

**TOWN OF YARROW POINT  
COUNCIL REGULAR MEETING MINUTES  
May 9, 2017  
7:00 PM**

The following is a summary of the proceedings and is *not* a verbatim transcript.

**CALL TO ORDER:**

Mayor Dicker Cahill called the meeting to order at 7:02 PM

**PRESENT:**

**Mayor:** Dicker Cahill

**Councilmembers:** Mary Elmore  
David Feller  
Steve Bush  
Andy Valaas  
Carl Scandella

**Staff:** Anastasiya Warhol – Town Clerk Treasurer  
Austen Wilcox – Town Deputy Clerk  
Steve Wilcox – Town Building Official  
Mona Green – Town Planner  
Dawn Hanson – Clyde Hill Police  
Wayne Stewart – Town Attorney

**Guests:** Michael C. Walter – Attorney  
Linda Osborn – Osborn Pacific Landscape Architects  
Richard Smith – Resident  
Jeff Levere – Resident  
Steve and Margie MacDonald - Residents

**APPEARANCES:**

Richard Smith – 3829 94<sup>th</sup> Ave NE

Mr. Smith thanked the Council for putting continued review into the moratorium language and its potential impact to the public. Mr. Smith explained that currently, the moratorium in place prevents certain applications to be submitted for his lot because it is not recognized as “buildable.” Attorney Stewart explained that Mr. Smith’s circumstances are unique to properties which were annexed into Yarrow Point; the Planning Commission has been tasked with studying the issue.

Jeff Levere 3848 94<sup>th</sup> Ave NE

Mr. Levere spoke on behalf of Marjorie McDonald and himself by expressing hardship the moratorium is putting on some sales of homes within the Town. Attorney Walter noted that the moratorium does not speak to the purchasing or selling of any property but rather deals with the acceptance of certain building applications.

**MINUTES:**

**MOTION:** Councilmember Bush moved to approve the Regular meeting minutes of April 11, 2017 as presented. Councilmember Valaas seconded the motion.

**VOTE:** 4 For, 0 Against, 1 Abstain. Motion carried.

**MOTION:** Councilmember Valaas moved to approve the Special meeting minutes of April 27, 2017 as presented. Councilmember Feller seconded the motion.

**VOTE:** 5 For, 0 Against, 0 Abstain. Motion carried.

Mayor Cahill explained that the Consent Calendar total amount is larger this month due to the quarterly Bellevue Police service charge and a delayed payment to Puget Sound Energy for a street project that was budgeted and intended to be paid in 2016.

**MOTION:** Councilmember Bush moved to approve the Consent Calendar as presented including the Payment Approval Report dated 5/09/2017 approving payments as shown totaling \$283,870.99 plus payroll, benefits, and tax expenses of \$25,164.06 as shown on the attached payroll and benefits reports for a grand total of \$309,035.05. Councilmember Valaas seconded the motion.

**VOTE:** 5 For, 0 Against, 0 Abstain. Motion Carried.

The following items were also approved as part of the Consent Calendar:

- Payment Approval Report; April
- Payroll, Tax, & Benefits Registers; April
- Town Planner Invoice; April
- Town Engineer Invoice; April
- Building Official Invoice; April
- Town Attorney Invoice; Jan – April
- 1<sup>st</sup> Quarter Financial Report
- King County Regional Animal Services ILA Update

**STAFF REPORTS:**

Councilmember Valaas stated that traffic going around the “Kiss-N-Ride” is backing up in the morning due to the City of Clyde Hills Traffic Improvement construction project. Mr. Valaas requested the Mayor work with Clyde Hill to discuss the situation. Mayor Cahill stated that he has already put in a call to the City Administrator of Clyde Hill to discuss increased traffic issues in the roundabout.

Councilmember Bush stated that he is disappointed with current police presence patrolling the roundabout.

Lieutenant Dawn Hanson from the Clyde Hill PD stated that she addressed the traffic issue with the contractor who is causing traffic delays in the roundabout during morning hours. The contractor has agreed to delay construction near the roundabout area to a later time. Ms. Hanson addressed Councilmember Bush's concerns regarding pedestrian safety crossings in the roundabout and his wish for increased police presence in the area. Mayor Cahill also stated that safety should be reviewed regarding children who are crossing the roundabout. Finally, Ms. Hanson explained that over the past weekend a fire was in a storm drain on 47<sup>th</sup> Street but the source has not yet been determined.

Mayor Cahill reported on an incident not on the agenda regarding a United Parcel Service driver who approached a child. The investigation found no evidence of malicious intent and indeed confirmed that the correct procedure was followed. The Mayor and Council agreed on the importance of child safety and police presence within the Town.

Mayor Cahill gave an overview on some traffic reducing measures Clyde Hill is taking and stated that several traffic monitoring devices are being used for the study. Clyde Hill has agreed to remove signage if they prove to be an issue with increased traffic or raise safety concerns for Yarrow Point. Mayor and Council agreed to send a letter of concern to Clyde Hill addressing potential negative impacts the traffic reducing measures could create for Yarrow Point.

Town Planner Green provided an update of the latest Planning Commission meeting. The following items are currently being discussed:

- Eaves/setbacks were discussed
- Roles & responsibilities of the Planning Commission
- Zoning code update regarding buildable lots

The Planning Commission is also researching other jurisdictions' zoning codes for their definition of "legal buildable lot".

