City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
Monday, November 14, 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 Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember David Baker
Councilmember Angel Kugler – Excused

Staff: City Manager Rob Karlinsey
Assistant City Manager Stephanie Lucash
City Attorney Dawn Reitan
Deputy City Clerk Michelle Kang
Co-Clerk Tela Gardner
Finance & Administration Director Leticia Salcido
Development Services Director Samantha Loyuk
Code Enforcement Officer Bridgit Baker

Special Guests: Dennis McLerran, Cascadia Law Group
Professor Jeffrey Jensen, University of Washington Bothell
Chanin Kelly-Rae, Chanin Kelly-Rae Consulting LLC
Kenmore Community DEI Task Force Members

Cadman Asphalt Plant Public Comments Speaking Guests:
Patrick O'Brien, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
Janet Hays, Kenmore Resident
David Morton, Kenmore Resident
Nancy Hansen, Kenmore Resident

Public Comments Speaking Guests:
Peter Lance, Kenmore Resident
Roy Cuzner, Kenmore Resident

Patrick O'Brien, Kenmore Resident
John Peeples, Kenmore Resident
Jim Myers, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Dakota Rash, Lake Forest Park Resident
Stacey Valenzuela, Kenmore Resident
Phyllis Finley, Kenmore Resident
Tracy Banaszynski, Kenmore Resident
Nancy Hansen, Kenmore Resident
Richard Lewis, Kenmore Resident
Danielle Olson, Kenmore Resident

2023-2024 Biennial Budget Public Hearing Speaking Guests:
Phyllis Finley, Kenmore Resident
Stacey Valenzuela, Kenmore Resident

2021-2022 Budget Amendments Public Hearing Speaking Guests:
Stacey Valenzuela, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

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

STUDY SESSION AGENDA

A. Update on the Puget Sound Clean Air Agency (PSCAA) Order of Approval of the Notice of Construction #11861 for the Cadman Asphalt Plant in Kenmore, presented by City Manager Rob Karlinsey, Development Services Director Samantha Loyuk, Code Enforcement Officer Bridgit Baker, and Dennis McLerran from Cascadia Law Group
Agenda Bill - Cadman Asphalt Plant Order of Approval
Attachment 1 - PSCAA Order of Approval Notice of Construction #11861
Attachment 2 - PSCAA Worksheet

Dennis McLerran from Cascadia Law Group updated Council on what is included in the final permit as well as the responses to the comments from Kenmore and its residents and from Cadman.

The final permit includes some of the following:
- Cutback asphalt is prohibited
- Dryer baghouse needs to be equipped with a gauge measuring the pressure drop across the baghouse. These records must be kept and available for inspection by the agency.
- Extensive facility monitoring and odor monitoring response
- Street boundaries where odor monitoring can be done weekly
- Production of asphalt limit to no more than 200,000 tons annually, with a recordkeeping requirement

Kenmore asked for the odor impact conditions to be retained and even improved. Cadman asked that the odor conditions be removed because it considers the conditions to be unlawful. The agency chose to keep the odor impact conditions and strengthen them.

Once the permit was issued on October 26, 2022, a thirty (30) day appeal period was triggered.

Councilmembers provided questions and comments. One question included who controls the decisions around plants to continue operation on unhealthy air quality days. McLerran answered that the governor is vested with the power to declare air quality emergencies. Although Kenmore cannot force the governor to do anything about the asphalt plant on air quality days, Washington state has initiative powers vested with citizens. Citizens would need to gather a certain number of signatures on a petition.

B. **Public Comment about Study Session Agenda:** We have allotted up to fifteen (15) minutes of public comment from our community members at this time about the Study Session Agenda item - Asphalt Plant PSCAA Notice of Construction Permit. The amount of time allotted per speaker during this segment will be three minutes. The same Public Comment rules apply where the Council does not engage or dialogue with the public; the primary role of the Council is to listen. We will hear from up to five speakers at this time. We will hear from our on-site guests first, followed by our virtual guests. If you're online, please use the "raise hand" feature now if you wish to speak. Please state your name and city of residence for the record. If the allocated time runs out, please give your public comments at the November 14th Regular Meeting, which begins at 7:00 PM, during the Public Comments portion of the meeting

Council took comments from the public.
Timestamped link here: https://youtu.be/gdu8iXWajsw?t=2365

ADJOURN SPECIAL MEETING
Mayor Herbig adjourned the special meeting at approximately 7:03 PM.

