

**YARROW POINT
TOWN COUNCIL MEETING AGENDA**

March 9, 2021

7:00 p.m. via conference call at:

206-485-3849 Conference ID: 682 714 255#

With the adoption of the Town's Proclamation of Local Emergency and issuance of the Governor's Stay-at-Home Proclamation and Open Public Meetings Guidance, Town Hall is closed to the public and Town Council meetings must be held by teleconference or online means. Accordingly, all Town Council regular and special meetings will be conducted by teleconference/online only. Members of the public may participate in those meetings by phone/online using the links and/or numbers above.

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Mayor Dicker Cahill

COUNCIL ROLL CALL: Carl Scandella, Stephan Lagerholm, Andy Valaas, Mary Elmore, and Steve Bush

APPEARANCES:

Members of the public may speak concerning items that either are or are not on the agenda. The Council takes these matters under advisement. Please state your name and address and limit comments to 3 minutes. Comments via email may be submitted to depclerk@yarrowpointwa.gov or regular mail to: Town of Yarrow Point 4030 95th Ave NE Yarrow Point, WA. 98004.

The Mayor will present 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.

1. MINUTES

A. Minutes of regular meeting of February 9, 2021.

2. CONSENT CALENDAR

Consists of routine items for which Council discussion is not required. A Councilmember may request that an item be moved to Regular Business for discussion. Consent items are approved with one vote.

3. STAFF REPORTS

REGULAR BUSINESS:

4. AB 21-10 – Proclamation honoring former Planning Commissioner Amy Pellegrini's tenure on the Planning Commission

5. AB 21-11 – Right of way safety concerns and construction parking enforcement

6. MAYOR & COUNCIL REPORTS

7. ADJOURNMENT

Yarrow Point Deputy Clerk

From: Jennifer Crowell
Sent: Friday, February 26, 2021 9:55 AM
To: Yarrow Point Town Hall
Attachments: 5G cell tower policy EHT.pdf

RECEIVED

FEB 26 2021

Will you please pass this along to the mayor and board?

TOWN OF YARROW POINT
Clerk's Office

Thanks Austin!

Included in Council and
Planning Commission
March 2021 Packets. -
ARW

<https://files.constantcontact.com/7a1d285f301/f5c78589-a372-451e-bbc4-37836e4ae900.pdf>

Sent from my iPhone

RECEIVED

By Town of Yarrow Point at 11:34 am, Feb 26, 2021

WORLDWIDE POLICY

5G & CELL TOWERS



EUROPE

- Resolutions to halt 5G in numerous European cities including Trafford, UK, Lille, France, Ormidia, Cyprus, Councils in Ireland and more.

ITALY

- 600 municipalities - resolutions to halt 5G.

CANADA

- Toronto Cell Tower "Prudent Avoidance Policy"

SWITZERLAND

- Parliament refused to weaken radio frequency radiation (RFR) limits after 5G Report.

FRANCE

- 60 mayors/officials petition to halt 5G.
- Federal health agency investigating 5G.

RUSSIA

- No cell towers near schools.

ISRAEL

- Cell tower setback 100m to schools/homes.

NETHERLANDS

- Health Council recommends against 26 GHz for 5G due to lack of safety data.

BULGARIA

- Mezdra and Balchik have banned 5G.



LITHUANIA

- Cell antennas prohibited on kindergartens and hospitals.

CHILE

- Cell antennas prohibited in "sensitive areas" - kindergartens, hospitals and nursing homes.

BANGLADESH

- No cell towers on homes, schools, colleges, playing fields, populated areas and heritage areas.

CYPRUS

- Cyprus National Committee on Environment and Child Health 5G Position Paper calls for 5G-free zones.

AUSTRALIA

- New South Wales Dept. of Education policy objects to towers on/near schools.

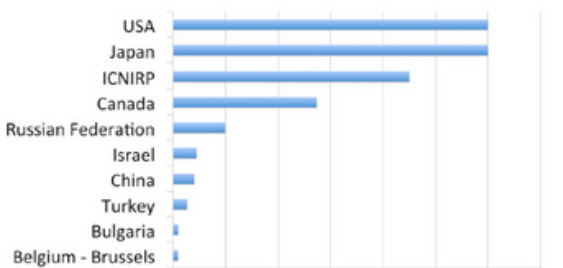
INDIA

- RFR limit tightened to 1/10 of CNIRP limits after Inter-Ministerial Report on impacts to wildlife.
- Mumbai, Zilla Parishad & Karnataka: Cell towers prohibited/removed near schools, colleges, orphanages and old age homes.
- Brihanmumbai Municipal: Towers banned at parks/playgrounds.
- State of Rajasthan: Supreme Court of India upheld removal of "hazardous to life" cell towers from vicinity of schools, hospitals/playgrounds.

UNITED STATES

- Resolutions to halt 5G passed in Hawaii County HI, Farragut TN, Keene NH & Easton CT.
- Numerous cities restrict cell antennas near homes including: Los Altos, Petaluma, Mill Valley, Malibu and San Diego County CA, Bedford NH and more.
- New Hampshire 5G Commission's 15 Recommendations include increasing transparency, reduce public exposure, research health effects and protect wildlife and trees.
- Oregon investigating health effects of wireless.
- Los Angeles CA Public Schools: RFR Limit 10,000x less than FCC.
- Palo Alto, Los Angeles LA Schools Greenbelt MD, Bar Harbor ME: No school cell towers.

Numerous Countries Have Cell Tower Network RFR Exposure Limits Far More Stringent Than ICNIRP/FCC (USA):



RFR power flux density exposure limits at 900 MHz (Clegg 2020)

- China
- Russia
- Italy
- India
- Israel
- Chile
- Switzerland
- Brussels, Belgium
- Belarus
- Serbia
- Slovenia
- Montenegro
- Bulgaria
- Turkey
- Greece
- India
- Liechtenstein
- Tajikistan
- Kazakhstan
- Uzbekistan
- Kyrgyzstan

These Governments Measure & Publish RFR Levels Online

- France
- Spain
- Austria
- Greece
- Turkey
- India
- Israel
- Brussels Belgium
- Switzerland
- Bulgaria
- Tunisia
- Brazil
- Malta
- Bahrain
- Hungary
- Monaco
- French Polynesia



Text is hyperlinked to sources. More policy at ehtrust.org

EUROPE

- Resolutions to halt 5G in numerous European cities including Trafford, UK, Lille, France, Ormidia, Cyprus, Councils in Ireland and more.

SWITZERLAND

- Parliament refused to weaken radio frequency radiation (RFR) limits after 5G Report.

FRANCE

- 60 mayors/officials petition to halt 5G.
- Federal health agency investigating 5G
- 5G antenna RFR measured.

CANADA

- City of Toronto "Prudent Avoidance Policy" for Cell Towers.

BULGARIA

- Mezdra and Balchik have banned 5G.

NETHERLANDS

- Health Council recommends against 26 GHz for 5G due to lack of safety data.

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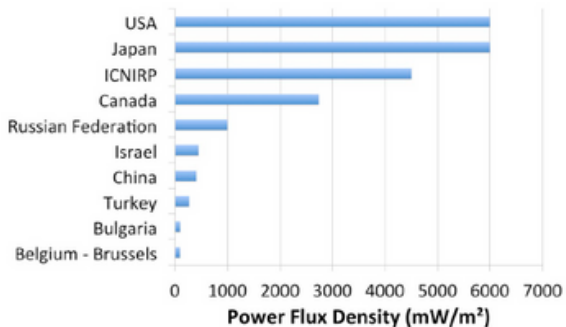
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- Montenegro
- Bulgaria
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- Greece
- India
- Liechtenstein
- Tajikistan
- Kazakhstan
- Uzbekistan
- Kyrgyzstan

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- Brussels Belgium
- Switzerland
- Bulgaria
- Tunisia
- Malta
- Brazil
- Bahrain
- Monaco
- French Polynesia



HAWAII

- **Hawai'i County Council HI** passed a Resolution to halt 5G

NEW HAMPSHIRE

- **Keene NH Resolution** to halt 5G
- **Bedford NH** 750 ft. setback

MASSACHUSETTS

Randolph MA 500 ft setback. Yearly RFR measurements.
Lunenburg and Great Barrington MA 500 ft setback
Stockbridge MA prohibits a tower from being built 1000 feet from a school, park or athletic field and 600 ft from residence.

CALIFORNIA

Numerous CA cities restrict cell antennas near homes with setbacks and strict ordinances including: **Los Altos, Petaluma, Mill Valley, Malibu, Santa Barbara, Nevada City, Suisin, Calabasas, San Clemente, Westlake, Sonoma, Sebastopol, San Rafael, Ross Valley, Encinitas, Fairfax, Palo Alto, Walnut City** and **San Diego County**.

As an example of CA ordinances, the **Los Altos City ordinance**:

- prohibits installation of small cells on public utility easements in residential neighborhoods
- 500 foot setbacks for small cells for multi-family residences in commercial districts
- 500 ft separation from schools
- 1500 ft separation between nodes

San Diego County, California

- "SCWs shall not be located within 1,000 feet of schools, child care centers, hospitals, or churches."

INDIANA

Carmel City IN Council resolution asks state lawmakers, FCC and Congress to limit 5G until health effects fully understood.

[Links to ordinances at ehtrust.org](https://ehtrust.org)

WISCONSIN

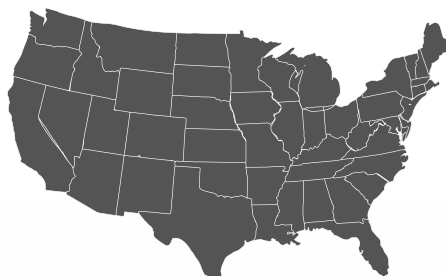
- **Greendale WI** passed Resolution R2018-20 referring to the FCC's actions stripping local authority as "an unprecedented attack on local control."

New York

- **Copake NY**: Pretesting and post testing by RF engineer. No repeater closer than 200 ft to dwelling unit. No telecommunications facility or tower closer than 1500 ft to residence/church.

ILLINOIS

- **Oak Brook IL** Resolution 2020-ITGL-R-1891 calls for local control re small cels.



CONNECTICUT

- **Easton CN City Council** passed a 5G cease and desist resolution
- **Warren, Connecticut** Policy defines "adequate coverage" and "adequate capacity." and was designed "to locate towers and/or antennas in a manner which protects property values, as well as the general safety, health, welfare and quality of life of the citizens." Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station.

OHIO

Mason OH Zoning Ordinance
 No small cells in residential areas or within 100 feet of residential prop; 2000 feet apart (unless colocated); equipment should be underground or wholly contained so not visible

TENNESSEE

- **Farragut City** Resolution to halt 5G

NEW JERSEY

- **Little Silver, NJ** Carriers should provide notice to property owners within 500 feet of proposed facility.
- **City of Jersey City, NJ** Resolution 20-362 calls for local controls re small cells.

FLORIDA

- **Coconut Creek FL** Commission adopted a Resolution on 5G and radiofrequency radiation.
- **Hallandale Beach FL** Resolution urges the federal government to initiate independent health studies on 5G.
- **Lavallette FL** Resolution 2021-58: Applicant shall obtain certification from the Federal Aviation Administration and the United States Dept. of Defense demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft." The City also requires the applicant to provide RF meters used by their technicians and train City employees. Verizon cannot install more than a total of 20 "small cell" nodes throughout the Borough to support 5G.

**TOWN OF YARROW POINT
COUNCIL REGULAR MEETING (TELECONFERENCE) MINUTES
February 8, 2021
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: Stephan Lagerholm
Carl Scandella
Mary Elmore
Andy Valaas
Steve Bush

Staff: Bonnie Ritter – Clerk-Treasurer
Austen Wilcox – Deputy Clerk
Stacia Schroeder – Town Engineer
Mona Green – Town Planner
Scott Missall – Town Attorney
Steve Wilcox – Town Building Official

Guests: Lt. Dawn Hanson – Clyde Hill Police

APPEARANCES:

Resident Laurie Bugbee at 9426 NE 37th Pl submitted comments of concern regarding a growing number of construction-related vehicles parked in the ROW causing a hazard to pedestrians.

Residents Vadim and Deirdre Bondarev at 4029 95th Ave NE submitted comments and photos of construction related vehicles parked in the ROW adjacent to Town Hall and Morningside Park. There has been an increase in construction parking and Mr. and Mrs. Bondarev request the Town enforce its construction parking code.

Mayor Cahill stated that further discussion on parking will occur under Agenda Bill 21-08.

PUBLIC MEETING GUIDELINES

Attorney Missall 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.

Councilmember Bush requested the opportunity for residents to provide verbal comment at future virtual Council meetings as a secondary option to submitting written in comments to be included in the record. The other councilmembers discussed and agreed. Town Attorney Missall responded stating that due to the initial complexities of accessing virtual meetings due to COVID-19, verbal public comment was not advised however the Council has the ability to allow the change to happen. Starting at the upcoming March 9, 2021 regular Council meeting, the 3-minute verbal comment period will be opened.

1. MINUTES

Minutes of regular meeting January 12, 2021.

MOTION: Councilmember Valaas moved to approve the regular meeting minutes of January 12, 2021 as updated. Councilmember Lagerholm seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

2. CONSENT CALENDAR:

Council discussed the frequent purchase of large expenditure item Mutt Mitt dog bags. Council asked Mayor Cahill to find out from Hunts Point about how often they need to purchase new orders of Mutt Mitts.

MOTION: Councilmember Valaas moved to approve the Consent Calendar as presented including the Payment Approval Report dated 2/3/2021 approving payments as shown totaling \$40,127.40 plus payroll, benefits, and tax expenses of \$28,348.04 as shown on the attached payroll and benefits reports for a grand total of \$68,475.44. Councilmember Bush seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

STAFF REPORTS:

A. Police Report

Lieutenant Dawn Hanson gave a report of January police activity noting the following:

- Two thefts.
- Damaged mailbox- malicious mischief.
- 8 traffic stops.
- Mail theft.
- Civil standby.

There was an accident on the roundabout where a car slid and knocked over a tree and hit a sign. Lieutenant Hanson explained that the roundabout is WSP jurisdiction. Councilmember Lagerholm requested that discussion on roundabout safety be put on the March Council agenda for further discussion.

Councilmember Scandella discussed ongoing congestion and parking issues relating to a construction project along 92nd Ave NE. Lieutenant Hanson explained enforcement measures CHPD can do for these issues. Councilmember Scandella referenced a photo that he took of the site and Mayor Cahill reviewed during the meeting.

