

**TOWN OF YARROW POINT  
COUNCIL REGULAR MEETING (TELECONFERENCE) MINUTES**

**July 14, 2020**

**7:02 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 7:00 pm

**PRESENT:**

**Mayor:** Dicker Cahill

**Councilmembers:** Mary Elmore  
Stephan Lagerholm  
Steve Bush  
Andy Valaas  
Carl Scandella

**Staff:** Bonnie Ritter – Clerk-Treasurer  
Austen Wilcox – Deputy Clerk  
Stacia Schroeder – Town Engineer  
Mona Green – Town Planner

**Guests:** Scott Missall – Town Attorney  
Kyle Kolling – Clyde Hill PD Chief

**APPEARANCES:**

None.

**1. PUBLIC MEETING GUIDELINES**

Mayor Cahill presented legalities of how public meetings must be held and what essential business can be discussed during the COVID-19 Pandemic, in accordance with State proclamations and guidelines.

**2. CONSENT CALENDAR:**

Mayor Cahill discussed individual line items on the Consent Calendar and addressed specific questions from Council. He referenced the following non-regular charges:

- 3<sup>rd</sup> Quarter CHPD payment
- Criminal Justice
- Iron Creek Construction
- PACE Engineers

MOTION: Councilmember Valaas moved to approve the Consent Calendar including the Payment Approval Report dated 7/8/2020 approving payments as shown totaling \$175,888.49, plus payroll, benefits, and tax expenses of \$30,212.72 as shown on the attached payroll and benefits reports for a grand total of \$206,101.21. Councilmember Bush seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

### **3. MINUTES**

Minutes of regular meeting June 9, 2020

MOTION: Councilmember Valaas moved to approve the corrected regular meeting minutes of June 9, 2020. Councilmember Bush seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

### **4. STAFF REPORTS:**

#### **A. Police Report:**

Chief Kolling gave a report of June police activity stating there was low crime. There was a mailbox pagoda on NE 33<sup>rd</sup> St that was hit and is currently being repaired. Mayor Cahill noted that the Flock Security cameras captured the vehicle that struck the pagoda however a police report has been taken. Chief Kolling addressed questions from Council regarding social distancing and mask wearing stating that his department is educating folks who are not observing these rules. Mayor Cahill requested more regular visits to the Yarrow Point beach on NE 47<sup>th</sup> St to remind folks to wear masks and practice social distancing if they notice this activity. Mayor Cahill also requested enforcement for illegal parking. Council discussed late night noise near the beach area and Chief Kolling made a reminder to call 911 to report this activity.

#### **B. Town Engineer Report:**

##### 2019 NE 42<sup>nd</sup> Street/91<sup>st</sup> Ave NE Stormwater Upsizing and UGC Project

KarVel Construction began

installing the new ductile iron water main on June 22<sup>nd</sup>. The City of Bellevue informed us however, that their Contractor needs to finish up an unrelated job between July 6 and July 24 and will return to our site on July 27<sup>th</sup>. Completion of the water main project is expected at the end of August. In the meantime, Town staff received a final PSE power design on May 27<sup>th</sup>, 2020. These drawings were reviewed by our civil engineer Gray & Osborne and forwarded to Comcast and CenturyLink. Gray & Osborne anticipates having the final package (civil plans and project manual) ready to bid by the end of July. Assuming everything goes well the Town will have bids in hand by the end of September 2020.

##### Stormwater Management Plan Update

PACE completed the stormwater management plan update on June 10, 2020. A link to the entire document was sent to the Town Council that same day. PACE's final invoice is included in this project status report and the project is closed.

#### **C. Town Entry Utility Box Wrap Update:**

At the June Council meeting, Council discussed the proposal from Traffic Wrapz to wrap the three CenturyLink-owned utility boxes. After discussion, Council requested staff to seek

further clarity from Traffic Wrapz regarding questions they had relating to warranty and vandalism. Council reviewed the answers to their questions that were provided in the Council packet. The Deputy Clerk noted that the Park Board decided to push the actual wrapping of the utility boxes off until spring of 2021. They would like to have the plantings mature some in this area prior to the creation of the natural-based graphic in order to get the best representation of it. We will plan to revisit this project next year.

Council discussed the new shoulder entry improvements along 92<sup>nd</sup> Ave NE relating to the pedestrian pathway.