CALL REGULAR MEETING TO ORDER
Mayor Herbig called the regular meeting to order at approximately 7:03 PM.

FLAG SALUTE
Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL
The agenda was approved as published.

PRESENTATION
Environmental Education Research Center (EERC) "Little Redfish Lost...and Found" Presentation, presented by Assistant City Manager Stephanie Lucash and University of Washington Bothell Professor Jeffrey Jensen

Presentation by Professor Jeffrey Jensen
Article from Encyclopedia of Puget Sound

Professor Jeffrey Jensen presented to the Council the history and potential revival of the Kokanee salmon population. Kokanee salmon were a big part of indigenous culture and were abundant 120 years ago. The early run was declared extinct in 2002. The middle run is struggling currently and some even think that the middle run is extinct. In 2021, it was discovered that the Native Lake Washington kokanee survived. Zackuse Creek had kokanee return for the first time in 50 years. One hope is to have a Swamp Creek Habitat Restoration Project. The next steps include outreach and education, protection of limited spawning areas, and reintroduction. Professor Jensen's proposal is to have a collaboration between Woodinville, Bothell, Kirkland, Kenmore, and Lake Forest Park for grant writing and further outreach.

Councilmembers are encouraged to use the information provided by Jeffrey Jensen for further outreach and education. This information will be brought to the WRIA8 meeting this week. Councilmembers hope that salmon education is still in school for kids to participate in.

PUBLIC COMMENTS

Council took comments from the public.
Timestamped link here: https://youtu.be/gdu8iXWajsw?t=5177

CONSENT AGENDA

A. Approve City Council Special & Regular Meetings from October 24, 2022
   City Council Special and Regular Meeting Minutes from October 24, 2022

B. Approve Total Check #s 50704 through 50813 totaling $1,346,919.16 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 10/21/2022 in the amount totaling $190,655.93 and ACH Payment to Thomco Construction in the amount of $533,300.91, and ACH Payment to U.S. Bank in the amount of $23,277.78, and ACH Payment to Washington Federal Bank in the amount of $22,808.66, and Payroll Check #10195 in the amount of $952.42, and Payroll Check #10196 in the amount of $199.54.
   Voucher Approval for October 28, 2022

MOTION: Councilmember Pfeil moved to approve the consent agenda outlined above including items A-B. Deputy Mayor O'Cain seconded the motion.
VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

PUBLIC HEARING

A. Public Hearing No. 1 for 2023-2024 Proposed Final Biennial Budget (Ordinance No. 22-0562), presented by Finance & Administration Director Leticia Salcido, *for Public Hearing*
   Agenda Bill - 2023-2024 Proposed Biennial Budget
   Presentation - 2023-2024 Proposed Biennial Budget

Finance & Administration Director Leticia Salcido appeared before the Council and reminded Council that the numbers and data for the proposed 2023-2024 biennial budget are the same from previous presentations. The first public hearing was held on November 7, 2022. This is the second public hearing. And the final public hearing will be held November 21, 2022, which is also the same Council Meeting the 2023-2024 biennial budget is on the business agenda for adoption.

Mayor Herbig opened the Public Hearing at approximately 8:07 PM.
The Council heard public testimony from the public.
Timestamped link included here: https://youtu.be/gdu8iXWajsw?t=7660
Mayor Herbig closed the Public Hearing at approximately 8:17 PM.

B. 2021-2022 Budget Amendments (Ordinance No. 22-0561), presented by Finance & Administration Director Leticia Salcido, *for Public Hearing*
Agenda Bill - 2021-2022 Budget Amendments Public Hearing for November 14, 2022
Presentation - 2021-2022 Budget Amendments

Finance & Administration Director Leticia Salcido appeared before the Council and reminded them that the first detailed discussion about the 2021-2022 budget amendments was on November 7, 2022. The numbers and data have not changed since then. The 2021-2022 budget amendments are going to be on the November 21, 2022 business agenda for adoption.

Mayor Herbig opened the Public Hearing at approximately 8:18 PM.
The Council heard public testimony from the public.
Timestamped link included here: https://youtu.be/gdu8iXWajsw?t=8312
Mayor Herbig closed the Public Hearing at approximately 8:20 PM.

