

**City of Kenmore  
City Council Meeting  
Special & Regular Meeting Minutes  
Monday, October 16, 2023**

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 Angela Kugler  
Councilmember Debra Srebnik  
Councilmember Corina Pfeil

Staff: City Manager Rob Karlinsey  
Deputy City Manager Stephanie Lucash  
City Attorney Dawn Reitan  
City Clerk Anastasiya Warhol  
Deputy City Clerk Michelle Kang  
Development Services Director Samantha Loyuk  
Principal Planner Todd Hall  
Building Official Bryan Hampson  
Code Enforcement Officer Bridgit Baker  
Finance and Administration Director Melinda Merrell  
Environmental Services Director Richard Sawyer  
Community Development Director Debbie Bent  
Climate Action Plan Program Manager Nina Rasmussen

Speaking Guests: Dwight Thompson, Planning Commission Chair  
Mike Vanderlinde, Planning Commission Vice Chair  
Derek Wykoff, Planning Commissioner  
Saad Qadri, Planning Commissioner  
Tracy Banaszynski, Planning Commissioner  
Nathan Loutsis, Planning Commissioner  
Ashley Emery, Pacific Financial Consulting Consultant

Public Comments Speaking Guests:

Dwight Thompson, Kenmore Resident  
Carl Michelman, Brier Resident  
Chris Olson, Kenmore Resident  
Tracy Banaszynski, Kenmore Resident  
Sal Mander (Jon Culver), Kenmore Resident  
Matt Thomas, Kenmore Resident  
Elizabeth Mooney, Kenmore Resident  
Dakota Rash, Lake Forest Park Resident  
Lauri Sperry, Kenmore Resident

Public Hearing Speaking Guests:

Patrick O'Brien, Kenmore Resident  
Chris Olson, Kenmore Resident  
Janet Hays, Kenmore Resident  
Stacey Valenzuela, Kenmore Resident  
Phyllis Finley, Kenmore Resident

**CALL SPECIAL MEETING TO ORDER**

Mayor Herbig called the special meeting to order at 5:30 PM.

**EXECUTIVE SESSION**

Pursuant to RCW 42.30.110(1)(b) and (i), the City Council will now enter an executive session to 1) consider real estate acquisition, and 2) discuss potential litigation. This executive session was slated to last 90 minutes, until approximately 7:00 PM.

**POSSIBLE ACTION RELATING TO EXECUTIVE SESSION**

**MOTION:** Deputy Mayor O'Cain moved to suspend virtual public comments and virtual public hearing testimony until Council adopts Rules of Procedures relating to virtual public comments and virtual public hearings, which suspension will take effect immediately after this meeting. Councilmember Marshall seconded the motion.

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

**ADJOURN SPECIAL MEETING**

Mayor Herbig adjourned the special meeting at approximately 7:05 PM.

**CALL REGULAR MEETING TO ORDER**

Mayor Herbig called the regular meeting to order at 7:06 PM.

**LAND ACKNOWLEDGEMENT**

Mayor Herbig read the Land Acknowledgement Honoring First Peoples.

## **FLAG SALUTE**

Mayor Herbig led the Council in the flag salute.

## **AGENDA APPROVAL**

The agenda was approved as presented.

## **WHERE'S THE FUN?**

City Manager Rob Karlinsey highlighted a recent Salsa Dancing event offered by City resident Samuel Rodriguez. In addition, Mr. Karlinsey highlighted the current Art Gallery with pieces created by visually impaired artists.

## **PUBLIC COMMENTS**

The City Council took comments from the public.

Timestamped [link](https://www.youtube.com/live/jQ7TwCLm5Yc?si=F4vX79lBny0XMSMi&t=6020) here:  
<https://www.youtube.com/live/jQ7TwCLm5Yc?si=F4vX79lBny0XMSMi&t=6020>

## **CONSENT AGENDA**

- A. Approve Total Check #s 52982 through 53060 totaling \$1,207,622.21 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 09/22/2023 in the amount totaling \$238,575.22 and ACH Payment to KBA Inc. in the amount of \$2,683.92, and Wire Transfer to Chicago Title in the amount of \$1,500.00.

