TOWN OF YARROW POINT
COUNCIL REGULAR MEETING (TELECONFERENCE) MINUTES
May 11, 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 7:03 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 Mona Green – Town Planner Stacia Schroeder Scott Missall – Town Attorney Emily Miner – Town Deputy Attorney
Guests:	Terry Davis – Comcast Steve Fleming – Resident Greg Hoyle – Resident Laurie Bugbee – Resident Gordon Webb – Resident

APPEARANCES:
Steve Fleming resident at 3798 94th Ave NE discussed a petition he submitted to the Town regarding Sally's Alley following the Park Board's unanimous vote at their regular April 27, 2021 meeting to reclassify Sally's Alley from a road to a park. The petition includes 136 signatures requesting that Town Council, Mayor, and Planning Commission adopt a similar resolution designating Sally' Alley as a park, natural area, greenway, or other designation for the purpose of protecting and preserving the natural processes and/or features with an emphasis directed toward nature and the conversation of the trees, flora, fauna and other natural amenities of Sally's Alley. Please consider taking whatever action is necessary to protect and preserve Sally's Alley.

Greg Hoyle resident at 3817 95th Ave NE referenced late former resident Peter Swindley and his many architectural home designs in Yarrow Point including Town Hall. Mr. Hoyle suggests naming Town Hall after Peter Swindley to remember him.

Councilmember Scandella seconded Mr. Hoyle's idea and shared positive reflections on Peter Swindley.

Mayor Cahill thanked Mr. Hoyle for his suggestion and shared his own positive reflections on Peter Swindley. Mayor Cahill stated that Town Administration will consider the idea but must follow parameters of consistency as the Town currently does not have any buildings named after individuals.

Mayor Cahill addressed the petition and comments regarding Sally's Alley stating that there is no objection to the preservation of Sally's Alley, however, there will be no vote from the Council tonight as the Town needs to follow the correct course of action to put the reclassification in process. The Town's Attorney will work with Mayor and staff to formulate a plan to address legalities and the topic will be turned over to the Planning Commission to review and provide a recommendation to Council.

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.

MOTION: Councilmember Valaas moved to reorder agenda items AB 21-25 and AB 21-24 after AB 21-20. Councilmember Scandella seconded the motion.
VOTE: 5 For, 0 Against. Motion carried.

1. MINUTES

Minutes of regular meeting April 13, 2021.
MOTION: Councilmember Valaas moved to approve the regular meeting minutes of April 13, 2021 as presented. Councilmember Bush seconded the motion.
VOTE: 4 For, 0 Against. 1 Abstained. Motion carried.
Councilmember Lagerholm abstained as he was not present at the April 13, 2021 Council meeting.

2. CONSENT CALENDAR:

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

- Quarterly payment to CHPD.
- Fire – semiannual payment.
- PGH Construction.

MOTION: Councilmember Valaas moved to approve the Consent Calendar as presented including the Payment Approval Report dated 5/5/2021 approving payments as shown totaling $28,596.11 plus payroll, benefits, and tax expenses of $373,087.80 as shown on the attached payroll and benefits reports for a grand total of $401,683.91. Councilmember Elmore seconded the motion.
VOTE: 5 For, 0 Against. Motion carried.

3. STAFF REPORTS:

A. Police Report
Mayor Cahill explained that CHPD could not attend the meeting as they were on call for a possible disruption in Bellevue.

Mayor Cahill stated that he and Councilmember Valaas will visit CHPD to better understand the way they create their police reports for the Council packet each month.

B. Engineer Reports

2019 NE 42nd Street/ 91st Ave NE Stormwater Upsizing & UGC Project
Town Engineer Schroeder reported that the Town is officially halfway through the underground conversion project. PGH's primary focus this week (5/3) is completing the NE 42nd Street joint utility trench in time for PSE's line crew scheduled to be on-site Monday 5/10. In the background, Mayor Cahill and she continue to work with the four individual property owners on this street that need to underground their overhead service lines (4205, 9035, 9030, and 9004).

The following activities are scheduled over the next month:

- PGH will focus on completing the joint utility trench on 91st Ave NE;
- PSE will install underground mainline on NE 42nd St starting the week of 5/10;
- Comcast will install underground mainline on NE 42nd Street beginning the week of 5/17;
- Lumen (CenturyLink) will install underground mainline on NE 42nd beginning the week of 5/24;
- PSE/Comcast/Lumen will reiterate same type of installation schedule on 91st Ave NE starting with PSE the week of 5/24.

There was a change to the original plan at the west end of NE 42nd Street. The original plan was to install a large underground PSE vault at the entry to the road end beach area (just off the asphalt). However, when PGH attempted to lower the vault on Monday 4/26 to make room for the sloped riser cap, they encountered the sanitary sewer main trunk line which was located in the field 5-ft farther south than what was shown on the plans. In the hours that followed Town staff evaluated several options with the help of PSE, PGH, and our project's civil engineer and inspector. Each scenario had drawbacks, but the Town felt our best option was to install a pad mount transformer (above-ground green box) just outside the street end next to the new Lumen underground vault that was already installed just west of 9009's lower driveway. She and Mayor Cahill have reached out to the two affected property owners to alert them of the change.