B. Engineer Report

NE 36th Street Stormwater Project

A stormwater connection from 92nd Ave NE to NE 36th Street was identified as CIP #1. This project would divert flows along 92nd (south of NE 36th St) and Points Drive NE (east of the round-a-bout) to the storm system in NE 36th Street. As part of this project, several pieces of the NE 36th Street stormwater infrastructure (ie. Catch basins, broken pipes, and cross bores) will be addressed. Our current CIP includes this project as S-2 (\$25,000 for design in 2021), S-3 (\$184,000 for construction in 2022), and T-3 (\$85,000 for full grind and overlay in 2022). There is no power, phone, or cable conversion associated with this project. PACE completed survey Task Order No. 2 (\$12,750) and provided a preliminary drawing for review on January 28, 2021. In February the Town Engineer will walk the site to verify PACE's survey and return any redlines for inclusion in the final base map. Once that is complete the Town Engineer begin working on the preliminary stormwater design.

NE 37th Street Paving Project

Our current capital improvement plan (CIP) includes design and construction of a 2-inch grind and overlay for NE 37th Street. The City of Bellevue (COB) Water Department began a water main upgrade on this street in early January and remains on schedule to complete their work by the end of February. The week of February 1st the COB will tie into the live water main and complete the new service line tie-ins. The remainder of February they will be working on landscaping and paving restoration activities. The town has received only minor complaints to date.

94th Ave NE Stormwater and UGC Project

A stormwater upsizing from 4405 – 4646 94th Ave NE was identified as CIP #2. In addition to addressing CIP #2 this project will result in an underground conversion from 4000 – 4646 94th Ave NE. The preliminary design also shows the northern half of 94th Ave NE is set to receive a full road reconstruction and the southern half will have a 2-inch grind and overlay. Our current CIP includes this project as S-3 (\$30,000 for design in 2023), S-5 (\$300,000 for construction in 2024), and T-5 (\$260,000 for road restoration in 2024). Experience has shown that it takes a considerable amount of time to coordinate with Puget Sound Energy, Comcast, and CenturyLink on the underground conversion design. The Town Council therefore, approved PACE's survey Task Order No. 3 (\$28,250) on January 12, 2021. PACE will develop a complete base map for not only this project, but 3800 – 4000 94th Ave NE, 9200 – 9400 NE 38th Street, and 9200 – 9500 NE 40th Street as well. Once the survey is complete, the Town Engineer will verify it in the field and against known records and work with PACE on the final base map. PACE is currently working on this project and the Town Engineer is anticipating a draft for review by the end of February.

2019 NE 42nd Street/ 91st Ave NE Stormwater Upsizing & UGC Project

Engineer Stacia Schroeder discussed weekly project reports from Gray & Osborne. The project has been running. Council discussed project details.

Councilmember Valaas referenced a problem with a valve cluster that may have been an oversight in a previous survey of Gray & Osborne. Engineer Schroeder will investigate the change order to confirm that the Town is not paying for a discrepancy.

Councilmember Valaas requested that Engineer Stacia Schroeder remind the onsite contractor to have adequate traffic control including cones around the equipment and storage of materials in the ROW.

Councilmember Bush referenced discussion included in the January Planning Commission meeting minutes regarding a set of trees to be removed for the UGC project. In the minutes, the Planning Commission stated that the Town should be working under the same guidelines that residents would be required to follow should a private property tree code be adopted. Stacia explained that the tree roots were going to be cut and this would deem the trees hazardous. There will be 6' Evergreen mitigation trees planted in the same area.

Fire Report:

Mayor Cahill provided an overview of the January fire report noting there were 5 incidents.

REGULAR BUSINESS:

3. AB 21-05: 2018 Building Code Update

Council reviewed draft Ordinance No. 709 at the January regular meeting and requested the following amendments:

- Correction of any necessary/outdated references to RCW and WAC provisions (Councilmember Valaas identified a number of potential changes)
- Adoption of the 2018 State Code, but contingent on, automatically triggered by, and occurring on the future date ultimately specified the relevant State entities for official implementation.

Building Official Steve Wilcox provided context on the 2018 building code update. The energy code in particular has higher specifications requiring tighter building construction.

MOTION: Councilmember Valaas moved to approve Ordinance 709: An Ordinance of The Town Of Yarrow Point, Washington, Amending Yarrow Point Municipal Code Chapter 15.04 – Building Codes; Adopting By Reference The 2018 Editions Of The International Building Code, The International Residential Code, The International Fire Code; The International Mechanical Code, The Uniform Plumbing Code, The International Swimming Pool And Spa Code, All Together With Local Amendments Thereto; Providing For Severability; And Establishing An Effective Date. Councilmember Scandella seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

4. AB 21-06: Interlocal Agreement for 2021 grind and overlay projects: NE 37th and NE 42nd/91st Ave NE.

Town Engineer Schroeder has been working with KC Roads to set up an Interlocal Agreement for the Town's grind and overlay projects this year (both NE 37th and NE 42nd/91st Ave NE).

King County Roads is also used by the City of Medina for yearly pavement preservation projects because they not only construct the project, but bid it, manage it, and inspect it.

MOTION: Councilmember Valaas moved to authorize the Mayor to perform two (2) actions:

1. Approve proposed 2021 Interlocal Agreement with King County for road services;
2. Enter into agreement with King County to conduct two (2) paving projects on NE 37th Pl, NE 42nd St. and 91st Ave NE based on the estimates provided tonight.

Councilmember Lagerholm seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

5. AB 21-07: Flock license plate camera discussion/ possibility of adding additional units

While discussing the January police report with Lt. Hanson at the January regular Council meeting, Council discussed the Town's Flock license plate reader cameras and how broadening the number of them could benefit Town security and assist with CHPD investigations. Council discussed new locations such as facing NE Points Drive. Mayor Cahill was directed to find out the cost of adding two additional Flock license plate reader cameras.

6. AB 21-08: Continued Right of Way Parking Location Improvements & Enforcement

Mayor Cahill referenced complaints and input received regarding construction parking issues and safety concerns, particularly along 95th Ave NE. Contractors park in the ROW above Town Hall and Morningside Park often partially blocking the laneways creating safety hazards. He referenced prior discussion from the April 2014 Council meeting that included prior discussion on this topic.

Council discussed and considered the following aspects:

- Safety issues.
- No construction parking in Town ROW requiring strictly onsite parking.
- Requiring contractors to shuttle in their workers from an out of town location.
- Permit parking.
- Enforcement between contractor & residents need to be the same.
- Enforcement of CHPD.
- Modification to existing construction parking ordinance.

Councilmember Valaas had submitted a proposal to Mayor Cahill with consideration to reclaim ROW through the development of new properties. Staff will circulate Councilmember Valaas' proposal to the rest of the Council.

7. **AB 21-09: Appoint resident David Feller to the Planning Commission to complete commissioner Amy Pellegrini's term**

Planning Commissioner Amy Pellegrini left the Commission in December 2020 due to time constraints. Her term is due to expire December 31, 2021. Former Planning Commissioner Chair David Feller has interest in completing Amy Pellegrini's term.

MOTION: Councilmember Bush moved to appoint resident David Feller to the Planning Commission to complete Planning Commissioner Amy Pellegrini's term due to expire December 31, 2021. Councilmember Valaas seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

8. MAYOR AND COUNCIL REPORTS:

Councilmember Valaas:

Councilmember Valaas commented that he appreciates the monthly project tracking report included in the Council packets and requests that old projects be removed after one month. Mayor and Deputy Clerk Wilcox will work together to remove the completed projects.

9. ADJOURNMENT:

MOTION: Councilmember Bush moved to adjourn the meeting at 9:49pm. Councilmember Lagerholm seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

APPROVED:

ATTEST:

Dicker Cahill, Mayor

Bonnie Ritter, Clerk-Treasurer

**Business of The Town Council
Town of Yarrow Point, WA**

Consent Calendar
March 9, 2021

Consent Calendar	Proposed Council Action: Approve Consent Calendar
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Presented by: Clerk-Treasurer

Exhibits: Consent Calendar Items

Summary:

The Consent Calendar consists of items considered routine for which a staff recommendation has been prepared, and for which Council discussion is not required. A council member may request that an item be removed from the Consent Calendar and placed under Regular Business for discussion. Items on the Consent Calendar are voted upon as a block and approved with one vote.

The following document are included in this section:

- Payment Approval and Payroll Reports

With keeping this packet printing to a minimum, the consultants' invoices are not included in this packet, and are included on the Payment Approval Report. If anyone wants to see the actual consultant's invoice, please contact Austen, and he will email you a copy

Recommended Action:

Move to: Approve the Consent Calendar as presented including the Payment Approval Report dated 03/03/2021 approving payments as shown totaling **\$ 148,146.68** plus payroll, benefits, and tax expenses of **\$ 28,596.11**, as shown on the attached payroll & benefits report for a total of **\$ 176,742.79**.

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
Banner Bank					
700	Banner Bank	Town cell phones	02/15/2021	277.05	
700	Banner Bank	Constant Contact	02/15/2021	77.07	
700	Banner Bank	AWS=469.75; Dropbox=1,057.92; Domain renew=239.	02/15/2021	2,123.48	
700	Banner Bank	Office supplies	02/15/2021	215.98	
700	Banner Bank	ROW Supplies	02/15/2021	255.53	
700	Banner Bank	ROW Equipment	02/15/2021	158.69	
700	Banner Bank	Training - Clerk	02/15/2021	140.00	5,679.47
Total Banner Bank:				3,247.80	
CASELLE, INC.					
1300	CASELLE, INC.	Contract support and maintenance - March	02/01/2021	710.15	2,129.80
Total CASELLE, INC.:				710.15	
CITY OF BELLEVUE					
212	CITY OF BELLEVUE	Sewer and Water Service	02/09/2021	317.77	317.77
Total CITY OF BELLEVUE:				317.77	
CODE PUBLISHING					
108	CODE PUBLISHING	Update code with new ordinances	02/16/2021	161.36	161.36
Total CODE PUBLISHING:				161.36	
Comcast					
301	Comcast	Internet and fax	02/02/2021	236.66	481.54
Total Comcast:				236.66	
CRYSTAL AND SIERRA SPRINGS					
1046	CRYSTAL AND SIERRA S	Town Hall Water Cooler	02/13/2021	66.61	104.50
Total CRYSTAL AND SIERRA SPRINGS:				66.61	
Davey Tree Expert Company					
9051	Davey Tree Expert Compa	Storm damage cleanup in Wetherill	02/18/2021	4,684.76	4,684.76
Total Davey Tree Expert Company:				4,684.76	
DIGITAL REPROGRAPHICS					
256	DIGITAL REPROGRAPHIC	Feb Council Packet, 37th St Survey	02/05/2021	472.81	931.84
Total DIGITAL REPROGRAPHICS:				472.81	
Gaylynn Brien					
1151	Gaylynn Brien	Sales Tax reports	02/28/2021	50.00	100.00
Total Gaylynn Brien:				50.00	
Gray & Osborne, Inc.					
9043	Gray & Osborne, Inc.	42nd - 91st SW Upsizing and UGC Project	02/02/2021	14,091.03	16,226.23
Total Gray & Osborne, Inc.:				14,091.03	
ISLAND SECURITY SYSTEMS					
21	ISLAND SECURITY SYST	Security Monitoring	02/16/2021	154.00	154.00

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
Total ISLAND SECURITY SYSTEMS:				154.00	
ISOutsorce					
1301	ISOutsorce	Remediation	01/31/2021	123.61	
1301	ISOutsorce	Install ssms 18.8 and backup databases	01/31/2021	257.60	736.03
Total ISOutsorce:				381.21	
KING COUNTY OFFICE OF FINANCE					
24	KING COUNTY OFFICE O	Lidar Project - GIS	02/19/2021	550.00	550.00
Total KING COUNTY OFFICE OF FINANCE:				550.00	
King County Treasury					
603	King County Treasury	King Conservation District Chg for Town parcels	02/17/2021	136.51	136.51
Total King County Treasury:				136.51	
MONA H. GREEN					
219	MONA H. GREEN	Building Permits	02/28/2021	1,316.25	
219	MONA H. GREEN	SEPA	02/28/2021	270.00	
219	MONA H. GREEN	Shoreline Exemption	02/28/2021	202.50	
219	MONA H. GREEN	Mechanical permits	02/28/2021	236.25	
219	MONA H. GREEN	General Administration	02/28/2021	1,012.50	5,703.75
Total MONA H. GREEN:				3,037.50	
MUNICIPAL PERMIT SERVICE, LLC					
350	MUNICIPAL PERMIT SER	Code Enforcement	02/28/2021	136.50	
350	MUNICIPAL PERMIT SER	Building Permit inspections	02/28/2021	1,025.76	
350	MUNICIPAL PERMIT SER	Mechanical-Plumbing Permit inspections	02/28/2021	481.63	
350	MUNICIPAL PERMIT SER	Plan reviews	02/28/2021	4,593.75	9,520.88
Total MUNICIPAL PERMIT SERVICE, LLC:				6,237.64	
Northern Waters					
304	Northern Waters	Fountain Pump Repair	02/22/2021	4,473.45	4,473.45
Total Northern Waters:				4,473.45	
NORTHWEST CIVIL SOLUTIONS					
450	NORTHWEST CIVIL SOLU	CIP #1 - NE 36th St	02/28/2021	93.75	
450	NORTHWEST CIVIL SOLU	42nd-91st SW Upsizing Project	02/28/2021	1,093.75	
450	NORTHWEST CIVIL SOLU	NE 37th Street Impr	02/28/2021	187.50	
450	NORTHWEST CIVIL SOLU	CIP #T1 - 9th Ave	02/28/2021	62.50	
450	NORTHWEST CIVIL SOLU	Pre-application	02/28/2021	93.75	
450	NORTHWEST CIVIL SOLU	Plan Review	02/28/2021	1,156.25	
450	NORTHWEST CIVIL SOLU	ROW permits	02/28/2021	125.00	
450	NORTHWEST CIVIL SOLU	General Administration	02/28/2021	250.00	8,250.00
Total NORTHWEST CIVIL SOLUTIONS:				3,062.50	
Ogden Murphy Wallace					
1390	Ogden Murphy Wallace	Clerk	02/10/2021	65.00	
1390	Ogden Murphy Wallace	Council	02/10/2021	1,332.50	
1390	Ogden Murphy Wallace	Land Use	02/10/2021	1,007.50	
1390	Ogden Murphy Wallace	Mayor/Executive	02/10/2021	307.50	

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
1390	Ogden Murphy Wallace	Comcast Franchise	02/10/2021	201.35	7,491.35
	Total Ogden Murphy Wallace:			2,913.85	
Pace Engineers, INC.					
1152	Pace Engineers, INC.	NE 37th Street	02/09/2021	4,517.25	
1152	Pace Engineers, INC.	36th Street - Stormwter	02/09/2021	5,756.50	
1152	Pace Engineers, INC.	94th Ave NE - STormwater	02/09/2021	14,516.75	34,743.00
	Total Pace Engineers, INC.:			24,790.50	
PGH Excavating, Inc.					
318	PGH Excavating, Inc.	Progress Est #1-42nd,91st SW and UGC Project	03/02/2021	76,144.08	76,144.08
	Total PGH Excavating, Inc.:			76,144.08	
PUGET SOUND ENERGY					
604	PUGET SOUND ENERGY	Town Hall Service	02/23/2021	311.73	
604	PUGET SOUND ENERGY	Street Lights	02/23/2021	1,585.19	2,820.19
	Total PUGET SOUND ENERGY:			1,896.92	
Regional Animal Services of KC					
283	Regional Animal Services o	Dog license pass through	02/08/2021	15.00	15.00
	Total Regional Animal Services of KC:			15.00	
State Department of Transportation					
280	State Department of Trans	Gas for town truck	01/31/2021	66.95	180.18
	Total State Department of Transportation:			66.95	
THE SEATTLE TIMES					
192	THE SEATTLE TIMES	Ordinance Publications - 708, 709	02/08/2021	174.18	
192	THE SEATTLE TIMES	Shoreline Mgmt App Notice	02/08/2021	73.44	316.47
	Total THE SEATTLE TIMES:			247.62	
	Grand Totals:			148,146.68	

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
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Certification of the Consent Calendar as presented including the Payment Approval Report dated 3/3/2021 approving payments as shown totaling \$148,146.68, plus payroll, tax, and benefit expenses of \$28,596.11; as shown on the attached payroll & tax and benefits report for a grand total of \$ 176,742.79.