[Voucher Certification and Approval 09/16/2023 - 09/29/2023](#)

- B. Adopt Proposed Ordinance No. 23-0593 exceptional trees. (Added 10/11/2023)  
[Agenda Bill - Proposed Ordinance No. 23-0593](#)  
[Attachment 1 - Proposed Ordinance No. 23-0593 \(updated 10/11/2023, see highlights\)](#)  
[Attachment 2 - Proposed Ordinance No. 23-0593 Exhibit A](#)  
[Attachment 3 - Proposed Ordinance No. 23-0593 Exhibit B](#)  
[Attachment 4 - Proposed Ordinance No. 23-0593 Exhibit C](#)  
[Attachment 5 - King County Conservation District Tree Canopy Study](#)  
[Attachment 6 - September 2021 Exceptional Trees Policy Report](#)  
[Attachment 7 - KMC 18.55.180, Reasonable Use Exception](#)  
[Attachment 8 - 10/09/2023 Agenda Bill and Materials](#)

- C. Adopt Proposed Ordinance No. 23-0584, amending Kenmore Municipal Code (KMC) Sections 18.42.030 and 18.42.135 relating to unattended temporary signs and displays on City-owned property within the public/semi-public zone. (Added 10/11/2023)  
[Agenda Bill - Proposed Ordinance No. 23-0584](#)

[Attachment 1 - Proposed Ordinance No. 23-0584 \(updated 10/11/2023, see highlights\)](#)

[Attachment 2 - Exhibit A of Proposed Ordinance No. 23-0584](#)

[Attachment 3 - 10/09/2023 Agenda Bill and Attachments](#)

At the request of the Mayor, the City Clerk Warhol confirmed that two persons submitted written testimony related to the Exceptional Tree Ordinance 23-0593, and two other persons submitted comments outside of the continued hearing. All written testimonies and comments were routed to the Council for review prior to the meeting.

The Council agreed to remove item “B - Adopt Proposed Ordinance No. 0593...” off the consent calendar, to be discussed as a separate item.

**MOTION:** Deputy Mayor O’Cain moved to approve the consent agenda items A and C. Councilmember Pfeil seconded the motion.

**VOTE:** Consent Agenda minus item B was approved by UNANIMOUS CONSENT.

#### **MOVED FROM CONSENT AGENDA TO BUSINESS AGENDA**

B. Adopt Proposed Ordinance No. 23-0593 exceptional trees. (Added 10/11/2023)

[Agenda Bill - Proposed Ordinance No. 23-0593](#)

[Attachment 1 - Proposed Ordinance No. 23-0593 \(updated 10/11/2023, see highlights\)](#)

[Attachment 2 - Proposed Ordinance No. 23-0593 Exhibit A](#)

[Attachment 3 - Proposed Ordinance No. 23-0593 Exhibit B](#)

[Attachment 4 - Proposed Ordinance No. 23-0593 Exhibit C](#)

[Attachment 5 - King County Conservation District Tree Canopy Study](#)

[Attachment 6 - September 2021 Exceptional Trees Policy Report](#)

[Attachment 7 - KMC 18.55.180, Reasonable Use Exception](#)

[Attachment 8 - 10/09/2023 Agenda Bill and Materials](#)

It was confirmed to the Council that fees associated with the proposed ordinance will be reflected in the next iteration of the Development Services Fee Resolution. The fee resolution is scheduled to be presented to the Council in November.

**MOTION:** Councilmember Pfeil moved to adopt Ordinance No.23-0593, establishing Exceptional Tree regulations. Deputy Mayor O’Cain seconded the motion.

**AMENDMENT:** Deputy Mayor O’Cain moved to amend the ordinance as follows: Take language of “B.g. Mitigation Requirements (page 13 of Attachment 3) ” i, ii, iii, and iv, and to add it under 4. Public Facilities as mitigation requirements. Deputy Mayor O’Cain seconded the motion.

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

**MOTION:** Councilmember Pfeil moved to adopt Ordinance No.23-0593 *as amended*, establishing Exceptional Tree regulations. Deputy Mayor O’Cain seconded the motion.  
**VOTE:** 7 Yes; 0 No; 0 Abstain. **MOTION PASSES**

## **BUSINESS AGENDA**

- A. Planning Commission Recommendation on the Public Services Element and Utilities Element of the Comprehensive Plan Amendments, presented by Principal Planner Todd Hall and Planning Commissioners, *for discussion*

[Agenda Bill - Public Services Element and Utilities Element](#)

[Attachment 1 - Summary of Comprehensive Plan Amendments](#)

[Attachment 2 - Public Comments and Staff Responses](#)

[Attachment 3 - Draft Public Services Element](#)

[Attachment 4 - Draft Utilities Element](#)

[Attachment 5 - SEPA Determination of Nonsignificance](#)

[Attachment 6 - Police Services Report 2022](#)

[Presentation - Public Services Element and Utilities Element](#)

The Principal Planner and Planning Commissioners presented the proposed changes to the Public Service Element and Utilities Element of the Comprehensive Plan. The changes are included in Attachment 1 – Summary of Comprehensive Plan Amendments.

