

**TOWN OF YARROW POINT  
COUNCIL REGULAR MEETING (TELECONFERENCE) MINUTES  
April 13, 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 7:00 pm

**PRESENT:**

**Mayor:** Dicker Cahill

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

**Staff:** Bonnie Ritter – Clerk-Treasurer  
Austen Wilcox – Deputy Clerk  
Mona Green – Town Planner  
Scott Missall – Town Attorney

**Guests:** Claudia Balducci – King County Council Chair  
Lindsay Masters - A Regional Coalition for Housing (ARCH)  
Carl Hellings – Planning Commission Chairman  
Chuck Hirsch – Planning Commissioner  
Trevor Dash – Planning Commissioner  
David Feller – Planning Commissioner  
Jennifer Whittier – Planning Commissioner  
John McGlenn – Park Board Chairman  
Krista Fleming – Park Board Member  
Bob Ho – Resident  
Debbie Prudden – Resident

**APPEARANCES:**

Bob Ho resident at 4205 91<sup>st</sup> Ave NE discussed high costs to perform his portion of the required work relating to the Town's stormwater & UGC project along 91<sup>st</sup> Ave NE & NE 42<sup>nd</sup> Streets. Mr. Ho stated that he was not anticipating the high costs and requests assistance from the Town. Mayor Cahill replied stating that he and the Town Engineer will follow up with Mr. Ho the next day to discuss options. Councilmember Bush requested to have an update at the next Council meeting on this situation.

## **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.

### **1. MINUTES**

Minutes of regular meeting March 9, 2021.

**MOTION:** Councilmember Valaas moved to approve the regular meeting minutes of March 9, 2021 as presented. Councilmember Scandella seconded the motion.

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

### **2. CONSENT CALENDAR:**

Mayor Cahill reported on the following large expenditure items for the month of March.

- 2<sup>nd</sup> Quarter payment to Clyde Hill Police Department
- Payment to PGH Contractor the Town's 91<sup>st</sup> Ave NE/NE 42<sup>nd</sup> St UGC project.
- Gray & Osborne providing onsite management and daily reports for the Town's 91<sup>st</sup> Ave NE/NE 42<sup>nd</sup> St UGC project.

**MOTION:** Councilmember Bush moved to approve the Consent Calendar as presented including the Payment Approval Report dated 4/7/2021 approving payments as shown totaling \$277,128.33 plus payroll, benefits, and tax expenses of \$28,272.79 as shown on the attached payroll and benefits reports for a grand total of \$305,401.12. Councilmember Valaas seconded the motion.

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

### **3. STAFF REPORTS:**

Mayor Cahill reported on the march Town Engineer and police reports.

#### **A. Engineer Reports**

##### **2022 NE 36<sup>th</sup> St Stormwater Project**

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. Town Engineer Schroeder will be working on the civil engineering design over the next several months in an effort to get a package out to bid in September.

#### 2021 NE 37<sup>th</sup> Paving Project

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. As of March 30, 2021, the Town Engineer is waiting for final agreements from the City of Bellevue.

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

In general, the project is moving along well. There have been a few bumps in construction as well as a few minor resident complaints, but overall things are moving smoothly. The contractor has made an effort to move materials to 91st Ave NE and continues to work with residents on a daily access. As of April 5, 2021, PGH's main task is to complete the undergrounding and stormwater infrastructure on NE 42nd Street. PSE is expected to be on-site April 19th, 2021, for ~20 working days (1month) to pull wire and energize the underground system and this will give them a place to start while PGH finishes the remaining duct work on 91st Ave.

#### 2024 94<sup>th</sup> Ave NE UGC & Fill Road Reconstruction

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.

Town Engineer Schroeder verified PACE's information in the field and against known records and the Town has since received a final base map. The base map can now be used for: 1.) assessing existing and potential parking areas; 2.) coordination for the future underground conversion with PSE/ CenturyLink/ Comcast; 3.) designing stormwater system upgrades; and 4.) an overall look towards a future landscape/restoration plan.

Councilmember Bush noted that he has heard negative feedback from some residents regarding the staging of supplies relating to the Town's public 91<sup>st</sup> Ave NE/NE 42<sup>nd</sup> St UGC project. The Town will need to better communicate to the contractors of future Capital projects to not stage equipment in the right of ways for extended periods of time.