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due and unpaid obligation against the Town of Yarrow Point, and that I am authorized to authenticate and certify to said claim.

Clerk/Treasurer: Bonnie Ritter _____

Dated: March 9, 2021

Mayor Dicker Cahill: _____

Councilmember Steve Bush: _____

Councilmember Mary Elmore: _____

Councilmember Stephan Lagerholm: _____

Councilmember Carl Scandella: _____

Councilmember Andy Valaas: _____

Report Criteria:

- Computed checks included
- Manual checks included
- Supplemental checks included
- Termination checks included
- Transmittal checks included
- Void checks included

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Description	GL Account	Amount
02/28/2021	CDPT		0	EMPLOYMENT SECURITY DEPT	5	Quarterly Employment Security P	001-2200000	43.01-
02/28/2021	CDPT		0	DEPT OF LABOR & INDUSTRY	6	Quarterly L & I Workers Compens	001-2200000	313.96-
02/28/2021	CDPT		0	EMPLOYMENT SECURITY DEPT	8	Quarterly WA FMLA WA Paid Fa	001-2200000	86.04-
02/28/2021	PC	02/28/2021	220201	Lovas, Istvan	9002		999-1010110	4,284.06-
02/28/2021	PC	02/28/2021	220202	Wilcox, Austen	9037		999-1010110	3,470.76-
02/28/2021	PC	02/28/2021	220203	Ritter, Bonnie	9041		999-1010110	5,565.77-
02/28/2021	PC	02/28/2021	220204	Cahill, Richard	9030			
02/28/2021	CDPT	02/22/2021	220205	Association of Washington Cities	9	Health and Dental Insurance Insu	001-2200000	1,711.75-
02/28/2021	CDPT	02/22/2021	220205	Association of Washington Cities	9	Health and Dental Insurance Hea	001-2200000	2,366.22-
02/28/2021	CDPT	02/22/2021	220205	Association of Washington Cities	9	Health and Dental Insurance Den	001-2200000	164.37-
02/28/2021	CDPT	02/22/2021	220205	Association of Washington Cities	9	Health and Dental Insurance Visi	001-2200000	36.06-
02/28/2021	CDPT	02/22/2021	220206	DEPT OF RETIREMENT SYSTE	1	State Retirement PERS II Pay P	001-2200000	1,481.90-
02/28/2021	CDPT	02/22/2021	220206	DEPT OF RETIREMENT SYSTE	1	State Retirement PERS II Pay P	001-2200000	2,432.93-
02/28/2021	CDPT	02/22/2021	220207	Federal Tax	2	941 Taxes Social Security Pay P	001-2200000	1,333.51-
02/28/2021	CDPT	02/22/2021	220207	Federal Tax	2	941 Taxes Social Security Pay P	001-2200000	1,333.51-
02/28/2021	CDPT	02/22/2021	220207	Federal Tax	2	941 Taxes Medicare Pay Period:	001-2200000	311.87-
02/28/2021	CDPT	02/22/2021	220207	Federal Tax	2	941 Taxes Medicare Pay Period:	001-2200000	311.87-
02/28/2021	CDPT	02/22/2021	220207	Federal Tax	2	941 Taxes Federal Withholding T	001-2200000	3,348.52-
Grand Totals:			15					28,596.11-

STAFF REPORTS

1. Engineer Reports
 - A. NE 36th Street
 - B. NE 37th Street
 - C. NE 42nd Street
 - D. 94th Ave NE

2. Police Reports
 - A. February reports
 - B. Drug Possession Enforcement Memo dated Feb 26, 2021 Re. State v. Blake

3. Commission Minutes
February 16, 2021 Planning Commission Minutes



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
3/9/21	2022 NE 36 th Stormwater Project	Stacia Schroeder

STATUS SUMMARY

The 2020 Town of Yarrow Point Stormwater Management Plan was published last May. In short, the new study incorporated known stormwater pipe alignments and sizes into the latest modeling software to identify and prioritize future capital improvement projects (CIPs) throughout the Town.

A stormwater connection from 92nd Ave NE to NE 36th Street was identified as CIP #1. This project would divert flows along 92nd (south of NE 36th St) and Points Drive NE (east of the round-a-bout) to the storm system in NE 36th Street. As part of this project, several pieces of the NE 36th Street stormwater infrastructure (ie. catchbasins, broken pipes, and cross bores) will be addressed.

Our current CIP includes this project as S-2 (\$25,000 for design in 2021), S-3 (\$184,000 for construction in 2022), and T-3 (\$85,000 for full grind and overlay in 2022). There is no power, phone, or cable conversion associated with this project.

PACE completed survey Task Order No. 2 (\$12,750) and provided a preliminary drawing for review on January 28, 2021. I will be working on the civil engineering design over the next couple months in an effort to get a package out to bid in September.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	January 2021	PACE/ Town Engineer	
Design	0	Spring/ Summer 2021	Town Engineer	
Bid	0	Fall 2021	Town Engineer	
Construction	0	Spring 2022	Town Engineer	

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Dec. 2020 – Feb. 2021 Town Engineer Design/ Bid	\$12,250	\$718.75		CIP S-2: Design \$25,000; Project Management
Jan. 2021 – Feb. 2021 PACE Surveying Consultant Task Order No. 2	\$12,750	\$12,730.25		Includes Invoices through 3/2/21
Total:	\$25,000	\$13,449.00		

Jan. 2022 -- Contractor TBD	\$242,100	\$0		CIP S-3 & T-3: Construction \$269,000
Jan. 2022 - Town Engineer Project Management	\$ 26,900	\$0		
Total:	\$269,000	\$0		

RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

CONCLUSIONS/NEXT STEPS



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
3/09/21	2021 NE 37 th Paving Project	Stacia Schroeder

STATUS SUMMARY

The City of Bellevue contractor (Fury Site Works) began grinding NE 37th Street on February 24th in lieu of the anticipated permanent T-patch. I questioned the site superintendent that same day on what led to the change and he mentioned the double sawcut for the T-patch was very labor intensive and with the good price he was getting for asphalt, deemed it a better choice to grind and overlay the main east/ west trench line. At that same meeting we also discussed the condition of the underlying road (ie. alligator cracking) which caused him to grind the entire thickness (~4 inches) to subgrade so the cracks would not show a few years later. After follow up conversations with the City of Bellevue, King County Roads, the Town Attorney, and the contractor for an estimate to do the remaining portion of the road, it became very apparent the Town would benefit from the City of Bellevue's contractor completing the grind and overlay he started.

The City of Bellevue will issue a change order (\$49,103.59) to Fury Site Works for the additional work related to grinding and overlaying the remaining roadway. The Town of Yarrow Point will then reimburse the City of Bellevue for the work. This is in lieu of the work planned by King County Roads (\$125,120.00). The scope of work will include: 1.) grind out 4-inches of the existing half roadway that hasn't been paved yet; 2.) re-plane 1.5-inches of the new pavement for the new full width overlay; 3.) Pave back 4-inches new pavement section and 1.5-inches overlay over the already existing 6" new pavement section for the waterline trench patch.

King County Roads mentioned the very minor costs incurred to date (less than \$1,000 for design) as well as \$12,500 for "full mobilization" will filter over to the NE 42nd St/ 91st Ave NE grind and overlay project to be done later this summer. This results in a net savings of roughly \$62,500 for the Town.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	January 2021	PACE/ Town Engineer	
Design/Bid	N/A	N/A	N/A	
Construction	0	Summer 2021	City of Bellevue/ Town Engineer	

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Dec. 2020 – Feb. 2021 Town Engineer Design	\$17,500	\$937.50	YES	CIP T-2: Design \$25,000
Jan. 2021 – Feb. 2021 PACE Surveying Consultant	\$7,500	\$7,496.00	YES	

Task Order No. 1				
Total:	\$25,000	\$8,433.50		Completed cost
<hr/>				
Mar. 2021 – Town Engineer Project Management	\$10,000	\$0		CIP T-2: Construction \$135,000
Summer 2021 – City of Bellevue Consultant/ Contractor	\$49,103.59	\$0		
Total:	\$59,103.59	\$0		

RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

CONCLUSIONS/NEXT STEPS



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
3/9/21	2019 NE 42 nd Street/ 91 st Ave NE Stormwater Upsizing & UGC Project	Stacia Schroeder

STATUS SUMMARY

Please refer to the attached Weekly Reports and Daily Reports from 2/22 through 2/26.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Bidding	100	October 2020	Gray & Osborne Town Engineer	Ad date 9/16 and 9/23 Bids Due 9/30
Award	100	October 2020	Town Engineer	October 2020
Construction	15	July 2021	Gray & Osborne Town Engineer	Delay start until January 11, 2021; G&O – survey staking & inspection
Project Close Out	0	July 2021	Town Engineer	
Grind & Overlay – KC Roads	0	August 2021	Town Engineer	Under Contract w/ KC Roads; \$227,000 estimate

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Stormwater Design (2019)	\$30,000			CIP S-1: Design
UGC Design (2019)	\$40,000			CIP U-1: Design
Jan 2019 – Oct. 2020 Town Engineer Project Management		\$19,718.75		Task Completed: 10/13/20; Change to Construction Management
Jan 2019 – Oct. 2020 Civil Engineering Consultant Gray & Osborne, Inc.		\$52,300.00		
Evergreen Concrete Cutting:		\$2,043.00		Coring Pavement to determine depth
Total:	\$70,000	\$74,061.75		
Jan. 2021 - Feb. 2021 – PGH Excavating, Inc. (Stormwater & UGC)	\$854,655.50	\$76,144.08		CIP S-1: \$475,000 Budget; CIP U-1: \$475,000 Budget
Oct. 2020 – Feb. 2020	\$40,000	\$5,343.75	Yes	

Town Engineer Project Management				
Oct. 2020 – Feb. 2020 Civil Engineering Consultant Gray & Osborne, Inc.	\$87,500	\$17,806.38	Yes	
Total:	\$982,155.50	\$99,294.21		
Summer 2021 – King County Roads (2-inch grind and overlay)	\$220,000	\$0		CIP T-1: \$220,000 Budget; KC Roads Estimate ~\$227,000; will be formalized later in Spring 2021
Total:	\$227,000.00	\$0.00		

RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

CONCLUSIONS/NEXT STEPS

DAILY REPORT



**TOWN OF YARROW POINT
NE 42ND STREET/91ST AVENUE NE
STORMWATER AND UGC PROJECT
G&O # 19456**

REPORT NO.: 16
WORK DATE: February 22, 2021
DAY OF WEEK: Monday

PGH EXCAVATING, INC.

CONTRACTOR

WEATHER: Rain A.M. Partly Cloudy P.M. **SITE CONDITIONS:** Wet
TEMPERATURE: LOW: 41 ±°F HIGH: 46 ±°F
TCS ON SITE: No **ESC LEAD ON SITE:** No
FOREMAN/SUPERINTENDENT: Josh Casper (F) / Brandon Burrell (Super./ESC Lead)
SURVEYOR ON SITE: No

SUBCONTRACTORS PRESENT:

- None

VISITORS:

- None

MATERIALS/EQUIPMENT DELIVERED:

- PSE V10 Vault
- CAT 325 Excavator

TESTS COMPLETED:

- None...

SUMMARY OF CONSTRUCTION ACTIVITIES:

PGH Personnel – Reported at End of Week

PGH Equipment – Reported at End of Week

10:15 AM Arrive at the site. PSE had delivered the base section of the V10 vault before I came and PGH was just finishing potholing the water service at V10's location. The 1" black poly had 40" of cover and was about 3' North of the storm main. Josh plans to reroute the

DAILY REPORT



**TOWN OF YARROW POINT
NE 42ND STREET/91ST AVENUE NE
STORMWATER AND UGC PROJECT
G&O # 19456**

REPORT NO.: 17
WORK DATE: February 23, 2021
DAY OF WEEK: Tuesday

PGH EXCAVATING, INC.

CONTRACTOR

WEATHER: Partly Cloudy **A.M.** Partly Cloudy **P.M.** **SITE CONDITIONS:** Wet
TEMPERATURE: **LOW:** 39 ±°F **HIGH:** 48 ±°F
TCS ON SITE: No **ESC LEAD ON SITE:** No
FOREMAN/SUPERINTENDENT: Josh Casper (F) / Brandon Burrell (Super./ESC Lead)
SURVEYOR ON SITE: No

SUBCONTRACTORS PRESENT:

- None

VISITORS:

- None

MATERIALS/EQUIPMENT DELIVERED:

- None

TESTS COMPLETED:

- None...

SUMMARY OF CONSTRUCTION ACTIVITIES:

PGH Personnel – Reported at End of Week

PGH Equipment – Reported at End of Week

10:30 AM Arrived on site after PGH finished installing CL 1 (Sta. 100+40) and backfilled with the native soil. I met with Stephanie and discussed the layout for the J03 PSE structure and all of its conduit connections.