Clerk-Treasurer Warhol reported on three items:

- 2016 Annual report: These will be used in the upcoming audit
- June 2017 audit: The auditors will meet with the Council before and after the audit to discuss procedure and findings
- Former Fiscal Coordinator, John Joplin, will be assisting with the audit as the audit trail will be within Mr. Joplin's tenure.
- June 10 Emergency Preparedness Event: The event will *not* be rescheduled as originally planned

**REGULAR BUSINESS:**

**AB 17-19 Children's Playground, *for Discussion and Approval***

Park Board Chairman John McGlenn addressed the Council with the current cost estimate of the playground.

Councilmember Elmore questioned the cost of increased insurance. The Town has not yet received the increased amount. Clerk-Treasurer Warhol reported that Liability Insurance will not go up however the Town will increase coverage by the types of components that make up the play structure under the Town's insured property schedule.

**MOTION:** Councilmember Valaas moved to authorize the Mayor to instruct staff to prepare final construction documents for the construction of the Children's Playground Concept Design. Councilmember Elmore seconded the motion.

**VOTE:** 5 For, 0 Against, 0 Abstain. Motion carried.

**AB 17-20 Moratorium Ordinance, for Discussion and/or Amendment**

*[At the May 09, 2017 regular meeting, the Town Council made the following three motions pertaining to AB 17-18, Moratorium.*

**MOTION:** Councilmember Valaas moved to adopt the presented amended moratorium ordinance, with the removal of the word "and" in the last sentence of Section 1. Findings of Fact, on page 4. Councilmember Scandella seconded the motion.

**MOTION:** Councilmember Valaas moved to amend the motion to add a new subsection under Section 3. Moratorium Established. Councilmember Feller seconded the motion.

**MOTION:** Councilmember Valaas moved to table the discussion on the amended motion. as presented. Councilmember Scandella seconded the motion.

**VOTE:** 4 For, 1 Against, 0 Abstain. Motion carried.

*A vote on an amendment to the motion was tabled and must be resolved at the following Council meeting]*

Attorney Michael Walter addressed the Council and explained they are being presented with four moratorium versions and that a fifth option would be to repeal the moratorium altogether. In his opinion, all four versions are legally defensible. The following four versions were presented:

- Version #1: Original language presented to Council prior to 3/29.
- Version #2: *Ordinance No. 675* adopted by Council on 3/29.
- Version #3: Modified version #2 with minor edits to clean up and clarify language in section three.
- Version #4: Modified version #3 with Councilmember Valaas's proposed revisions under section three.

Mayor Cahill noted that the Council should consider whether any proposed version will adversely impact legally non-conforming lots, create LUPA liability for the Town, or trigger other unintended consequences.

The Council discussed the language of each version and how they compare. Attorney Stewart reiterated that the moratorium was not put into place to prevent people from subdividing their lots; it is to amend a code error.

Councilmember Bush asked staff what version would be easiest to enforce. Town Planner Green referenced the map included in version #4 and how it could potentially be difficult to use as an enforcement measure, however, she ultimately looks to the recommendation of the attorneys.

**TABLED MOTION:** Councilmember Valaas moved to amend the motion to add a new subsection under Section 3. Moratorium Established (presented today as Version # 4). Councilmember Feller seconded the motion.

**VOTE:** 2 For, 3 Against, 0 Abstain. **Motion defeated.**

**TABLED MOTION:** Councilmember Valaas moved to adopt the presented amended moratorium ordinance, with the removal of the word “and” in the last sentence of Section 1. Findings of Fact, on page 4 (presented today as Version # 3). Councilmember Scandella seconded the motion.

**VOTE:** 4 For, 1 Against, 0 Abstain. **Motion carried.**

Town Staff agreed to incorporate ordinance Version # 3 as *Ordinance No. 676*, thereby repealing and replacing the original Moratorium *Ordinance No. 675*. New *Ordinance No. 676* takes effect immediately. Additionally, the Council scheduled a Public Hearing for June 13 regarding Moratorium *Ordinance No. 676*.

**AB 17-21 Construction Noise, for Discussion**

Building Official Steve Wilcox presented the Council with changes to YPMC 13.30.030 as requested. The Council discussed implications of the draft code language.

**MOTION:** Councilmember Valaas moved to approve proposed amendment language to YPMC 13.30.030 pertaining to construction hours of work. Councilmember Elmore seconded the motion.

**VOTE:** 5 For, 0 Against, 0 Abstain. **Motion carried.**

Town Staff agreed to begin drafting and ordinance for adoption.

**MAYOR & COUNCIL REPORTS:**

Councilmember Valaas asked about the legal advice provided by the Hearing Examiner regarding his decision relating to eaves in a recent hearing. Clerk-Treasurer Warhol suggested a code amendment be presented to the Planning Commission.

Clerk-Treasurer Warhol reported the scheduling of discussion for the upcoming discussion items:

June 13 Tentative Calendar:

- YPMC 17.16.040, Setback Requirements, *for amendment*
- TIP/CIP, *for Discussion*
- Mayor Pro-Tem Appointment
- Trees in Yarrow Point, *for Discussion*
- *Resolution No. 333*, contracting with MRSC for vendor list

Councilman Bush requested that the discussion on Trees be postponed until a later date because he will be unavailable for the June 13 meeting.

Councilmember Valaas informed staff of a streetlight out on 92<sup>nd</sup> between NE 40<sup>th</sup> street. Clerk Warhol agreed to look into this.

**ADJOURNMENT:**

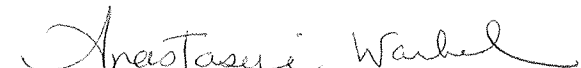
***MOTION:*** Councilmember Feller moved to adjourn the meeting at 9:06 pm. Councilmember Scandella seconded the motion.

***VOTE:*** 5 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:

  
Dicker Cahill, Mayor

ATTEST:

  
Anastasiya Warhol, Clerk-Treasurer