#### **B. Police Report**

- 1 verbal domestic violence.
- 1 home burglary/ ongoing investigation.
- Parking tickets.
- 1 identity theft/fraud report.

#### **C. 1<sup>st</sup> Quarter 2021 Financials**

Clerk Treasurer Bonnie Ritter reported on the 1st Quarter financial report at the fund level. Please note that all transfers from fund to fund have been completed in the first quarter, as has been the past practice. She reported that all transfers were made in compliance with the 2021 approved budget.

### **REGULAR BUSINESS**

#### **4. AB 21-12: KC Council Chair Claudia Balducci to address the Town Council**

King County Council Chair Claudia Balducci presented an update on the following King County topics and issues.

- COVID Response and Recovery measures.
- King County Budget.
- Puget Sound Taxpayer Accountability Account.
- Climate Action.
- Sound Transit capital projects.
- Law enforcement reform.
- Affordable Housing.
- COVID-19 vaccines & distribution.
- Looking ahead to 2021.

The Council and Mayor thanked Ms. Balducci for her work on the King County Council. They asked questions and raised the importance of COVID-19 vaccine distribution.

## **5. AB 21-13: 2020 Annual Report**

According to RCW 43.09.230, the state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Clerk-Treasurer Bonnie Ritter reported on the following:

- \*C4 and C5 Financial Statements: These reports are the result of the line-by-line year-end revenues and expenditures.
- \*Notes to the Financial Statement: This document is to serve as an explanation to the public of the Town's financial practices and financial picture
- \*Schedule 6: Summary of Bank Reconciliation
- \*Schedule 9: Liabilities

MOTION: Councilmember Valaas moved to approve the 2020 Annual Report as presented, to be submitted to the State Auditor by May 30, 2021. Councilmember Elmore seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

## **6. AB 21-14: ARCH budget and trust fund**

Lindsay Masters from A Regional Coalition for Housing (ARCH) presented on the following:

1. Resolution No. 350 is to approve submittal of \$2401 for the administrative budget (as requested), plus \$7599 to the Trust Fund (\$6584 requested), for the total of \$10,000 that the Town budgeted for 2021.
2. Resolution No. 351 is to give ARCH permission to expend \$8700 from the Town's portion of the ARCH trust fund. These funds were previously contributed to the Trust Fund by the Town.

The Mayor and Council thanked Ms. Masters for her work at ARCH.

MOTION: Councilmember Bush moved to approve Resolution No. 350: Approving the 2021 Administrative Budget and Work Program for ARCH. Councilmember Scandella seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

MOTION: Councilmember Bush moved to approve Resolution No. 351: Authorizing the Duly-Appointed Administering Agency for ARCH to Execute All Documents Necessary to Enter into Agreements for the Funding of Affordable Housing Projects, as Recommended by the ARCH Executive Board. Councilmember Scandella seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

**7. AB 21-15: CenturyLink Utility box wrap graphic design by Park Board – For approval**

Deputy Clerk Wilcox reported that the Park Board finalized a graphic design at their March 23, 2021 regular meeting and requests Council's approval of the design including the bid from Traffic Wrapz dated March 6, 2020 for \$6,379.91.

Town staff sent the owner of the utility boxes, CenturyLink, a proof of the proposed graphic design in March 2021 and received approval. Council previously received an update from staff regarding the Park Board's work on this project at the June 9, 2020 Council meeting. At this meeting, Council had some additional follow up questions about the Traffic Wrapz product. He referenced an email string listing those questions and the provided answers from Traffic Wrapz. Because of the length of time since the bid was received, staff checked in with Traffic Wrapz in March 2021 to confirm the bid would still be honored and they gave approval that it will. Traffic Wrapz has worked with several municipalities on the greater eastside to wrap similar type utility boxes and they came recommended to us by PSE.

The Park Board requests approve the utility box wrap design including the bid from Traffic Wrapz dated March 6, 2020 in the amount of \$6,379.91.

Park Board Chairman John McGlenn and Park Board member Krista Fleming were in attendance and answered specific questions regarding the wrap design from Council.