- 10:45 AM Brandon and Josh called me over to notify me that the entire crew was in a delay due to encountering a thrust block and wanted to know the preferred mechanism of tracking the payment. I brought up that force account can be tracked and, if deemed necessary, may be charged to "Resolution of Utility Conflicts for Joint Trench".
- We looked at where PGH found a thrust block in the way of the PSE Vault and PGH wanted direction on where to place the structure. I spoke with Stephanie and she suggested shifting the PSE structure to the east into 9107's lawn.
- 11:00 AM Spoke with Kevin and he confirmed the final vault location needs to be set by PSE. Kevin brought up that shifting the vaults to the east would have a potential conflict with the existing side sewer for 9107. I left a message with Robert Rudd at the City of Bellevue to determine what the water main and side sewer pipes looked like as they were put in to get relative depths.
- 11:15 AM Josh asked if the vault was going where PGH had excavated and Stephanie said no. PGH Backfilled the hole.
- 12:00 PM PGH finished backfilling which stopped work under force account. The crew consisted of Brandon, Josh, Tyler, Andrew, Jeff, and Zach and PGH had a dump truck and driver idle as well (all excavated soils were being removed from the site). Both the loader and the excavator were idle during the force account period as well.
- Discussed the placement of PSE J03 structure. The vault was shifted east to maintain 18" from the edge of the road to allow the Comcast and Lumen conduits around the PSE structure.
- 12:15 PM Met Robert Rudd (City of Bellevue) at the 91st/42 intersection. We confirmed that the thrust block PGH found is part of the live main.
- 12:30 PM Stephanie adjusted the elevation of the J03 structure up to match the V07 structure next to it.
- 12:45 PM Observed PGH set the PSE J03 vault. Excavation was 7' x 5' x 4' (W x L x D) and was backfilled with CSTC. PGH estimated 2.5 CY of CSTC backfill but I think that includes the base pad for the structure.
- 1:30 PM Stephanie had a request from PSE for the Town. The current plans show the joint trench stopping at approx. Sta 109+00. However, the conduit in the existing joint trench is 2" and PSE calls for 4" (Stephanie indicated they cannot couple them with a reducer). Therefore, PSE is requesting to continue their 2-4" conduits about 130' to the North to connect into Existing J01.
- 1:45 PM Josh noted that there is an existing area drain northeast of CL 5 (approx. Sta 102+45) and the 4" CPEP flexible pipe from the area drain toward the house conflicted with CL 5. Exploration determined that the pipe goes to the rock boarder around 4224's landscaping and will need to be relocated and reconnected before the end of the project. To that end, a note was added to the Construction Complaints and Issues spreadsheet and the pipe was cut.

- 2:00 PM Observed PGH set the CL 5 vault and backfill with CSTC. PGH estimated 1.0 CY of CSTC backfill, but I think that includes the base pad. After backfilling the structure, PGH cleaned up and left.
- 2:30 PM Began drawing up a detail of the conflict at Sta. 16+34's structures on the south side of the intersection.
- 3:15 PM Max (9009 homeowner) asked how the process is going with the 16+34 conflict. I told him I would sketch up the site and be submitting that tonight for review.
- 3:30 PM Teresa (4205 homeowner) complained that excessive amounts of ground cover near vaults HH06, V14, & CL B were removed. I said that I would make a note and let the Town know her concern.
- She also expressed frustration with PGH not making any progress toward converting her aerial to underground and she did not want to be accused of not being ready when the utility poles are removed. I clarified that the Contractor needs to have the electrician on site to determine the best course of action and that as soon as PGH has an electrician, the Town will be verifying that the Contractor is coordinating with property owners.
- 4:00 PM Peter stopped by and spoke with me. I updated him that the 9009 and 9021 plants had not been removed earlier as we had discussed due to a conflict, but PGH still plans to install vaults in the areas we discussed.
- 5:00 PM Left the site.

COPIES TO: GRAY & OSBORNE, INC.
TOWN OF YARROW POINT



Resident Inspector (signature)
HOURS ON SITE: 6.5
DATE: February 23, 2021

DAILY REPORT



**TOWN OF YARROW POINT
NE 42ND STREET/91ST AVENUE NE
STORMWATER AND UGC PROJECT
G&O # 19456**

REPORT NO.: 18
WORK DATE: February 24, 2021
DAY OF WEEK: Wednesday

PGH EXCAVATING, INC.

CONTRACTOR

WEATHER: Partly Cloudy **A.M.** Partly Cloudy **P.M.** **SITE CONDITIONS:** Wet
TEMPERATURE: **LOW:** 36 ±°F **HIGH:** 45 ±°F
TCS ON SITE: No **ESC LEAD ON SITE:** No
FOREMAN/SUPERINTENDENT: Josh Casper (F) / Brandon Burrell (Super./ESC Lead)
SURVEYOR ON SITE: No

SUBCONTRACTORS PRESENT:

- None

VISITORS:

- None

MATERIALS/EQUIPMENT DELIVERED:

- None

TESTS COMPLETED:

- None...

SUMMARY OF CONSTRUCTION ACTIVITIES:

PGH Personnel – Reported at End of Week

PGH Equipment – Reported at End of Week

7:15 AM Arrived on site. Josh gave me the quantities for what he witnessed being installed to date on the project. As we discussed the bid items, Josh expressed concern with tracking CSTC on the job and asked if we could just pay the quantities on the truck tickets. I clarified that if we did that, the cost of the structures would have to be reduced to since

the base rock pad is included in the cost of the structure and Josh indicated he would have to think on that.

We also discussed the force account work yesterday. I recorded 1 hour 15 min of work within the delay (10:45 - 12:00), but Josh said that some of the work that they had done before they notified me was slow due to trying to save some of the landscaping and trying to shift the structure closer to the road. I agreed to the 2 hours he proposed.

- 7:30 AM Continued on my report as PGH started to mobilize their crew. Today's crew included Josh, Tyler (operator), and two laborers (Zach and Jeff), combined with two dump truck drivers and their trucks to haul the excavated soil for V10.
- I asked Josh what his plan is if he hits water and he is planning to dig down till he hits water, and then decide. Today he planned to shut off the lift station water, dig down at the water line just west of the edge of asphalt and cut the lift station's service line, dig beyond the bollards and cut the lift stations service line there as well, then begin to dig for the vault.
- 7:45 AM PGH shut off the water to the lift station. We also confirmed that the order of the meters in that cluster are (from west to east) the lift station (labeled by City of Bellevue), the next to are 9000 and 9002's meters, then 9009's meter, and then the irrigation (no meter).
- 8:00 AM PGH excavated for the V10 vault. About 2' down, PGH hit a 1" steel pipe. PGH exposed it and it was cut on the east end of the excavation. Therefore, PGH removed the section in the excavation.
- 9:00 AM PGH uncovered and broke a concrete side sewer just over 3' east of the locate mark with 3' cover. PGH could not find the south end of the stub and the pipe pointed through the lift station's water service, so it is assumed that the pipe was to an abandoned side sewer, but the plug was broken off by the excavator.
- 9:15 AM PGH finished excavating to 6.5' and stopped to wait for their dump trucks to empty and return. Water started to come into the excavation near the base of the water service trench. While excavating, they exposed the Storm main with 3.5' of cover and a vertical stub to the gas main with 3' cover. The gas was 2' south of the locates, but PGH still anticipated to get the vault to fit between the gas and storm.
- Josh notified me that PGH received a compliment from 9009's homeowners. They really appreciated the communication that has been taking place on the job site and wanted to thank them. In the process, 9009's homeowners again confirmed that PGH is allowed to park in the easterly (uphill) driveway for 9009.
- 10:00 AM Observed that the water stopped flowing into the excavation from the water service trench.
- 11:30 AM An empty PGH truck arrived. Observed PGH excavate to the final depth. The native soil on the sides of the excavation was dense clay and generally held firm. There were slight issues with sluffing, but only where the gas, water service, and storm trenches were exposed; sides generally didn't collapse without provocation.

The worst of the sluffing that took place at the SW corner. The top was undermined about 3' back near the water service trench to the lift station. Ground water started flowing from the water trench again as PGH dug deeper, but PGH was able to install the gravel base pad and structure before significant amounts of water collected in the excavation.

- 1:15 PM Observed PGH begin to backfill around the structure. I expressed concern with compaction since there was only +/- 1' space around the structure, too small to fit a man in to compact the backfill in 2' lifts. Josh pointed out that all sides of the structure will be dug 4' down later in the project and emphasis on compaction seemed premature. I agreed, but still required that the top be compacted with a jumping jack at a minimum. PGH elected to not backfill beyond stabilizing the sluffing on the SW corner and call it a day. Excavation limits were about 1' beyond the sides of the structure all the way around.
- 1:45 PM Max approached me and asked about the 16+34 structures conflict. I told him that I had submitted a detail to the utilities, they would determine what the best, and Stacia should contact him once we know.
- 2:00 PM Spoke with Kevin on the phone regarding the lid to structure V10. PSE had agreed in the preconstruction meeting to provide a slanted lid, but I noted that the lid was flat and created a high spot on the west side of about 18 in. Kevin said he would contact PSE.
- 2:30 PM Spoke with Alec (Lumen) on the phone about station 16+34. To aid our conversation, I sent him the diagram of the conflict for his review.
- 2:45 PM Left the site.
- 3:00 PM Alec finished reviewing my sketch and directed to shift the structures east less than 10' in lieu of shifting them 30'-40' to the west.
- 4:15 PM Texted Josh to determine if the low boy (over 40') would be arriving tomorrow to take the CAT 325 excavator. The current plan is for the excavator to leave on Friday on a trailer over 40'.

While I had Josh, I also notified him that Kevin is looking into replacing the flat lid for Vault V10 with a slanted lid.

COPIES TO: GRAY & OSBORNE, INC.
TOWN OF YARROW POINT



Resident Inspector (signature)
HOURS ON SITE: 7.5
DATE: February 25, 2021

DAILY REPORT



TOWN OF YARROW POINT
NE 42ND STREET/91ST AVENUE NE
STORMWATER AND UGC PROJECT
G&O # 19456

REPORT NO.: 19
WORK DATE: February 25, 2021
DAY OF WEEK: Thursday

PGH EXCAVATING, INC.

CONTRACTOR

WEATHER: Partly Cloudy A.M. Partly Cloudy P.M. SITE CONDITIONS: Wet
TEMPERATURE: LOW: 39 ±°F HIGH: 48 ±°F
TCS ON SITE: No ESC LEAD ON SITE: No
FOREMAN/SUPERINTENDENT: Josh Casper (F) / Brandon Burrell (Super./ESC Lead)
SURVEYOR ON SITE: No

SUBCONTRACTORS PRESENT:

- City of Bellevue Locator

VISITORS:

- City of Bellevue Maintenance Staff (3)

MATERIALS/EQUIPMENT DELIVERED:

- 6" PVC Pipe
- 2 – 6" Fernco Couplers
- 2 – 6" Strong Back Couplers
- 2 – Romac Couplers (Provided by City of Bellevue)

TESTS COMPLETED:

- None...

SUMMARY OF CONSTRUCTION ACTIVITIES:

PGH Personnel – Reported at End of Week

PGH Equipment – Reported at End of Week

9:45 AM Arrived onsite and verified that CB #1026 has a 4" riser on it.

When I met up with Stephanie and PGH, they notified me that they had just broke a pipe while excavating for PSE V08. The pipe had about 8' of cover and was buried in dense clay soil so it was hard for PGH to excavate and PGH broke the pipe before they saw it. Due to the depth, it looked like a side sewer for 9035, but nothing was coming out of the pipe. Josh asked me to verify if it was abandoned, since the pipe was in conflict with the vault, and PGH put in speed shoring and get down in the pit to uncover and identify the pipe better.

- 10:18 AM I knocked on the door to 9035 42nd St. to ask about their side sewer, but they did not answer the door.
- 10:24 AM Left a message with Robert, asking if he knew anything about the side sewer to 9035, and notified him that PGH had broken a pipe while excavating for the PSE V08 vault.
- 10:32 AM Water started to flow out of the SW end of the pipe, which verified the pipe is active.
- 10:36 AM PGH added two dye packs to the water flowing into the NE end of the side sewer and Tyler (PGH) walked to the sewer manhole at Station 12+55 to watch for the indicator.
- 10:45 AM Inspected the broken piece of pipe and identified it to be 6" asbestos concrete that broke just west of a collar. I notified Robert.
- 11:00 AM Tyler confirmed that the dye indicator appeared in the sewer manhole and that the pipe is connected to the City of Bellevue's sewer main. Josh noted that this meant there was a conflict with Vault V08 (PSE requires 1' horizontal separation from other utilities and the side sewer was in the middle of the vault's location) and he considered the conflict a delay.
- 11:01 AM Josh sent Tyler to Bellevue to pick up a stick of PVC pipe and a couple Fernco adaptors.
- I noted that PGH had uncovered a 4" concrete pipe with 2' of cover, but PGH reported that the north end of the pipe was already cut to indicate the pipe was abandoned previously. The existing storm from CB #1121 to the south was never found. The 6" A.C. side sewer had 7'-4" of cover, was about 10.5' south of the storm main at 1' east of the R/W jog, and about 7' south of the storm main at 7' east of the R/W jog.
- 11:14 AM Josh wanted to know if he was being directed to keep the excavation open, or if the plan is to close the excavation and PGH will excavate a new location another day. The latter would require Josh to bring the dump truck up with another load of CSTC and he wanted to get the ordered right away.
- I verified with him that PGH already has most of the rock onsite already that he would need to backfill, and then I called Kevin to discuss options. Josh was directed to not backfill the trench until PSE provided direction on where to place the V08 vault. Josh elected to bring the dump truck up to the site empty to further excavate as needed.
- 11:34 AM Robert called me back and informed me that the side sewer had to be connected with Romac couplers and backfilled with crushed rock because the side sewer was in the R/W.

He promised to provide me the City of Bellevue (COB) sewer maintenance hotline for future reference, but said that he would put in the call for us to have a member of the maintenance crew come out to inspect the pipe today. City of Bellevue does not allow the repair to be backfilled until they view the break and inspect the repair.

- 11:44 AM Spoke with Stephanie who was talking with Jason on the phone. Jason suggested that the V08 vault be relocated to the NE corner of the 91st/42nd intersection. Stephanie and I agreed that would be a very beneficial change.
- 11:51 AM Received a text from Robert with the COB sewer maintenance hotline and notified us that the maintenance crew would be out in about 1 hour.
- 11:52 AM Confirmed with Stephanie our understanding of Jason's direction and communicated the direction to Josh.

Stephanie and I discussed the V10 vault and PSE's request to extend the joint trench to Exist. J01 vault at the intersection of 91st Avenue and 92nd Avenue.

- For the lid design on the V10 vault, PSE needs the slope and the traffic loading required for the lid and the entire structure will need to be removed and set everything lower.
- For the joint trench extension, I notified Stephanie that the Town is not against the extension, but they will not participate in payment for the extension.

While talking with Stephanie, a nearby landscaper saw the plants that PGH removed and asked if he could salvage some. Josh said that was fine.