The Council suggested edits. Staff agreed to bring amended elements for continued discussion to the October 23, 2023 Council meeting.

## **PUBLIC HEARING**

- A. Proposed Ordinance No. 23-0577, repealing 1997 property maintenance codes and replacing them with a new Kenmore Property Maintenance Code (KPMC) based on the 2021 International Property Maintenance Code, presented by Development Services Director Samantha Loyuk, Building Official Bryan Hampson, and Code Compliance Officer Bridgit Baker, *for public hearing*

[Agenda Bill - Proposed Ordinance No. 23-0577, New Kenmore Property Maintenance Code](#)

[Attachment 1 - Proposed Ordinance No. 23-0577](#)

[Attachment 2 - Proposed Ordinance No. 23-0577 Exhibit A](#)

Compliance Officer Bridgit Baker made opening remarks and highlighted that the Property Maintenance Code needs to be updated. In response to Council questions, Ms. Baker responded that wrecked, dismantled vehicles were be prohibited on property with the adoption of the new ordinance.

Mayor Herbig opened the Public Hearing at approximately 8:29 p.m. The City Council received testimony from the public. Timestamped link here: <https://www.youtube.com/live/jQ7TwCLm5Yc?si=jk087Fb40zTSxwY&t=10881>  
Mayor Herbig closed the Public Hearing at approximately 8:45 p.m.

## **BUSINESS AGENDA**

- B. Proposed Ordinance No. 23-0577, repealing 1997 property maintenance codes and replacing them with a new Kenmore Property Maintenance Code (KPMC) based on the 2021 International Property Maintenance Code, presented by Development Services Director Samantha Loyuk, Building Official Bryan Hampson, and Code Compliance Officer Bridgit Baker, *for adoption*  
[Agenda Bill - Proposed Ordinance No. 23-0577, New Kenmore Property Maintenance Code](#)  
[Attachment 1 - Proposed Ordinance No. 23-0577](#)  
[Attachment 2 - Proposed Ordinance No. 23-0577 Exhibit A](#)

**MOTION:** Councilmember Srebnik moved to adopt Ordinance No. 23-0577, repealing the 1997 property maintenance codes and replacing them with a new Kenmore Property Maintenance Code (KPMC) based on the 2021 International Property Maintenance Code. Councilmember Marshall seconded the motion.

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

- C. Surface Water Management (SWM) Capital Improvement Program (CIP) for Rapid Progress, presented by City Manager Rob Karlinsey, Finance and Administration Director Melinda Merrell, and Environmental Services Director Richard Sawyer, *for discussion*  
[Agenda Bill - 2023-2029 Capital Improvement Program for Surface Water Management](#)  
[Attachment 1 - SWM Capital Improvement Program](#)  
[Attachment 2 - SWM Project Narratives](#)  
[Attachment 3 - Adopted CIP, 2023-2024 Budget Book, pages 214-215](#)  
[Presentation - 2023-2029 SWM CIP](#)

Finance and Administration Director Melinda Merrell explained that the City aims to establish and uphold a financially sustainable Capital Improvement Program, which can serve as a guide for the staff to prioritize and undertake projects. The revised Surface Water Management CIP is a result of the SWM rate analysis study mentioned earlier. It aligns City resources, Surface Water Utility fees, and various grant funds. Even if a project may require grant funds in the future to be completed, the project and budget are considered "balanced," offering a means to seek external funding. It's important to view the CIP as a planning document, with the City of Kenmore's approved budget being the official document for allocating funds to project expenses.

The updated Surface Water Management Capital Improvement Program comprises 14 individual projects, in addition to debt service, with a combined budget of \$34,512,450 for the planning period extending through 2029. Detailed information regarding project costs, funding sources, and descriptions can be found in Attachments 1 and 2.

City Manager Rob Karlinsey explained that construction costs of the Public Works Facility cost are not included in the Stormwater Capital Improvement Program.