BUSINESS AGENDA

A. Diversity, Equity, Inclusion, and Accessibility (DEIA) Policy, presented by Human Resources Manager Leonora Palaña and Chanin Kelly-Rae Consulting LLC Consultant Chanin Kelly-Rae, *for Adoption*
Agenda Bill - DEIA Policy
Attachment 1 - City of Kenmore Diversity Equity Inclusion and Accessibility Policy
Attachment 2 - City of Kenmore Diversity, Equity, Inclusion, and Accessibility Policy Milestones

Human Resources Manager Leonora Palaña presented the timeline and milestones of the Diversity, Equity, Inclusion, and Accessibility (DEIA) policy to the Council (Attachment 2). Council suggested that one implementation of the DEIA policy is to include a DEIA rubric at the bottom of future agenda bills, so that Council can know how future business items, such as ordinances, utilizes and promotes DEIA policy. Consultant Chanin Kelly-Rae emphasized the need for DEIA policy because history is replete with examples of man's inhumanity to mankind. Kelly-Rae further explained that her hope is consultants like her will no longer be needed in the future because these policies are for Council, directors, and leaders to own.

MOTION: Councilmember Pfeil moved to adopt this policy [the Diversity, Equity, Inclusion, and Accessibility policy]. Deputy Mayor O'Cain seconded the motion.
VOTE: 6 Yes; 0 No; 0 Abstain. **MOTION PASSES**

B. Resolution No. 22-390 City of Kenmore's 2023 Fee Schedule, presented by Development Services Director Samantha Loyuk and Permit Coordinator Tela Gardner, *for Adoption*
Agenda Bill - 2023 Fee Schedule
Exhibit A - Resolution No. 22-390 Fee Schedule
Exhibit A Attachment - 2023 Fee Schedule
Exhibit B - Excerpt from Kenmore Municipal Code (KMC) 20.05
Exhibit C - 2022 Northshore School District Capital Facilities Plan
Exhibit D - Resolution No. 18-315 Surface Water Annual Charges
Exhibit E - 2022 Fee Schedule

Development Services Director Samantha Loyuk and Permit Coordinator Tela Gardner presented Kenmore's proposed 2023 Fee Schedule to Council. The original rates were based on a 2015 fee study and have been updated as need per the consumer price index (CPI). One change that was emphasized was the new line item for heat pump permits. This permit fee was decreased to the same amount as a water heater fee. Kenmore wants to encourage people to use heat pumps and the decrease is meant to reflect that incentivization.

Councilmembers provided some comments:
- The fee schedule should be revisited over the next year with the Climate Action Plan in mind to further differentiate what we are trying to incentivize and de-incentivize.
- The hope is that we can stabilize our fees so the fees don't increase by 9.5% the next time the fee schedule is reviewed. When the city increases fees like this every year, the city is part of the inflation problem.

MOTION: Councilmember Marshall moved to approve Resolution No. 22-390 City of Kenmore's 2023 Fee Schedule. Councilmember Pfeil seconded the motion.
VOTE: 5 Yes; 1 No; 0 Abstain. **MOTION PASSES**

STAFF REPORTS

City Manager Rob Karlinsey provided three updates:
1. Due to the good weather, Juanita Drive was striped. This project was originally planned for the spring, in anticipation of bad weather.
2. On Friday, November 11, 2022, Kenmore closed on the 73rd Avenue NE Property.
3. Today was Permit Coordinator, Tela Gardner's last day at the City of Kenmore

COUNCILMEMBER REPORTS & COMMENTS

Deputy Mayor O'Cain formally asked the Council to bring a gun buyback program up for discussion in January 2023. There was a general consensus of agreement.

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 9:14 PM.

Nigel Herbig (Nov 30, 2022 09:54 PST)

Nigel Herbig, Mayor

Michelle Kang (Nov 29, 2022 10:13 PST)

Michelle Kang, Deputy City Clerk

City Council Special and Regular Meeting Minutes from November 14, 2022

Final Audit Report 2022-11-30

Created:	2022-11-29
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAACwnag8V5VIpOAjmlLqAwNDcT7unC0hvy

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Document created by Michelle Kang (mkang@kenmorewa.gov)
2022-11-29 - 6:12:22 PM GMT

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