- 12:30 PM A CoB maintenance worker arrived and notified PGH that he needed the locator to come out and verify if the side sewer was marked correctly. If the locates were off, COB will make the repair. Otherwise, PGH has to complete the repair.
- 12:40 PM CoB locator arrived. CoB's plans showed the service as private and CoB does not locate private services. Although the standard is the portion of a service within the R/W is CoB's and the portion in the private property is private, CoB said there is some gray area for this service. CoB offered to provide the Romac couplers to help, but PGH had to perform the work.
- 12:45 PM PGH began cutting the broken SW end of the A.C. main; PGH was able to remove the coupler and expose the plain end of the NE pipe. It took a couple tries, but PGH was able to make a clean cut slightly west of the original excavation limits.

While PGH cut the pipe, Josh and I discussed the tree removal for trees at approx. Sta. 100+75. The southern-most tree and potentially the middle tree would have to be removed to make room for the shifted PSE J04 vault, but the joint trench appears to be outside the drip line on the northern-most pine and I recommended that it be saved.

Max (9107 Homeowner) approached me, asking if a resolution had been made of where the vaults would be placed. I told him that, due to the conflict, structures are again being shifted and we anticipate to keep the structures near the rhododendrons as originally

planned. While discussing the shift, Max asked if PGH could get rid of the rocks along the front of his lawn. I asked Josh who agreed to work with Max on removing them.

1:30 PM PGH installed the PVC repair (+/- 4' section) and backfilled with CSTC up to 4' depth. PGH placed boards over the excavation rather than backfilling the remaining depth to aid in the future excavation for the Lumen CL 3 Vault which will be shifted to partially be installed where the PSE V08 Vault was planned.

2:30 PM Left the site.

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TOWN OF YARROW POINT



Resident Inspector (signature)
HOURS ON SITE: 5.0
DATE: March 1, 2021

DAILY REPORT



**TOWN OF YARROW POINT
NE 42ND STREET/91ST AVENUE NE
STORMWATER AND UGC PROJECT
G&O # 19456**

REPORT NO.: 20
WORK DATE: February 26, 2021
DAY OF WEEK: Friday

PGH EXCAVATING, INC.

CONTRACTOR

WEATHER: Partly Cloudy **A.M.** Partly Cloudy **P.M.** **SITE CONDITIONS:** Wet
TEMPERATURE: LOW: 39 ±°F **HIGH:** 50 ±°F
TCS ON SITE: No **ESC LEAD ON SITE:** No
FOREMAN/SUPERINTENDENT: Josh Casper (F) / Brandon Burrell (Super./ESC Lead)
SURVEYOR ON SITE: No

SUBCONTRACTORS PRESENT:

- Trench Excavation Systems (Discuss options for V10)

VISITORS:

- None

MATERIALS/EQUIPMENT DELIVERED:

- Old Castle PSE Structures

TESTS COMPLETED:

- None...

SUMMARY OF CONSTRUCTION ACTIVITIES:


PGH Personnel – Reported at End of Week

PGH Equipment – Reported at End of Week

7:30 AM Arrived on site just before PGH began removing the stumps from the trees at approx. Sta. 101+60.

- 7:45 AM Josh pulled me over to discuss the changes on the job thus far and notified me that he plans to use Fridays to catch up on any small stuff. To that end, we discussed the force account work on 2/22/2021 when when PGH tried to set PSE vault V08 the first time. I signed the force account sheet for a two hour delay.
- Discussed the V10 vault and Josh expressed a lot of concern with pulling the base section out. The base is backfilled all the way around and compacted which, combined with the weight of the structure, poses a risk of ripping the eyeholes out of the structure. A vector truck could still be used to excavate and free up the vault base, but that would potentially waste the crushed rock installed previously for backfill. Our discussion did prompt the question, "Can a shorter mid-section be used with a custom lid instead of removing the full structure and then burying the structure deeper using the same base and mid section?"
- 8:00 AM Observed PGH finish removing the stumps. The northernmost tree stump had another decorative tree growing on top of its feeder root. The decorative tree was jostled around a lot, but Tyler (PGH) was able to pull the stump toward the road and not topple the decorative tree.
- 9:00 AM Brandon arrived on site.
- 9:15 AM Met with Alec (Lumen) to discuss layout of the vaults still at 16+34 while Josh and Brandon spoke with Trench Safety Systems and the remainder of the PGH crew worked on reconnecting the water line around the V10 vault.
- 11:00 AM Spoke with Josh about redlines. He has written notes for the changes, but he will need a full set of plans to make red lines on. I said I would bring a set with me on Monday. Josh notified me that he would be leaving the site shortly, leaving Tyler in charge of the crew for the rest of the day.
- 12:15 PM Inspected the road conditions after PGH demobilize the CAT 325 and mobilized a Connex and a CAT 308E2Cr excavator. I noted a lot more scrapping on the roadway, including on 92nd. I will talk with Josh on Monday about minimizing the scrapping on 92nd's asphalt.
- 12:30 PM PGH finished leveling and filling the Connex, and then left the site.
- 12:45 PM Verified quantities for the crushed rock backfill around structures already set in the ground.
- 2:30 PM Left the site.

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TOWN OF YARROW POINT


Resident Inspector (signature)
HOURS ON SITE: 7.0
DATE: March 1, 2021

water line to the south of the V10 vault when he replaces the service.

I asked if Josh would be placing straw wattles on the west side of the excavation to catch sediment. He did not see a need.

Discussed the placement of 1-man boulders at the west outlet of 42nd's storm with PGH.

- 10:45 AM Met with Peter and discussed the bush removal for 9009 42nd St. He also asked about the placement of the V10 vault since it is currently in the grass in front of 9009. I clarified the final location and that it was temporarily being placed in the grass.
- 11:00 AM I spoke with Josh about how we planned to track backfill around the structures since PGH plans to use 5/8ths for the base pad and for the backfill. Josh was open to a neat-line tonnage for the backfill.
- 11:30 AM Josh notified me that the excavator would be coming on a low-boy that exceeded the 40' max length.
- I called Kevin and he repeated that any trailer over 40' was not allowed by the contract and any exception needs to have a written request submitted to the Town with 24 hours notice. I passed the direction to PGH.
- 12:00 PM PGH delivered CSTC, eco blocks, and the new excavator while Jeff (PGH) controlled traffic on 92nd whenever a lane was blocked.
- The excavator had to be offloaded on 92nd Ave and then driven down 42nd St. I expressed concern that the tracks were metal and could damage the road and PGH said it would be fine. I observed the excavator drive on the pavement and observed scuffing of the asphalt, but did not note any indentations.
- 12:15 PM Drove to route the low-boy would exit prior to the trailer leaving town.
- Drove back along the path after the low-boy exited the Town on and did not notice any disruption to the ground.
- 1:00 PM Received a call from Josh stating that they finished potholing the joint trench near 13+20 and the conduits were right where the structures needed to go.
- 1:15 PM Josh, Stephanie and I discussed the options of how to work around the conduits. There appears to be enough space between the water service and the storm main that PSE's transformer structure V09 could fit, but there would not be enough room for the PSE conduit to climb from under the storm at 6' deep and enter the structure with 36" of cover (PSE's requirement). I asked if the transformer could take the place of the handhole on the west/downhill side of the retaining wall (about Sta. 12+90). Stephanie said she would take some measurements to see if shifting the transformer was acceptable.
- 1:30 PM Spoke with Stephanie about the service to 9004. The house could be serviced directly from the PSE handhole HH08 (no additional handhole is needed).

2:00 PM I noticed that the catch basin sock the Town requested on 92nd Ave was not installed and spoke with Josh about adding it. PGH thought they had already addressed this, but there had been a miscommunication about which CB needed the protection. PGH will purchase another sock and protect the catch basin within the project.

2:30 PM Stephanie finished measuring alternatives to the structure placement at Sta. 13+20 and said she will get back to us as soon as Jason (PSE) gives direction.

3:00 PM Walked the job with Stephanie to review the locations how each home gets power from PSE. In general, it is the same as what Comcast shows on the as-builts sent today by Ray.

4:15 PM Left the site.

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TOWN OF YARROW POINT



Resident Inspector (signature)
HOURS ON SITE: 6.0
DATE: February 24, 2021

WEEKLY WORKING DAYS REPORT



TOWN OF YARROW POINT
NE 42ND STREET/91ST AVENUE NE
STORMWATER AND UGC PROJECT
G&O #19456

PGH EXCAVATING, INC.

WEEK ENDING: 02/27/21

CONTRACTOR

1.	NOTICE TO PROCEED DATE:	<u>January 15, 2021</u>	
2.	OFFICIAL START DATE:	<u>January 25, 2021</u>	
3.	CONTRACT TIME ALLOWED:		
	SUBSTANTIAL COMPLETION:	<u>125.0</u>	WORKING DAYS
	PHYSICAL COMPLETION:	<u>135.0</u>	WORKING DAYS
4.	TIME INCREASED BY CHANGE ORDERS	<u>0.0</u>	WORKING DAYS
5.	TOTAL TIME ALLOWED (SUM OF ITEMS 3 AND 4)		
	SUBSTANTIAL COMPLETION:	<u>125.0</u>	WORKING DAYS
	PHYSICAL COMPLETION:	<u>135.0</u>	WORKING DAYS
6.	TOTAL PREVIOUS EXPIRED DAYS FROM START (FROM PRECEDING REPORT, ITEM 8):	<u>19.0</u>	WORKING DAYS
7.	TOTAL DAYS FOR WEEK ENDING (WEEK COVERED BY THIS REPORT):	<u>5.0</u>	WORKING DAYS
8.	TOTAL DAYS EXPIRED SINCE START (SUM OF ITEMS 6 AND 7):	<u>24.0</u>	WORKING DAYS
9.	BALANCE OF DAYS REMAINING IN CONTRACT: (ITEM 5 - ITEM 8)		
	SUBSTANTIAL COMPLETION:	<u>101.0</u>	WORKING DAYS
	PHYSICAL COMPLETION:	<u>111.0</u>	WORKING DAYS

EXPLANATION OF WORKING DAYS LOST THIS WEEK: _____

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TOWN OF YARROW POINT
PGH EXCAVATING, INC.

Chris Bolon
RESIDENT INSPECTOR (Signature)
DATE: 3/1/2021
REPORT NO.: 5



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
3/9/21	2024 94 th Ave NE UGC & Full Road Reconstruction	Stacia Schroeder

STATUS SUMMARY

The 2020 Town of Yarrow Point Stormwater Management Plan was published last May. In short, the new study incorporated known stormwater pipe alignments and sizes into the latest modeling software to identify and prioritize future capital improvement projects (CIPs) throughout the Town. A stormwater upsizing from 4405 – 4646 94th Ave NE was identified as CIP #2. In addition to addressing CIP #2 this project will result in an underground conversion from 4000 – 4646 94th Ave NE. The preliminary design also shows the northern half of 94th Ave NE is set to receive a full road reconstruction and the southern half will have a 2-inch grind and overlay.

Our current CIP includes this project as S-3 (\$30,000 for design in 2023), S-5 (\$300,000 for construction in 2024), and T-5 (\$260,000 for road restoration in 2024).

Experience has shown that it takes a considerable amount of time to coordinate with Puget Sound Energy, Comcast, and CenturyLink on the underground conversion design. The Town Council therefore, approved PACE’s survey Task Order No. 3 (\$28,250) on January 12, 2021. PACE completed a draft base map on March 1st for not only this project, but 3800 – 4000 94th Ave NE, 9200 – 9400 NE 38th Street, and 9200 – 9500 NE 40th Street as well.

I am in the process of verifying PACE’s information in the field and against known records and will work with PACE to prepare the final base map.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	90	January 2021	PACE/ Town Engineer	
PSE/ Comcast/ CenturyLink Preliminary Design	0	Summer 2021	PSE/Comcast/ CenturyLink Town Engineer	NOTE: The Town may decide to expand the 2023/2024 scope of work only prior to this agreement.
Stormwater & Landscape Design including Bid Documents	0	2022-2023	Town Engineer	NOTE: The Town may decide to solicit bids for this design based on the outcome of the NE 42 nd St/ 91 st Ave NE project.
Bidding	0	Fall 2023		
Construction	0	2024		

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Jan. 2021 – Feb. 2021 PACE Surveying Consultant Task Order No. 3	\$28,250	\$14,516.75		
Total:	\$28,250	\$14,516.75		
Summer 2021 – PSE/ Comcast/ CenturyLink Preliminary & Final Design	\$15,000	\$0		NOTE: I will work with PSE on UGC design agreement when the survey is complete. Council approval will be required to proceed.
Total:	\$15,000	\$0		
Jan. 2021 – Feb. 2021 Town Engineer Design	\$30,000	\$218.75		CIP S-3: Design \$30,000 (2023)
Total:	\$30,000	\$218.75		
Jan. 2024 – Contractor TBD	\$504,000	\$0		CIP S-5 & T-5: Construction \$560,000
Jan. 2024 – Town Engineer Project Management	\$ 56,000	\$0		
Total:	\$560,000	\$0		

RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

CONCLUSIONS/NEXT STEPS



MEMO

To: Yarrow Point Town Council
From: Chief Kyle Kolling
Date: March 9, 2021
Re: February 2021 Summary

Greetings,

Significant progress was made towards WASPC accreditation; we are on track to submit our portfolio to WASPC in March with a goal of being State Accredited by the fall of 2021.

February was a busy month for training:

- Regular monthly training through PoliceOne Academy continued with 2 hours of instruction on the 4th Amendment (arrest, search, & seizure).
- Chief Kolling and Records Manager Jones attended an 8 hour training on law enforcement social media strategies.
- Chief Kolling and Ofc. Humphreys completed an 8 hour Crisis Intervention Training (CIT) through CJTC. This is above and beyond the annual 2 hour CIT training required by law.
- Ofc. Humphreys and Ofc. Jennings attended a two-day training on tactical medicine for law enforcement through CJTC.
- Records Manager Jones attended a local annual two-day records management forum.

Our Facebook page was launched on February 1, and 20 posts have been made so far. This was particularly useful in early February during the heavy snow as we were able to quickly communicate road closures and other safety information. There are currently 55 people following our page, and our page was viewed over 220 times this month. In addition, the Sentinel e-newsletter continued with four editions published to 803 recipients.