**D. Clerk-Treasurer Report on 6-month Financials:**

The Clerk-Treasurer reviewed a financial statement at the fund level showing actual expenditures and revenues compared to the budget. She also gave a comparison of where the property taxes, local sales & use tax, and REET are through six months. She feels that the Town is fiscally strong compared to many other jurisdictions who are going through financial hardships due to COVID-19.

**REGULAR BUSINESS:**

**5. AB 20-19: CIP/TIP for 2021-2026**

A. Public Hearing

B. Ordinance No. 703 – Ordinance Adopting CIP/TIP for 2021-2026

Engineer Schroeder presented an annual Capital Improvement Plan (CIP) for public comment and Council consideration which includes projected transportation, stormwater, and underground conversion projects. This year's CIP covers the period 2021-2026. The Town Council previously reviewed the draft CIP/Tip at their regular June meeting.

Mayor Cahill opened the Public Hearing at: 7:51PM

No comment.

Mayor Cahill closed the Public Hearing at: 7:52PM

MOTION: Councilmember Valaas moved to adopt Ordinance No. 703: An Ordinance of the Town of Yarrow Point, Washington Adopting a New Six-Year Capital Improvement Plan and Transportation Improvement Plan for 2021-2026, and Fixing a Time When the Same Shall Become Effective. Councilmember Elmore seconded the motion.

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

**6. AB 20-20: Authorization of Sales and Use Tax per HB 1406**

A. Ordinance No. 704 – Authorizing Sales and Use Tax

Mayor Cahill gave an overview and stated that this is not a new tax but reallocation of existing tax proceeds to a new purpose as allowed by RCW 84.14.540.

During the 2019 Legislative Session, Washington Legislators passed HB 1406. This legislation provides for a small portion of the sales and use tax that the State collects to

be provided to county or city governments for use on affordable housing-related expenditures. This did not constitute a new tax on top of existing sales and use tax, but that it simply dedicated a portion of the pre-existing sales and use tax from the State and provided it to local authorities.

As a result of HB 1406's passage, Yarrow Point Town Council approved Resolution No. 347 in November of 2019 indicating that they would utilize the option of having a portion of the sales and use tax collected by the State distributed to Yarrow Point for use on affordable housing-related expenditures. The intent was to dedicate this funding stream to ARCH and was expressed in the resolution. The intent was that this would become a new, dedicated funding source for Trust Fund allocations to ARCH. Had the Town not undertaken this action, the option of redistribution of said monies would have been, instead, provided to King County, who would then have full autonomy on where to allocate said monies.

In order to complete the process of establishing this new dedicated funding source for affordable housing-related expenditures, the Town is required to pass an Ordinance that puts the tax, the processes involved with the tax, and the background regarding the tax into Town Code.

MOTION: Councilmember Scandella moved to adopt Ordinance No. 704: An Ordinance of the Town of Yarrow Point, Washington Adopting legislation to authorize a sales and use tax for affordable housing in accordance with substitute House Bill 1406 (Chapter 338, Laws of 2019), and other matters related thereto; adding a new Chapter 3.30 to Title 3 of the Yarrow Point Municipal Code; providing for severability; and establishing an effective date.

Councilmember Elmore seconded the motion.

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

**7. AB 20-21: Approve Iron Creek Construction LLC change order for planting area and walkway work at Town Entry**

Engineer Schroeder explained shared that at the May Council meeting, the Town Council approved Phase 1- Concrete work & pedestrian safety improvements for the Town Entry Project. The project was completed in mid-June by Iron Creek Construction. During the course of construction, it came to the staff's attention that Iron Creek Construction was also the best candidate to also do a portion of the Phase 2 work. More specifically, Iron Creek was asked to excavate and prep the planter strips and excavate and install the gravel walkway area. Their change order was \$4,772.50 and staff accepted this estimate and ultimately finalized construction.

MOTION: Councilmember Bush moved to approve Iron Creek Construction LLC Change Order No. 1 for the amount of \$4,772.50 for planter strip and walkway improvements at the Town entry including the acceptance of the final project. Councilmember Scandella seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

**8. AB 20-22: Approval of funds for design change order related to NE 42<sup>nd</sup> Street/ 91<sup>st</sup> Ave NE Stormwater and UGC Project**

Engineer Schroeder shared that on March 11, 2019, the Town of Yarrow Point entered into a contract with Gray & Osborne, Inc. to prepare a civil design package (plans and specifications) for the stormwater and utility underground conversion project on NE 42nd Street and 91st Ave NE. In January 2020, after reaching 90% design drawings, the civil engineer was placed on hold while the City of Bellevue prepared and bid their water improvement plan and Puget Sound Energy updated their underground power design from 2016. Since January 2020, G & O has performed work outside their original scope to accommodate design changes from the City of Bellevue, Puget Sound Energy, Comcast, and Town Staff.