- D. 2023 Surface Water Management (SWM) Rate Analysis and Proposed Rates for 2024-2030, presented by City Manager Rob Karlinsey, Finance and Administration Director Melinda Merrell, Environmental Services Director Richard Sawyer, and Consultant Ashley Emery, *for discussion and direction*  
[Agenda Bill - 2023 SWM Rate Analysis and Proposed Rates for 2024-2030](#)  
[Attachment 1 - 2023 SWM Rate Analysis Report](#)  
[Attachment 2 - September 18, 2023 Agenda Materials and Slide Presentation](#)

City Manager Rob Karlinsey briefly summarized the community engagement efforts related to the proposed rates. City staff collaborated with Peninsula Financial Consulting (PFC) to conduct a Surface Water Management rate analysis for rates from 2024 to 2030. The analysis presents four rate increase options to the City Council: Stay the Course, Moderate Pace, Rapid Progress, and Rapid Progress+. The Council reviewed these options on September 18, 2023, and public preferences were collected through an online survey. Now, staff are seeking the City Council's decision on which rate plan to adopt. Once selected, a multi-year surface water rate schedule resolution will be presented for Council approval in November 2023.

Property owners in King County can receive exemptions from SWM (Surface Water Management) service charges if they meet certain eligibility requirements. These requirements include owning and living in a primary residence with an annual income at or below "Income Threshold 3," which is determined by the county's median household income. In King County, Income Threshold 3 is \$58,423 for the current year and will be \$84,000 in 2024. Additionally, property owners must meet one of the following criteria: be at least 61 years old, disabled, or a veteran with an 80% total disability rating. To obtain this exemption, property owners must apply for it through King County.

The City Council discussed the need for the rate increase and expressed support for the Rapid Progress+ pace.

The Staff will bring back a Resolution to adopt the proposed rates, the rate schedule will be incorporated in the next adopted Fee Schedule.

- E. Climate Action Element of the Comprehensive Plan Amendments, presented by Community Development Director Debbie Bent, Environmental Services Director Richard Sawyer, and Climate Action Plan Program Manager Nina Rasmussen, *for continued discussion*

[Agenda Bill - Climate Action Element](#)

[Attachment 1 - Draft Climate Action Element, redlined](#)

[Attachment 2 - Draft Climate Action Element, clean version](#)

The presenting team explained that this is the second draft of the Climate Action Element presented to the Council. City Staff and the Planning Commission first brought the CLE to the City Council on September 25, 2023. Since then, City Staff have incorporated edits, including the following:

- Grammatical errors were corrected and can be viewed in the attached draft CAE.
- Rain gardens were added in Policy 12.1.2.
- Section 1: Emissions Mitigation title was added for Goals 2-6 and a Section 2: Resiliency title was added for Goals 7- 15.
- Added text to clarify in the following: Goal 2, Policy CA3.3.2, Goal 7. Municipal vs community mitigation actions are delineated in more detail in the CAP.
- Added Policy 15.1.6 to Goal 15. See draft CAE for full text.
- Staff removed existing CAP text in introduction and put in a new Objective 1 to clarify CAP role to alleviate confusion on sequencing and alignment of CAE and CAP. Added CAP as first Policy in element (CA 1.1.1) to show that it takes direction from CAE. Specified 3–5-year interval updates with Council discretion to update more frequently, if desired. Specified annual reporting to Council regarding CAP implementation progress.

The Council discussed and made additional suggestions; staff agreed to prepare the next iteration of the CAE for November 2023.

## **STAFF REPORTS**

## **COUNCILMEMBER REPORTS & COMMENTS**

A few Councilmembers wished to discuss the Blake Fix at a future agenda. The Mayor recommended discussing this item at a future Council retreat.

## **ADJOURNMENT**

Mayor Herbig adjourned the meeting at approximately 10:02 p.m.

  
[Anastasiya Warhol \(Nov 14, 2023 15:45 PST\)](#)

Anastasiya Warhol, City Clerk

  
[Nigel Herbig \(Nov 14, 2023 17:13 PST\)](#)

Nigel Herbig, Mayor

# City Council Special and Regular Meeting Minutes from October 16, 2023v2

Final Audit Report

2023-11-15

|                 |                                              |
|-----------------|----------------------------------------------|
| Created:        | 2023-11-14                                   |
| By:             | Michelle Kang (mkang@kenmorewa.gov)          |
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## "City Council Special and Regular Meeting Minutes from October 16, 2023v2" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)  
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-  Document emailed to nherbig@kenmorewa.gov for signature  
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-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig  
2023-11-15 - 1:13:52 AM GMT
-  Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)  
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