Town of Yarrow Point

ACTIVITY REPORT

	2021 February	2021 January	2021 YTD	2020 YTD
CRIMES AGAINST PERSONS				
Assault	0	0	0	0
Domestic Violence/Disturbance	1	0	1	1
Harassment	0	0	0	2
Order violation	0	0	0	0
Rape/sex offenses	0	0	0	0
Robbery	0	0	0	0
Other (<i>Abuse, APS, civil, CPS, custodial interference, extortion</i>)	1	0	1	0
PROPERTY CRIMES				
Burglary	0	0	0	0
Fraud	0	0	0	0
MV Prowl	1	0	1	2
MV Theft	0	0	0	0
Theft	0	2	2	2
Other (<i>Arson, illegal dumping, malicious mischief, prowler, trespass</i>)	1	1	2	1
ARRESTS				
Drug/alcohol	0	0	0	0
Warrants	0	0	0	1
Other	0	0	0	2
TRAFFIC ACTIVITY				
Citations	0	0	0	2
Infractions	1	0	1	8
Warnings	9	6	15	17
Traffic accidents	0	0	0	1
Traffic stops	10	8	18	19
OTHER				
Alarms	3	2	5	8
Complaints				
~Animal	0	3	0	0
~Fireworks	0	0	0	0
~Noise	0	1	1	0
~Parking	2	1	3	3
~Soliciting	0	0	0	1
Deaths	0	0	0	0
QA	1	0	1	6
Drug/alcohol	0	0	0	0
PUBLIC SERVICES				
Other Public Services (<i>area check, assist, community policing, contacts, direct enforcement/patrol, 911 hang-ups, fire assist, follow up, on-view, order service, walk through, welfare check</i>)	27	33	60	25



Town of Yarrow Point
February 2021

2021-0374	02-16-21	9100 BLK NE 36 th St	Mal Misch	Swai
<p>Officer dispatched to a report of unwanted subjects that RP was viewing remotely on a surveillance camera. Upon arrival, subjects fled before being contacted. RP reported damage to the surveillance camera. Footage later recovered helped officers identify the suspect vehicle's license. A records check showed that vehicle was listed as stolen and had been recovered later that day by Seattle PD. Per Seattle PD, no suspects were identified or arrested. Case forwarded to Seattle PD. No suspects or evidence at this time. Case for information/documentation purposes only.</p>				
2021-0389	02-18-21	4600 BLK 92 nd Ave NE	Disturbance	Fernandez
<p>Officer dispatched to a verbal disturbance over a minor collision. Upon arrival, parties were arguing about one vehicle backing into another. Officers found no damage to either vehicle and determined no crime had occurred. Report for information/documentation purposes only.</p>				
2021-0423	02-23-21	9100 BLK NE 32 nd St	MV Prowl	Stroble
<p>Officer was flagged down by resident reporting their security camera had caught an attempted vehicle prowling overnight. No items were taken from this resident's vehicles, but a second resident advised that had approximately \$500 worth of goods stolen from one of their vehicles. Officers were unable to identify a suspect based on the security footage, and the suspect fled on a bike. Report for information/documentation purposes only.</p>				



Issued Ticket Report Summary
Yarrow Point
2/1/2021 through 2/28/2021

Citations - Non-Traffic	0	Location
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Citations - Traffic	0	Location
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Infractions - Traffic	1	Location
SPEED 21-25 MPH OVER LIMIT (40 OR UNDER)	1	9100 BLK POINTS DR

Infractions - Parking	0	Location
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MEMORANDUM

Attorney-Client Communication

DATE: February 26, 2021

TO: OMW Municipal Practice Group

FROM: Daniel F. Shickich and Raymond L. Delos Reyes

RE: Washington State Supreme Court Opinion Re: *State v. Blake*, No. 96873-0

INTRODUCTION

On February 25, 2021, the Washington State Supreme Court issued a decision in the matter of *State v. Blake*, which found RCW 69.50.4013(1), the statute making it illegal to possess a controlled substance, unconstitutional. As various communications have been circulated regarding this opinion, this memorandum is designed to provide additional information and context to municipal prosecutors and police departments on the impact of *Blake*.

SUMMARY

RCW 69.50.4013(1) is now **void**, meaning there is no Washington statute making simple possession of a controlled substance illegal. Law enforcement may no longer premise reasonable suspicion to detain or probable cause to search or arrest based solely on a violation of RCW 69.50.4013(1). Additionally, law enforcement should not confiscate controlled substances from an individual based solely on a violation of RCW 69.50.4013(1). Prosecutors need to take a variety of actions to ensure that no individuals are detained subject to a warrant or remain in pre-trial or post-conviction detention based solely on a violation of RCW 69.50.4013(1).

ISSUE

Does RCW 69.50.4013(1), which makes it a strict liability crime to possess a controlled substance, exceed the Legislature's police power and violate the due process clause of the state and federal constitutions?

HOLDING

Yes. In a 5-4 majority opinion authored by Justice Gordon-McCloud, the Court held that the statute making it a Class C felony to possess a controlled substance is unconstitutional, under both a state and federal constitutional analysis. The majority opinion holds that RCW 69.50.4013(1) is **void**.

ANALYSIS

In 2016, Shannon Blake was charged with possession of a controlled substance under RCW 69.50.4013 after officers discovered a small baggy containing methamphetamine in the coin pocket of her jeans following her arrest for an unrelated matter. At a bench trial, Blake admitted the drugs had been "on her," but relied on an "unwitting possession" affirmative defense¹, arguing that her possession was not intentional

¹ The Court briefly addressed this "judicially created affirmative defense," holding that such a defense may "'ameliorate the harshness' of criminalizing innocent nonconduct, but it cannot save an unconstitutional statute."

or knowing. Without making any findings about whether the State proved that Blake's possession was intentional or knowing, the trial court found Blake guilty, concluding that Blake had not met her burden to prove that her possession was unwitting.

Following appeal, the Court considered an issue of first impression: "whether the legislature possesses the power to punish Blake for innocent conduct – or, more accurately, nonconduct – without proving any mental state at all."

The Court held that "criminalization of passive nonconduct without mens rea 'makes no distinction between conduct calculated to harm and that which is essentially innocent' and therefore exceeds the State's police power. The Court justifies its rationale in citing *City of Seattle v. Pullman*, 82 Wn.2d 794, 802, 514 P.2d 1059 (1973), which held that the "state legislature's exercise of its otherwise plenary police power to criminalize entirely passive and innocent nonconduct with no mens rea or guilty mind violates the due process clause of the state and federal constitutions." The majority declined to read an implied mens rea element into RCW 69.50.4013, determining that such a result was foreclosed by legislative acquiescence. The Court outlined several instances where state legislature had the opportunity to amend this statute to include a mens rea element, but failed to do so.

Finally, the Court concluded by noting that this decision does not disturb the State's ability to enact other strict liability crimes (such as child rape, as mentioned by both the Court and Respondent). The Court distinguished its holding by emphasizing that the drug possession criminalizes passive nonconduct, whereas a crime like child rape still requires some active conduct (sexual intercourse).

Justice Stephens concurred in part and dissented in part, stating that while she believed that the majority unnecessarily declared that the legislature exceeded its constitutional authority, she agreed that RCW 69.50.4013 violates due process in that the "unwitting possession" defense improperly shifts the burden to the defendant to disprove any fact that constitutes the crime charged.

The dissent was much more succinct in its opinion, essentially stating that the decisions in *State v. Cleppe*, 96 Wn.2d 373, 635 P.2d 435 (1981) and *State v. Bradshaw*, 152 Wn.2d 528, 98 P.3d 1190 (2004) which addressed this very statute were still valid and should not be deviated from.

CONCLUSION

RCW 69.50.4013 is now unconstitutional and void. As a result, there is no Washington statute making simple possession of a controlled substance unlawful. This has significant implications for municipalities.

Municipal police departments should immediately advise all law enforcement personnel that:

1. They cannot premise reasonable suspicion to detain or probable cause to search or arrest based only on a violation of RCW 69.50.4013.
2. They cannot confiscate controlled substances from an individual based only on a violation of RCW 69.50.4013

The most common scenario where this issue will arise is where the suspect is detained on suspicion of another crime or infraction and a controlled substance is discovered during the detention. In any event, absent evidence supporting probable cause for possession with intent to manufacture or deliver (RCW 69.50.401) or violation of some other criminal statute, police officers now lack authority to detain or arrest individuals solely for possessing a controlled substance.

Pam Loginsky, Staff Attorney with Washington Association of Prosecuting Attorney, has already circulated a response recommending that county and municipal prosecutorial offices should proactively do the following:

1. Arrange for the immediate release of all pre-trial detainees whose only charged offenses are simple possession.
2. Obtain orders vacating the judgments of all persons in your jails who are currently only serving time on simple possession. This is best done by sending a list of the defendants to their attorneys. *See State v. Hall*, 162 Wn.2d 901 (2008). But, since retrial will be impossible, it is not fatal if you decide to prepare the orders so as to get the defendants out of custody asap.
3. Recall all arrest warrants issued in cases in which the only charge is simple possession of drugs.
4. Either dismiss with prejudice all cases in which the only charge is simple possession of drugs or note up a motion to file an amended information that charges another crime.
5. Figure out what to do with drug court participants whose only underlying charge is simple possession of drugs—they appear to have an absolute right to withdraw from drug court and have their charges dismissed.
6. Stop including simple possession convictions in offender scores. I think we also need to stop using such convictions in the wash-out analysis but I would like input from the appellate committee on this point.
7. Stop collecting any LFOs in cases in which the only crimes of conviction were simple possession of drugs.
8. Prepare to deal with motions to vacate judgments by people in prison either on a simple possession charge or who had one or more simple possession conviction included in the calculation of their offender score.
9. Prepare to deal with motions to vacate judgments by people who are out of prison and who have prior convictions for simple drug possession.

We concur with Ms. Loginsky's recommendations for prosecutors.

FURTHER IMPACTS

Blake's holding calls into question other criminal statutes related to drug offenses that, like RCW 69.50.4013, impose strict criminal liability. For example, RCW 69.41.030 makes it a simple misdemeanor for an individual to possess a “legend drug” (meaning a drug that is required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only) without a prescription. *Blake* does not directly address any other “strict liability” statutes other than RCW 69.50.4013, but its reasoning suggests that other such statutes may also be constitutionally problematic. Thus, we will need to further evaluate what impact, if any, *Blake* may have on those statutes.

DFS; RDR:

**TOWN OF YARROW POINT
PLANNING COMMISSION SPECIAL (TELECONFERENCE) MEETING
MINUTES
February 16, 2021**

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

CALL TO ORDER:

Carl Hellings Planning Commission Chairman called the meeting to order at 7:06pm

PRESENT:

Chairman: Carl Hellings
Commissioners: Trevor Dash
Chuck Hirsch
Jennifer Whittier
David Feller – Excused absence

Staff: Austen Wilcox – Town Deputy Clerk
Mona Green – Town Planner

Guests:

Chairman Hellings noted that resident David Feller was appointed by Mayor and Council to fulfill Amy Pellegrini’s term due to expire December 31, 2021. Mr. Feller is currently traveling and was not able to make the meeting tonight. The Commission would like to commend Ms. Pellegrini’s efforts on the Planning Commission and will talk with Mayor Cahill about a form of recognition for her.

Commissioner Hirsch thanked the Town for plowing the streets over the snowy weekend.

MINUTES:

Minutes of January 19, 2021 Special Meeting.

MOTION: Commissioner Hirsch moved to approve the minutes of the January 19, 2021 special meeting as presented. Commissioner Dash seconded the motion.

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

APPEARANCES:

Chairman Hellings stated that at the February Council meeting, Council requested the opportunity for residents to provide verbal comment at future virtual meetings as a secondary option to submitting written in comments to be included in the record. He opened up the comment period and there were no verbal comments.

Resident Barbara Young at 3615 91st Ave NE. provided a written in submission stating that the Planning Commission should have no say in how a property owner is to be governed by the Planning Commission if homeowners choose to cut down their person property

vegetation. She suggests the Town enforce current tree code noting that many trees are not code compliant including hedge heights. She recommends that a private property tree code be a public vote.

STAFF REPORTS:

Town staff gave a report of the December 8 Council meeting:

- ROW projects.
- Approval of 2018 Building Code Update/ Ord No. 709.
- ILA with King County for Road Services.
- Flock license plate camera discussion/ possibility of adding additional units.
- Continued right of way parking location improvements & enforcement.
- Appointment of resident David Feller to Planning Commission to finish Commissioner Pellegrini's term.

REGULAR BUSINESS:

PCAB 21-02 Continued tree code discussion

The Commission reviewed an estimate private property tree inventory table that Chairman Hellings, Mayor, and staff created that was requested by the Commission at their regular January meeting.

The Planning Commission discussed the following:

- Possibility to begin hedge code discussion.
- Preserving the look and environment of the community.
- Creating a potential tree fund contribution requirement for tree cutting.
- Permitting.
- Views: Maintaining vs. blocking.
- Minimum tree density. The Commission debated the number of trees that could potentially be required to be replanted for a clear-cut lot based upon square footages. Prior to making any agreements, the Commission would like the input from Commissioners Whittier- (who left the meeting mid-way through) and David Feller.
- Commissioner Dash suggested creating a poll to ask residents if they believe the Town should create a private property tree code.

Commissioner Dash stated that he does not believe the Town should impose a private property tree code and requested that this be included in the record.

ADJOURNMENT:

MOTION: Commissioner Hirsch moved to adjourn the meeting at 8:46pm. Commissioner Dash seconded the motion.

VOTE: 3 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:

ATTEST:

Carl Hellings, Chairman

Austen Wilcox, Deputy Clerk

DRAFT

**Business of The Town Council
Town of Yarrow Point, WA**

Agenda Bill 21-10
March 9, 2021



Proclamation honoring Amy Pellegrini's former term on the Planning Commission	Proposed Council Action: None.
--	--

Presented by:	Mayor Cahill
Exhibits:	Proclamation

Summary:

A proclamation of the Mayor and Council of the Town of Yarrow Point expressing gratitude for the service and contributions made to town government by Amy Pellegrini.

Recommended Action:

None.

TOWN OF YARROW POINT

PROCLAMATION

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON, EXPRESSING GRATITUDE FOR SERVICE AND CONTRIBUTIONS MADE TO TOWN GOVERNMENT BY

AMY PELLEGRINI

WHEREAS, Amy Pellegrini has served on the Town Planning Commission from January 19, 2010 through October 19, 2020; and

WHEREAS, Prior to serving as a Planning Commissioner, she has served as an engaged resident devoted to preserving and enhancing the community values and interests; and

WHEREAS, through his involvement as a Planning Commissioner and as Planning Commission Chair, many improvements were made throughout the Town of Yarrow Point that have a long-lasting impact on the daily lives of the community; and

WHEREAS, Amy Pellegrini's mark is her contributions as a critical thinker, a great collaborator, and a sincere public servant; and

WHEREAS, Amy Pellegrini will be dearly missed; and

WHEREAS, The Mayor, Town Staff, Residents and Councilmembers in Yarrow Point wish to thank Amy Pellegrini for her diligent and extraordinary service and wish her well;

NOW THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE TOWN OF YARROW POINT that the Town of Yarrow Point hereby thanks, recognizes, and expresses their sincere gratitude to Amy Pellegrini for her valued leadership while serving on the Planning Commission.