MOTION: Councilmember Valaas moved to approve Gray & Osborne Change Order No. 1 for the amount of \$9,700.00 for additional civil design work related to the NE 42nd Street/ 91st Ave NE Stormwater and Underground Conversion Project. Councilmember Scandella seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

**9. AB 20-23: Noise Ordinance**

Attorney Scott Missall presented on a draft Nuisance Control Code to include the addition of watercraft and the enforcement of such nuisance violations relating to noise under TYPMC Chapter 8.04. The draft is similar to City of Kirkland's boat noise ordinance as he stated it has been effective and enforceable.

Mayor Cahill noted that King County Harbor Patrol provides marine patrol services to Yarrow Point who has jurisdiction 50% across the water over Cozy Cove. Hunts Point, who has jurisdiction over the other 50% of Cozy Cove, currently contracts with Seattle Harbor Patrol. He would like to get a bid next year from Seattle Harbor Patrol. Council discussed the current Seattle plans for police defunding and how this could potentially be an effect to their marine patrol services. They also discussed patrol schedules and enforcement.

Councilmember Valaas suggests having a standalone code section for boat noise regulation. Attorney Missall will work on producing a new draft for future Council review.

**10. AB 20-24: Special vehicle length permits**

Deputy Clerk Wilcox reported that there have been some over-length dump trucks coming and going relating to the City of Bellevue 91st/NE 42nd Stormwater Upsizing & Underground Utility Conversion Project. Councilmember Valaas has asked for enforcement of this issue. Mayor Cahill reached out to City of Clyde Hill to inquire about the possibility of Clyde Hill handling permitting along with enforcement for us. Clyde Hill does not want to absorb the permitting process. The Council should review TYPMC 10.12 "Vehicle Size Restrictions" and decide if it needs amendment and/or a special vehicle length permit added. To allow CHPD to better enforce, our Code would need to reflect Clyde Hill's 10.48 "Size, Weight, and Load Restrictions" Code Section.

Engineer Schroeder said that TYPMC vehicle length code section 10.12.020 was recently added to the right-of-way permit application conditions page.

Mayor Cahill will discuss the situation further with Clyde Hill.

## **11. MAYOR AND COUNCIL REPORTS:**

### Mayor Cahill

- Masks: Deputy Clerk Wilcox stated that the Town purchased 200 masks and 500 more have been recently supplied by King County. Town Hall will use these to supply those who visit Town Hall who are not already wearing a mask. Council discussed sending an email distribution to residents notifying them that Town Hall has a limited supply if they need them.
- Black Lives Matter: Mayor and Council discussed aspects around BLM and the consideration of the Town creating a proclamation.

### Councilmember Bush

- Councilmember Bush discussed BLM and mentioned that he spoke with residents on his street to hear their opinions around BLM and found a diversity of viewpoints. He shared about a recent local rally headed by college students and suggests the Mayor have talking points ready should another rally occur in front of his home.
- Councilmember Bush asked about Town resources for social services. Mayor Cahill said that he will follow up with him to discuss further.

### Councilmember Lagerholm

- Councilmember Lagerholm discussed suspicious activity and suspected substance abuse in the Wetherill Nature Preserve. He asked if there was follow up to a neighbor's email and concerns relating to this activity sent to the Mayor. Mayor Cahill reported that he has been in touch with CHPD and explained that they responded to a call but did not find any mischief. Councilmember Lagerholm suggests additional signage to prohibit illegal activity.

### Councilmember Elmore

- Councilmember Elmore suggested inviting resident David Bergey who is on the Wetherill Nature Preserve board to weigh-in on the suspicious activity going on in the Nature Preserve during a future Council meeting. Mayor Cahill shared that he would like to get the perspective of the members from the Wetherill Nature Preserve and will make contact with them to give a report to Council.

## **8. ADJOURNMENT:**

MOTION: Councilmember Scandella moved to adjourn the meeting at 9:30 pm.

Councilmember Valaas seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

APPROVED:



Dicker Cahill, Mayor

ATTEST:



Bonnie Ritter, Clerk-Treasurer

