticia Salcido presented an updated version of the proposed 2023-2028 Capital Improvement Program (CIP). The original public hearing for the CIP was October 3, 2022. Based on input from Councilmembers at the original public hearing, the following changes were made:

- Rhododendron Park Sign: reduced from \$50,000 to \$28,000
- Moorland Park Improvements: turf replacement allocation decreased from \$2,600,000 to \$775,000
- Sidewalk Program: increased from \$515,000 to \$1,900,000
- Public Works Shop: reduced total project cost and corresponding debt service from \$49,500,000 to \$21,100,000

Mayor Herbig opened the Public Hearing at approximately 8:17 PM.

The Council heard public testimony from the public. Timestamped link included here:

<https://youtu.be/l7fdgTCD700?t=8223>. Mayor Herbig closed the Public Hearing at approximately 8:28 PM.

BUSINESS AGENDA

A. 2023-2028 Capital Improvement Program (CIP) for Parks, Transportation, Surface Water, City Facilities, and Other Public Facilities, Ordinance No. 22-0559, presented by Finance & Administration Director Leticia Salcido, *for Adoption*

[Agenda Bill - 2023-2028 Capital Improvement Program Ordinance No. 22-0559 \(Exhibit A included\)](#)

No additional presentation was provided. Councilmembers offered questions and comments; staff responded:

- When did we put in the turf, when did we finish the park?
 - It was about four years ago when the field was put in
- Were the baseball clubs involved or aware of the decision to put in natural turf at the time?
 - The clubs were aware. They were also aware of the city's proposal for lighting and were the ones to suggest turf rather than lighting.
- There is no rationale for spending \$775,000 to change what we just put in four years ago; uncomfortable putting more money into this project
- Not all \$775,000 comes from the city; there is a combination of funding from the city, clubs, and grants
- Can we elaborate on the Public Works amount?
 - That is the total cost; it is a placeholder at this time
- Appreciate the additional funds in the pedestrian facilities line item

MOTION: Councilmember Marshall moved to approve the 2023-2028 Capital Improvement Program for Parks, Transportation, Surface Water, City Facilities, and Other Public Facilities, Ordinance No. 22-0559. Councilmember Kugler seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. **MOTION PASSES UNANIMOUSLY**

B. 2023-2024 Proposed Biennial Budgets for: Strategic Reserve, Strategic Opportunities, Transportation Benefit District, Public Art, 2016 & 2021 UTGO Debt Service, Real Estate Excise Tax, Impact Fees, Public Works Shop Fund, Equipment Replacement & other funds, Surface Water Management Fund, Surface Water Capital Fund, Swamp Creek Basin, presented by Finance & Administration Director Leticia Salcido and Staff, *for Presentation and Discussion*

[Agenda Bill - 2023-2024 Budget Presentations for 10/24/2022](#)

[Presentation - Budget Presentations for 10/24/2022](#)

Staff presented on the following:

- Surface Water Management Fund – self contained fund that primarily receives revenue from the surface water service charge. Single family residential properties are charged a flat fee, and all other properties are charged a rate per acre based on the amount of impervious surface on the property. The purpose of this fund and service charge is to comply with the Clean Water Act and National Pollutant Discharge Elimination System (NPDES) compliance. This fund helps fund some of the Climate Action Plan. There is an increase of 20% in the operations budget for the upcoming biennium due to additional personnel.
- Surface Water Capital Fund – Used for expenditures for surface water capital improvements and surface water components of other capital improvements. Proposed budget of \$3,949,550 for the next biennium.
- Swamp Creek Basin Fund – the name is misleading and has evolved overtime. The fund was originally created for maintenance for the Swamp Creek Basin, but the agreement was revised in 2018 to allow funds to be used to acquire and restore land for flood prevention, open space, and wildlife habituate in the Swamp Creek Basin.
- Strategic Reserve Fund – there is no projected use of the fund in the next biennium

- Strategic Opportunities Fund – serves as a savings account. Expenditures for the next biennium include RADAR, Farmer’s Market, Bastyr Clinic, Air Quality & Emissions Consulting services.
- Public Art Fund – no expenditures are projected for the next biennium
- Transportation Benefit District Fund – accumulates resources from the \$20 vehicle license fee
- 2016 \$2021 UTGO Debt Service Fund – accumulates resources from the property tax levy
- Walkways & Waterways Project Fund – fund accounts for the proceeds in the UTGO bonds; transfers funds to the Walkways & Waterways, Transportation, and Park Projects as needed. There are no expenditures projected for the next biennium.
- Real Estate Excise Tax – we are projected to gain \$2.4 million per year
- Park Impact Fee Fund – this fund is funded by any fee assessed on new development that creates additional demand and need for public parks. There are no projected expenditures from this fund in the next biennium.
- Transportation Impact Fee Fund – projected \$1,032,638 revenue for the biennium
- Public Works Shop Fund – accounts for property acquisition, development and financing of a public works shop facility; assumption of total cost is \$20 million, which is lowered from the original total cost of \$36 million
- Equipment Replacement Fund – used to collect and maintain a reserve for future replacement of vehicles, computers, and equipment; other departments and funds contribute to this fund that benefit from or use the assets

Councilmember offered a suggestion of leasing vehicles for the fleets until electric vehicles are available to purchase for the city.

STAFF REPORTS

- A. City Manager Rob Karlinsey updated Council about the plan to include a study session at the City Council Special Meeting on Monday, November 7, 2022, to further discuss the Climate Action Plan funding options.
- B. Update on Affordable Housing Development Efforts - Holt Property and Plymouth Affordable Housing Project, presented by Assistant City Manager Stephanie Lucash
[Presentation - Affordable Housing Development Efforts](#)

Assistant City Manager Stephanie Lucash presented updates on the Plymouth Affordable Housing Development. This property is located on 6532 Bothell Way and includes 100 units, all at 30% of AMI, for seniors, veterans, individuals with disabilities, and formerly homeless individuals. The project is projected to cost \$44.2 million. The increase in the cost is due to inflation, supply chain issues, construction and material costs, and higher than anticipated Davis-Bacon commercial wage rates we are required to use. The plan is to break ground in 2023 and have residents move in late 2024.

Assistant City Manager Stephanie Lucash also updated Council on the Holt Property that closed in September 2022. The city is currently seeking a development partner for housing on upper-level floors and community/commercial space for the ground floor. The project is anticipated for the request for proposal process in 2023.

Councilmembers provided comments.

- An appreciation to the dedication for the Council's goal of affordable housing
- A suggestion to continue to look into a land-lease model where the city would retain the land

COUNCILMEMBER REPORTS & COMMENTS

ADJOURNMENT

Mayor Herbig adjourned the regular meeting at 9:40 PM.


Nigel Herbig (Nov 15, 2022 12:43 PST)

Nigel Herbig, Mayor


Michelle Kang (Nov 15, 2022 10:58 PST)

Michelle Kang, Deputy City Clerk

City Council Special and Regular Meeting Minutes from October 24, 2022

Final Audit Report

2022-11-15

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