Dicker Cahill, Mayor

ATTEST:

Bonnie Ritter, Clerk/Treasurer

**Business of The Town Council
Town of Yarrow Point, WA**

Agenda Bill 21-11
March 9, 2021

Right of way safety concerns and construction parking enforcement	Proposed Council Action: For Discussion.
Presented by:	Mayor Cahill
Exhibits:	<ul style="list-style-type: none">• Petition for Immediate Action – Construction Parking Enforcement

Summary:

Continued discussion for right of way parking issues. The Town has received a petition with 70 signatures for immediate action for enforcement of town code to ensure the safety of pedestrians and enforce construction parking violations. The Town has been researching the issue since November 2020. There will be an opportunity for verbal public comment after Council discussion in this agenda bill.

Recommended Action:

For Discussion.

PETITION FOR IMMEDIATE ACTION

The undersigned Yarrow Point residents demand that Mayor Cahill take immediate action to prioritize pedestrian safety, improve the appearance of the Town's streets and restore our rights to quiet enjoyment of our property.

The Town, with the knowledge and approval of the Mayor, has failed to enforce applicable and binding requirements regarding on site and street parking and failed to take appropriate action in response to construction vehicle parking infractions. Section 12.30.040 of the municipal code ("Code") expressly states: "*Parking on the public right-of-way or way open to the public, whether improved or unimproved, is prohibited by the owners and the operators of all site development and construction-related vehicles and equipment, including personal vehicles operated by site development ... Parking for such workers shall be provided on site by the owner of the property...*"

The Mayor's continued opposition to citing site developers for clear violations of the Town's municipal code has led to a dangerous density of contractors' vehicles and construction equipment parked along town streets and in the roadway.

The Code also states: "*The owner or prime contractor shall be subject to the penalty ... A violation of this chapter by any owner or operator of site development equipment and/or construction related vehicles and equipment, or by the operator of any personal vehicle operated by site development and construction workers, shall be an infraction, punishable by a fine of \$500.00 for each offense*"

In the past three years (2018-2020), the Town has issued \$0.0 in fines to site developers for construction parking infractions, despite clearly observable daily violations.

By contrast, just in 2020, Medina's building officials issued over \$20,000 in fines for identical construction parking violations. Medina, Hunts Point and Yarrow Point share the same building official, yet Medina and Hunts Point authorize and require building officials to cite violators. The Mayor of Yarrow Point does not, ignoring complaints by the Town's residents and abdicating the Town's enforcement responsibility, all for the convenience of site developers.

Furthermore, rather than requiring the enforcement of onsite parking requirements, the Mayor has unlawfully encouraged contractors to use the gravel parking strips along 95th Ave N.E., to the detriment of pedestrian safety along one of the town's most heavily traveled streets and in violation of the neighboring residents' right to the quiet enjoyment of their property.

Pedestrian Safety Hazard

Yarrow Point does not have a sidewalk along 95th Ave N.E., so pedestrians must therefore share the road with traffic. A combination of speeding traffic with an increased presence of pedestrians, blocked by a long row of construction parking that prevents safe step-off from the roadway, poses a dangerous safety hazard, an increased potential for accidents and therefore, and increased liability exposure to the Town and its residents.

Personal Safety Hazard to Residents

It is common for workers to stay in parked, running vehicles for prolonged periods, sitting, sleeping, smoking, eating, and conversing on the phone regularly. It is not clear what site they are working at or why they are in our neighborhood. Routinely residents, including children/teenagers, are walking around the neighborhood alone. At the very least, it is disconcerting to walk by strangers in parked cars, prompting the pedestrian usually to cross to the other side of the road. The workers now know our

routines, where we live, watch us come and go, and this certainly poses a very worrisome safety hazard to the neighborhood making us a target for potential criminal activities.

Appearance

All gravel parking strips in Yarrow Point are either adjacent to or directly overlooked by the homes of the residents. A 6:00 a.m. to 6:00 p.m. daily parking by the construction vehicles negatively impacts the overall appearance of the neighborhood and interferes with the right of the residents to the quiet enjoyment of their property.

Just like Hunts Point, Yarrow Point does not have a viable location for the construction parking lot that meets the Pedestrian Safety and Appearance criteria noted above. However, Hunts Point and Medina enforce requirements for parking outside town limits. The Code addresses this situation: “*If adequate parking ... is not available, it shall be the responsibility of the property owner or his authorized agent to provide sufficient staging, storage, or transportation to and from the site from a location outside of the town limits ...*” The Mayor of Yarrow Point has chosen to ignore this provision and, instead, encourage permanent construction parking at a uniquely unqualified location, at the expense of pedestrian safety, which increases the Town’s liability exposure.

We, the residents of Yarrow Point, therefore demand that Mayor Cahill immediately implement as required, the following remedies:

- 1. Enforce prohibition on parking by construction related vehicles on ALL streets, public right-of-way or way open to the public per section 12.30.40**
- 2. Revoke any official or unofficial authorization for construction related vehicle parking along 95th Ave N.E. and on ALL other streets, public right-of-way or way open to the public per section 12.30.40**
- 3. Enforce on site parking requirements for all work sites per section 12.30.040**
- 4. Enforce requirement for site owners to provide transportation to and from other parking facilities outside town limits, when adequate on site parking is not available, per section 12.30.40.**
- 5. Post 3 hour shoulder parking maximum along 95th Ave N.E., as it is on 92nd Ave N.E.**
- 6. In the interest of resident safety and convenience, adapt the temporary commercial vehicle (e.g., landscaping services) procedure utilized by Hunts Point and Medina, specifically:**

Commercial vehicles unable to park on site or to access the garage or off-street parking space of the resident’s property due to construction or other valid reason may obtain a written permit from the Clyde Hill Police. Permits issued pursuant to this section must be placed on the vehicle dashboard and must be visible for inspection. Permit renewals may be authorized by Clyde Hill Police.

Appendix A: Examples of daily municipal code Section 12.30.040 violations.

Appendix B: Examples of enforceable on site parking plans for active development sites.

Appendix C: Yarrow Point, Hunts Point and Medina construction parking sections of municipal code.

Vadim and Deirdre Bondarev
4029 95th Ave NE
Yarrow Point
vadim@nwrain.com

Dan and Joanne Guralnick
9429 N.E. 40th Street
Yarrow Point

Dan Williams and Susan Kim
4224 95th Ave NE
Yarrow Point

Jim Bugbee 9426 NE37th Pl Yarrow Point	Laurie Bugbee 9426 NE37th Pl Yarrow Point	Phil Laub 4213 95 th Ave NE Yarrow Point
Jeff Shiu 3812 94 th Ave NE Yarrow Point	Emily Liu 3812 94 th Ave NE Yarrow Point	Suzanne Knauss 9021 NE 42 nd St Yarrow Point
Kathy Harris 3842 94 th Ave NE Yarrow Point	Mary Jane Swindley 3813 94 th Ave NE Yarrow Point	Veng Wong 3837 94 th Ave NE Yarrow Point
Margot Schwartz 4416 94 th Ave NE Yarrow Point	Nancy Tolleson 4619 Bonnybrae Dr. Yarrow Point	Kathy Harris 3842 94 th Ave NE Yarrow Point
P. Feltin 9429 NE 37 th Pl Yarrow Point	Mark Tolleson 4619 Bonnybrae Dr. Yarrow Point	Lee T Wallace 930 NE 40 th Yarrow Point
V. Feltin 9429 NE 37 th Pl Yarrow Point	Dan Kronmal 4607 95 th Ave NE Yarrow Point	Steven Fleming 3798 94 th Ave NE Yarrow Point
Becky Sells 3922 95 th Ave NE Yarrow Point	Jennifer Charlot 4225 94 th Ave NE Yarrow Point	Pamela Carver 4432 95th Ave NE Yarrow Point
Avinash Belur 3811 95th Ave NE Yarrow Point	Anu Belur 3811 95th Ave NE Yarrow Point	Darryl Carver 4432 95th Ave NE Yarrow Point
Krista Fleming 4721 91st Ave NE Yarrow Point	Jason Smith 4670 95 th Ave NE Yarrow Point	Neal Craig 4424 95 th Ave NE Yarrow Point
Michelle Craig 4424 95 th Ave NE Yarrow Point	Jay Crowell 3624 92 Ave NE Yarrow Point	Sana Isa-Pratt 4420 95 th Ave NE Yarrow Point
David Pratt 4420 95 th Ave NE Yarrow Point	Chang Huang 4408 92 nd Ave NE Yarrow Point	Cindy Smith 4670 95 th Ave NE Yarrow Point
Jennifer Crowell 3624 92 Ave NE Yarrow Point	Kathy Halloran 3615 92 nd Ave NE Yarrow Point	Mike Halloran 3615 92 nd Ave NE Yarrow Point
Donna Prichard 4635 95 th Ave NE Yarrow Point	Gordon Prichard 4635 95 th Ave NE Yarrow Point	Cris Riva 9400 NE 37 th Pl Yarrow Point
Cregg Riva 9400 NE 37 th Pl Yarrow Point	Mary Monrow 8939 NE 36 th st Yarrow Point	Marilyn Black 9210 NE 37th Place Yarrow Point
Michael Lawler 3625 92nd Ave NE Yarrow Point	Janet Lawler 3625 92nd Ave NE Yarrow Point	John Black 9210 NE 37th Place Yarrow Point

Reginald Singh 3835 95th Ave NE Yarrow Point	Shirlene Singh 3835 95th Ave NE Yarrow Point	Nicole Pendergast 4239 95 th Ave NE Yarrow Point
Geoff Pendergast 4239 95 th Ave NE Yarrow Point	Anu Belur 3811 95th Ave NE Yarrow Point	Avinash Belur 3811 95th Ave NE Yarrow Point
Josh Gribble 4237 91st Ave NE Yarrow Point	Dana Gribble 4237 91st Ave NE Yarrow Point	Kass Sells 3922 95th Ave NE Yarrow Point
Becky Sells 3922 95th Ave NE Yarrow Point	Matt Millen 4235 91st Ave NE Yarrow Point	Kim Millen 4235 91st Ave NE Yarrow Point
Vadim Bondarev 4029 95 th Ave NE Yarrow Point	Deirdre Bondarev 4029 95 th Ave NE Yarrow Point	Dan Guralnick 9429 N.E. 40 th Street Yarrow Point
Joanne Guralnick 9429 N.E. 40 th Street Yarrow Point	Dan Williams 4224 95 th Ave NE Yarrow Point	Susan Kim 4224 95 th Ave NE Yarrow Point
Dennis Buchanan 4015 95th Ave NE Yarrow Point	Jan Buchanan 4015 95th Ave NE Yarrow Point	Cindy Hawley 9038 NE 38th Pl Yarrow Point
Dr. John Doces 4650 95th Ave NE Yarrow Point	Julie Doces 4650 95th Ave NE Yarrow Point	Ronnie McGlenn 4000 95th Ave NE Yarrow Point
Tom Cusick 8810 NE 35th Pl Yarrow Point	Karen Cusick 8810 NE 35th Pl Yarrow Point	Chris Bear 9062 NE 37th Pl Yarrow Point
Eric Zhuang 4634 95 th Ave NE Yarrow Point		

Appendix A: Examples of daily municipal code Section 12.30.040 vailoations.



Example of daily construction vehicle parking violations along 95th Ave N.E.



Example of on site parking violation on 94th Ave N.E., construction vehicles are parked on the street

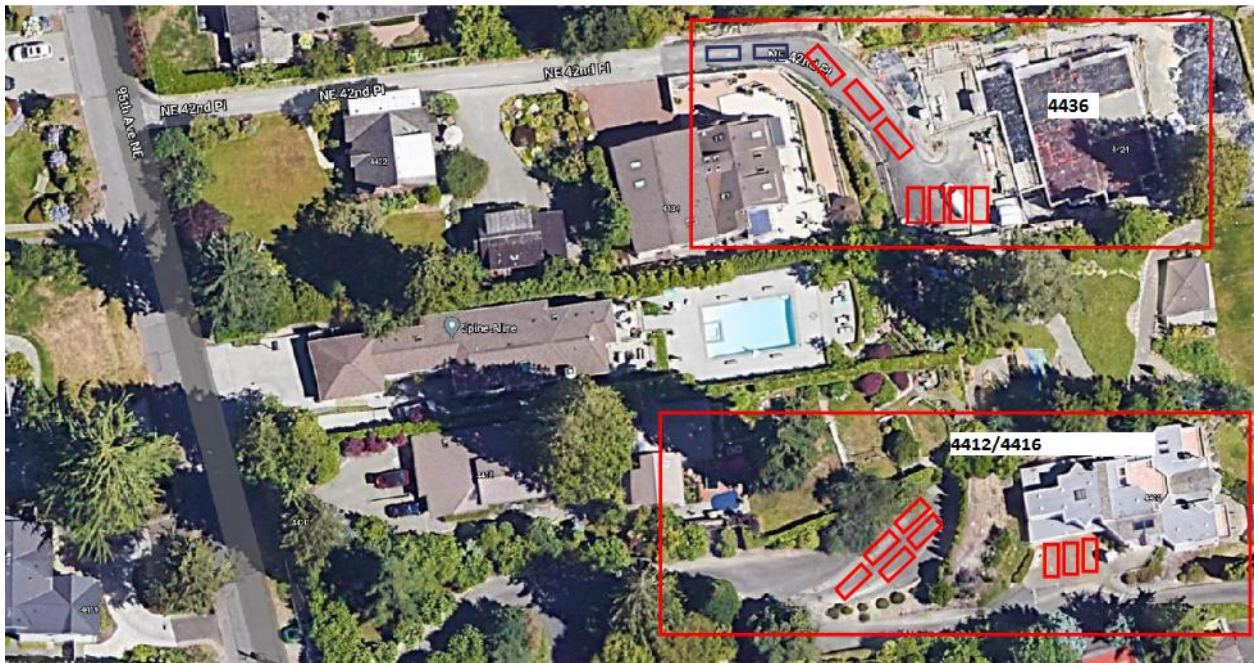
Appendix B: On site parking availability at the sites encouraged to use 95th Ave N.E. for parking



3827 94th Ave N.E.



4039 95th Ave N.E.



4436, 4412 and 4416 95th Ave N.E.

Appendix C: Yarrow Point, Hunts Point, Medina construction parking sections of municipal code.

Yarrow Point municipal code.

Section 12.30.040. Development and construction activities – Parking.