MOTION: Councilmember Valaas moved to authorize the Mayor to enter into a contract with Traffic Wrapz dated March 6, 2020 not to exceed the amount of \$7,000.00 for installing wrap designed by the Park Board on the three CenturyLink owned utility boxes at the Town entry. Councilmember Elmore seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

**8. AB 21-16: Comcast Franchise – For approval**

Town Assistant Attorney Emily Miner shared that Comcast and the Town are operating under an expired AT&T franchise that Comcast took over. The purpose of the new franchise is to set new terms and regulations. The Town is authorized, through state and federal statutes to grant and renew cable franchises for the installation, operation, and maintenance of cable systems. The authority to grant franchises for the use of its streets and other public properties is contained in RCW 35A.47.040. Council reviewed and will move the franchise to a second reading at the next regularly scheduled meeting.

The franchise will be brought back to Council for a second reading at the next regular Council meeting for a vote.

**9. AB 21-17: Tree code discussion update from Planning Commission**

Planning Commission Chairman Carl Hellings presented an update from the Planning Commission regarding their research for a private property tree code. He shared examples from their ongoing discussions and research.

- Definition of a significant tree.
- Permitting & notice.



- Promotion of replacement trees.
- Clear cutting.
- Maintain canopy in private property spaces.
- Types of required tree replacements.
- Ratio of lot size and number of required mitigation trees.
- Public testimony.
- Penalties.
- Tree fund contributions.
- Unofficial private property tree inventory taken by the Town and Chairman Hellings in early 2021.

The Planning Commissioners and Council discussed and shared their own individual views on trees. The tree code is very controversial and there are strong opinions around the topic.

Debbie Prudden resident at 3805 94<sup>th</sup> Ave NE thanked the Planning Commission for their ongoing research of a private property tree code. She noted the absence of trees on the roundabout and sound wall stating that if Yarrow Point valued trees, the Town could have requested them to be planted by WSDOT in these locations. She discussed a private property across from her that had many trees recently cut but after checking in with Town staff, she learned that there were not many complaints about the trees cut on this particular private property. Ms. Prudden has concerns that an implemented tree code would devalue her property and that it would be unfair to require a sizeable number of mitigation trees. Ms. Prudden requests the following measures to be considered.

- Equitability.
- Views.
- Restrictions for planting trees up against property lines as the roots can negatively grow onto the neighbor's property.

The four Councilmembers in attendance unanimously directed the Planning Commission to go to the next step to provide them with a draft tree code sample.

The Mayor and Council thanked the Planning Commission for their ongoing research into a private property tree code.

#### **10. AB 21-18: ROW parking discussion**

Mayor Cahill provided the steps taken by the Town to address off street parking issues since the March Council meeting.

- No Construction parking signs placed in the ROW above Town Hall and Morningside Park.
- Warnings issued to contractors.
- Mayor Cahill has walked the Town with individual Councilmembers and some concerned residents.
- Discussions with CHPD regarding enforcement.
- The need for a PR campaign.

**11. AB 21-19: Roundabout safety discussion**

Discussion regarding safety concerns on the 92nd Ave NE roundabout.

Due to the late hour of the meeting, the Mayor and Council chose to table this agenda bill until the next regular Council meeting.

**12. MAYOR AND COUNCIL REPORTS:**

Councilmember Elmore:

Councilmember Elmore discussed the upcoming election process. Councilmember Elmore shared that she does not plan to run again and suggests that the Town promote election opportunity awareness.

Councilmember Bush:

Councilmember Bush stated that his term is expiring this year and plans to run again for another term.

Councilmember Valaas:

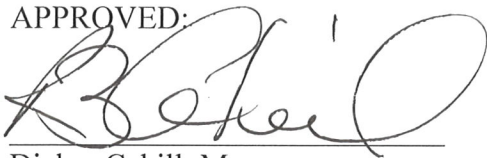
Councilmember Valaas stated that the Design Standards for driveway width do not match the Town's Municipal Code reference. Mayor Cahill noted that the reference of 20' width max (that is currently the Town's practice) should be kept. Mayor Cahill directed Town Planner Mona Green to work with the Town's Attorney to eliminate the contradiction.

**13. ADJOURNMENT:**

MOTION: Councilmember Bush moved to adjourn the meeting at 10:10pm. Councilmember Elmore seconded the motion.

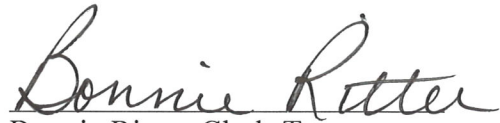
VOTE: 4 For, 0 Against. Motion carried.

APPROVED:



Dicker Cahill, Mayor

ATTEST:



Bonnie Ritter, Clerk-Treasurer