A. Parking on the public right-of-way or way open to the public, whether improved or unimproved, is prohibited by the owners and the operators of all site development and construction-related vehicles and equipment, including personal vehicles operated by site development and construction-related workers commuting to and from the development or construction site. **Parking for such workers shall be provided on site by the owner of the property.** Parking at locations other than on site shall be arranged prior to the issuance of permits by securing approval for an alternate designated parking area, staging area, delivery area, or equipment or materials storage area from the town building official through an approved building, demolition, mechanical, or site development permit. **If adequate parking or staging area is not available, it shall be the responsibility of the property owner or his authorized agent to provide sufficient staging, storage, or transportation to and from the site from a location outside of the town limits, or to make other arrangements not inconsistent with this section.** Demolition and construction activity parking regulations and parking plan shall be provided on site for review on a 24-hour basis according to town of Yarrow Point requirements for noticing and posting.

B. A violation of this chapter by any owner or operator of site development equipment and/or construction related vehicles and equipment, or by the operator of any personal vehicle operated by site development and construction workers, shall be an infraction, punishable by a fine of \$500.00 for each offense.

C. Any owner or operator of site development equipment and/or construction-related vehicles, including privately owned vehicles of construction works, who violates subsection A of this section shall be deemed to be an acting agent of the owner of the property or prime contractor. The owner or prime contractor shall be subject to the penalty as set forth in subsection B of this section.

D. The building official of the town of Yarrow Point and the Clyde Hill police are hereby authorized to issue uniform infraction violations for any violation of subsection A or B of this section. (Ord. 610 § 1, 2010; Ord. 529 § 1, 2003; Ord. 528 § 1, 2003)

Medina municipal code.

Section 10.72.030. Construction vehicles – Restrictions.

- A. **No person performing building site development or construction related activities,** including, but not limited to, owners, contractors, subcontractors, suppliers and employees thereof, **shall park any vehicles or equipment on any city right-of-way or private lane,** whether improved or unimproved, in a manner which impedes traffic, or obstructs access to residences or mail boxes without a permit as provided in MMC 10.72.040
- B. No person performing building site development or construction related activities, including, but not limited to, owners, contractors, subcontractors, suppliers and employees thereof, shall park any vehicles or place any equipment, trailers or construction materials on any city right-of-way or private lane, whether improved or unimproved, without a permit as provided in MMC 10.72.040

Section 10.72.040. Temporary permits – Procedure.

Temporary permits for parking, standing, loading and unloading of vehicles and construction equipment and supplies may be issued by the city police department upon satisfactory showing that said activities will not unreasonably create congestions or obstruct access to residences and mail boxes and will not damage any surface, improved or unimproved, or other part of the right-of-way or private lane unless satisfactory arrangements are made to mitigate against, restore or repair any such damage. In the event of prolonged usage, or substantial damage, mitigation measures may include landscaping to city standards in consultation with all abutting land owners.

Section 10.72.050. Violation – Penalty

Violation of any section of this chapter shall constitute a civil infraction, punishable by a fine not to exceed \$500.00. Every day in which a violation shall occur shall constitute a separate civil infraction.

Hunts Point municipal code - 10.15.020 Commercial parking

Except if otherwise stated, parking is allowed along town right-of-way immediately in front of the serviced residence between 7:00 a.m. and 5:00 p.m. Monday through Friday, and between 9:00 a.m. and 2:00 p.m. Saturday. Parking is not allowed on Sundays and legal holidays.

(1) Commercial parking applies to all nonresidential parking including but not limited to:

(a) Building site development and construction-related vehicles and equipment, including personal vehicles operated by site development and construction-related workers commuting to and from the development or construction site;

(b) Landscape maintenance, plumbers, house cleaners, and any other agent with a commercial purpose.

(2) Parallel Parking. Vehicles parked along Hunts Point Road must be positioned parallel with the road headed in the direction of lawful traffic movement and with all wheels off the surfaced portion of the roadway.

(3) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, **no person shall:**

(a) Stop, stand or park a vehicle: (i) On the roadway side of any vehicle stopped or parked at the edge of the curb of a street; (ii) On a sidewalk or street parking strip; (iii) Within an intersection; (iv) On a crosswalk; (v) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone; (vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic; (vii) Upon any bridge or other elevated structure upon a highway; (viii) In the area between roadways of a divided highway including crossovers; (ix) At any place where official signs prohibit stopping; or (x) Within private land in such a manner or under such conditions as to leave available less than eight feet of width of the roadway for the free movement of vehicle traffic or in such a position to block the driveway entrance to any abutting property.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers: (i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto; (ii) Within 15 feet of a fire hydrant; (iii) Within 20 feet of a crosswalk; (iv) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway; or (v) At any place where official signs prohibit standing. (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers at any place where official signs prohibit parking.

(4) Exceptions. Commercial vehicles unable to park in the above stated location or to access the garage or off-street parking space of the resident's property due to construction or other valid reason may obtain a written permit from the Medina Police. Permits issued pursuant to this section must be placed on the vehicle dashboard and must be visible for inspection. Permit renewals may be authorized by Medina Police.

(5) If adequate parking conforming with this section is not available, it shall be the responsibility of the property owner or property developer to provide transportation to and from other parking facilities outside town limits, or to make other arrangements not inconsistent with this section.

(6) A violation of this section by any owner or operator of building site development and construction-related vehicles and equipment, or by the operator of any personal vehicle operated by site development and construction workers, shall be an infraction, punishable by a fine for the first offense of \$75.00. The fine shall double for each successive offense within any period of 24 consecutive months (e.g., \$150.00 for the second offense, \$300.00 for the third offense, \$600.00 for the fourth offense, etc.).

(7) A violation of this section is committed by the general contractor on any development or construction site when, with notice of any one or more infractions committed pursuant to subsection (6) of this section related to such development or construction site, the general contractor causes, permits, or fails to stop the

commission of one or more additional infractions. The first such violation of this subsection shall be an infraction, punishable by a fine of \$500.00. Any subsequent violation of this subsection by a general contractor within any period of 24 consecutive months shall be punishable by a fine of \$1,000 and a “stop work” order shall be posted at the site, halting all development and construction activity until the town approves the general contractor’s plan to ensure that no further violations of this section shall occur. [Ord. 519 § 4, 2016]

RECEIVED

MAR 01 2021

To: Mayor Dicker Cahill and Yarrow Point Town Council members

TOWN OF YARROW POINT
Clerk's Office

From: Jon and Kathy Smith 9421 N.E. 40th St. Yarrow Point

We were recently asked to sign a petition asking the town of Yarrow Point to enforce the municipal code regarding construction vehicle parking. Although we did not sign the petition, for various reasons, we do agree that there are parking, safety and aesthetic issues that need to be addressed. We walk along 94th and 95th almost daily and it is difficult to safely step off the road, out of the way of oncoming vehicles, when the streets are lined with parked vehicles. This vehicle density is what one finds in a Seattle urban neighborhood where street parking is the only option and sidewalks exist to allow pedestrians to separate safely from vehicular traffic. This is not the case in Yarrow Point where pedestrians must often use street shoulders to maintain a safe buffer from vehicles. It also detracts from the pastoral environment that is important to town residents.

It is our understanding that the current ordinance allows construction vehicles to park only at a project site, not on any street or right-of-way. Currently construction vehicles are parking on-pavement and on rights-of-way and, as far as we know, there are no citations being issued for this. If our information is incorrect, please let us know. Not enforcing an existing ordinance just reinforces the problem that the ordinance was created to prevent. If there is justification for not enforcing an existing ordinance it is the responsibility of the Mayor and town council to modify the ordinance in order to enforce it. We respectfully suggest the following actions be considered to enhance safety and create more off-pavement parking in the town:

1. Stop issuing encroachment permits.

There is a need for more off-pavement parking in the town. Allowing landscaping of the right-of-way prohibits that and does not allow for improved pedestrian safety. It also punishes those residents who already maintain parking strips. Allowing encroachment permits and publishing information indicating which properties maintain parking strips places the burden of providing parking for the whole town on those who already maintain parking strips, and devalues those properties. It also infringes on the homeowner's right to the quiet enjoyment of their property while adding the burden and cost of increased maintenance to the parking strip, due to heavier use. If the town is going to advertise parking availability at those homes that maintain a parking strip on the right-of-way, there should be consideration of remuneration from the town to assist in needed maintenance, due to increased usage.

2. Rewrite the ordinance to allow construction parking in right-of-way parking

strips, not on-pavement, directly in front of a property where construction is taking place.

It seems reasonable to allow construction vehicles to park in front of a construction site. There would still be vehicles along the street, but the vehicles would be off-pavement.

Thank you for consideration of our concerns and suggestions.

Jon and Kathy Smith

FEB 11 2021

TOWN OF YARROW POINT
Clerk's Office

At the Council Meeting on February 9th, 2021 a permanent construction parking location along a small section NE 12th street in the City of Medina, was referenced as a viable justification for identification of a seemingly analogous location, for permanent construction parking, within the Town of Yarrow Point.

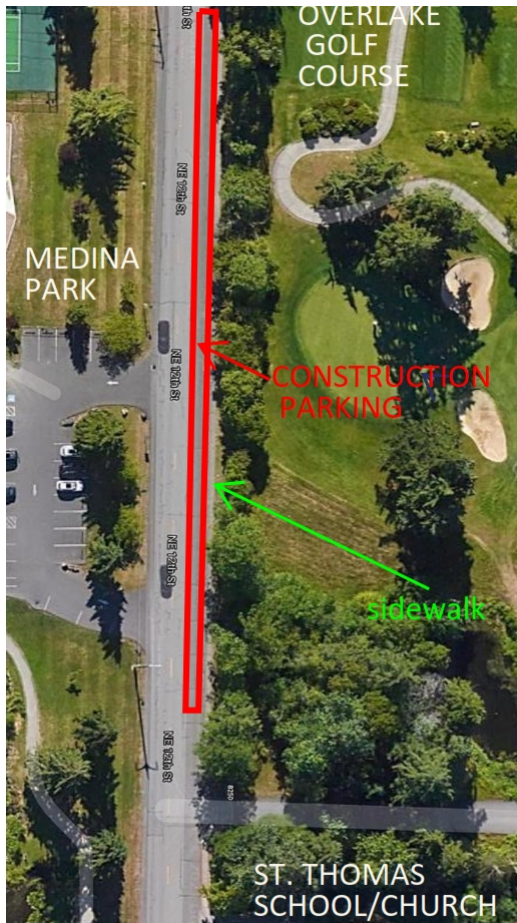
Although on the surface these two locations might appear to be similar, upon further examination, they are not.

1. Safety - The Medina construction parking site has an abutted sidewalk, allowing pedestrians to safely walk along NE 12th street in the presence of traffic, even when construction parking is full.

In contrast, Yarrow Point does not have a sidewalk along its de facto permanent construction parking strip and pedestrians are blocked from stepping of the roadway by a long, continuous row of construction vehicles. A combination of speeding traffic along the 95th and increased presence of the pedestrians in the roadway, blocked from safely stepping of the roadway by long row of parked construction vehicles is a safety hazard and a liability for the town and its residents.

2. Appearance - The Medina construction parking site is surrounded by the Overlake golf course and Medina Park. It is neither abutted, nor is it across from any of the homes along the NE 12th street.

In contrast, the Yarrow Point's de facto construction parking is surrounded by the homes along 95th Ave NE 40th Street and NE 42 Pl.



3. Disproportional Area – The City of Medina is 3+ times larger than the town of Yarrow Point, yet the town has allocated approximately the same parking frontage to permanent construction parking, 480' for Medina vs. 400' for Yarrow Point.

Conclusion: City of Medina, in part due to its larger size and topography, was able to identify a location for a small permanent construction parking, which a) is not surrounded by the homes of its residents and b) assures safety of pedestrians in the presence of parked construction vehicles, through the use of the sidewalk immediately adjacent to the construction parking section.

The area currently designated by the town of Yarrow Point as construction parking, does not meet either of the above criteria, in fact from standpoint of pedestrian safety, it is a uniquely unqualified location. I therefore, respectfully ask town officials to:

1. Stop allowing construction related vehicles to park in de facto construction parking. It is an enforceable violation under the Town of Yarrow Point municipal code. It is a persistent pedestrian safety hazard and its existence is a liability to the town and its residents.
2. Start enforcing on-site construction parking as is required by the Town of Yarrow Point municipal code.

Sincerely,

Vadim Bondarev
4029 95th Ave NE
Yarrow Point WA 98004

Town Council Project Tracking Sheet



Project Description	Status	Priority	Lead person	Date/year started	Updated	Date/year Complete	Comments
Mutt Mitt dog bag purchases	Started		Mayor	21-Feb			Council requested Mayor to look into the large expenditure item of Mutt Mitt bags purchased by the town frequently. They would like him to ask Hunts Point about the frequency of their Mutt Mitt bag purchases.
Adding additional Flock license plate readers	Started		Mayor/Staff	21-Feb			Council discussed the possibility of adding additional cameras in town. One potential location would be facing NE PTS Dr. Mayor Cahill will find out the cost to add 2 more cameras.
Roundabout safety	Started	High	Mayor/Staff/Council	21-Feb			Councilmember Lagerholm requested that a discussion item for roundabout safety be put on the March agenda. There have been some cases of car accidents in the roundabout and we may need to contact the State to further discuss safety measures.
ROW Parking Improvements	Started	High	Mayor	Nov-20	Dec-20		Working to improve ROW parking. Mayor Cahill will work with staff on 91st Ave NE to incorporate the comments provided by Council. Town Engineer Schroeder and Planner Green will review Councilmember Valaas's proposal. Mayor and staff will provide an approach for 91st Ave NE parking for Council to review at the regular January 12 Council meeting.
Light pole spacing	Started		Mayor/Staff/Council	Dec-20			Councilmember Bush suggested reconsidering the policy for light pole spacing, more people are walking at night. It is dark specifically on the Yarrow Point side of Points Drive and the connection between Kirkland through NE Points Drive to the roundabout. Mayor and staff will look into additional lighting in these areas. The spacing of light poles along 92nd is 110ft to 140ft, with 125ft being the standard. The poles are also staggered on each side of the roadway.
Back up & retention system research	Started		Councilmember Bush	Feb-20	Dec-20		Researching the Town's current back up and retention systems to potentially find a more cost saving alternative. In process. Deputy Clerk Wilcox will contact Councilmember Bush to follow up.
Short Plat 55 stormwater upgrades	Started	High	Engineer	Feb-20	Nov-20		Letters were sent out to residents on Short Plat 55 discussing options regarding the need for drainage redesign. Mayor will reach out to the Town Engineer to get an update.
Emergency preparedness	Ongoing	High	Mayor & staff				Increasing involvement.
Ongoing maintenance to Town Hall	Ongoing		Mayor & staff		Dec-20		Town Hall will be restained in Spring of 2021.