Councilmember Bush discussed the ongoing storage of materials in the Town's ROW in front on residents' homes. The Town needs to communicate with the contractors of future capital construction projects to not allow long term storage in the ROW. Town Engineer Schroeder noted that the pipes should be removed soon.

C. Permit System Transition from Permit-N-Force to Caselle Community Development Module

Deputy Clerk Austen Wilcox reported that at the beginning of this year, the Town began a transition from the old permit system 'Permit-N-Force' (PNF), which the Town began using around 2008, to a new permit module. We learned at the start of this year that PNF is no longer supported and the license ran out.

Caselle, (the same electronic finance record keeping system that the Town uses), purchased PNF and offered their own permit module at no cost to us. Since January, it has been a slow transition as all of our contacts and permit forms had to either be recreated or implemented into the new system. All prior permit records are still in PNF as they were not able to transfer those over to Caselle but they are still accessible in PNF. At the end of April, training began, the system was initiated and the process of slowly phasing PNF out began. The Caselle module is working well and it includes a lot of the same functions that PNF had.

Councilmember Valaas suggested looking into the commonly used "My Building Permit" program and Mayor Cahill stated that he would inquire with Clyde Hill about their experience with it.

REGULAR BUSINESS

4. AB 21-20: Comcast Franchise/ Ordinance No. 710

Comcast is requesting a new franchise agreement. At the April 13, 2021 regular Council meeting, Town Deputy 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 it to set new terms and regulations. The Town is authorized, through state and federal statues 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 Councilmember Valaas identified the following issues:

- Franchised contained the "now therefore" clause twice.
- Perceived discrepancy between the franchise and the letter clause.

Deputy Attorney Miner addressed the issues and has brought the Franchise back to Council for a second reading and request for approval. She discussed some grammatical/scrivener's errors to fix.

Terry Davis, Senior Director, External-Government Affairs, provided further info on specifications listed in the Franchise.

Councilmember Valaas referenced language discussing the ability for Comcast to install aerial cables whereas the Yarrow Point Municipal Code requires undergrounding.

Terry Davis suggested language to call out that service lines must be underground if power and phone are underground.

The discussion was tabled until the regular June Council meeting to allow the Town's attorney to clarify the underground requirement and correct the scrivener's errors.

5. <u>AB 21-25: Park Board's vote to reclassify Sally's Alley from a road into a park; next steps</u>

At the April 27, 2021 regular Park Board meeting, the Park Board discussed the future development of the lots located at the east and west ends of Sally's Alley. To prevent threats or opportunities to retain or improve Sally's Alley, the Park Board unanimously voted to reclassify Sally's Alley from a road into a park. The Park Board requests the Council's consideration including Town legal counsel's direction.

Mayor Cahill reiterated that Town staff and legal counsel need to formulate a plan of procedure for reclassifying Sally's Alley from a road into a park.

Attorney Scott Missall discussed legalities of how Town rights of ways are regulated. The Planning Commission will need to review and make a recommendation to the Town Council. The following items need to be addressed:

- Obtain title report.
- Locate boundaries. A survey engineer needs to identify them.
- Attorney and staff need to formulate a plan.

Laurie Bugbee resident at 9426 NE 37th Pl discussed when Dean Homes purchased a portion of Sally's Alley from the Town. The Town did not vacate Sally's Alley from being a road at that time.

6. <u>AB 21-24: Sally's Alley Master Plan bid proposal from JGM Architects</u>

At the April 27, 2021 regular Park Board meeting, the Park Board discussed improvements to Sally's Alley and creating a Master Plan. The Park Board solicited JGM Architects who has provided professional design services for several Town projects. JGM proposes to provide the design services described in the Scope of Services above on a time and materials basis to a maximum fee of $3,000.00.

Council reviewed and discussed the following exhibits:
• Email from Park Board Chairman John McGlenn
• JGM Sally's Alley Master Plan – Scope of Work/ Dated April 25, 2021

Council tabled the discussion until Town staff and legal Counsel formulate a plan to of procedure for reclassifying Sally's Alley from a road into a park.

Gordon Webb resident at 9420 NE 37th Pl stated that the process of reclassifying Sally's Alley from a road into a park should be expedited quickly as possible.

Mayor and Council responded to Mr. Webb acknowledging his request.

7. <u>AB 21-21: Capital Improvement Plan/Transportation Improvement Plan 2022-2027</u>

Town Engineer Stacia Schroeder reported on the latest information available from the updated 2020 Stormwater Management Plan.

The Council reviewed the following exhibits:
• Capital Improvement Plan – Transportation Plan (2022-2027)
• Capital Improvement Plan Funds Exhibit
• 2020 SWMP CIP Recommendations
• 2020 SWMP CIP Map

Council discussed the following projects to consider:

- ROW parking spot improvements.
- Garage for Public Works Department.

8. AB 21-22: Revisions to the Municipal code to eliminate the contradiction between the Code and the Design Standards on driveway width/ Ordinance No. 711

At the regular April 13, 2021 Council meeting, 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 (currently the Town's practice) should be kept. Mayor Cahill directed Town Planner Mona Green to work with the Town Attorney to eliminate the contradiction.

Attorney Scott Missall discussed the edits in proposed Ordinance No. 711.

MOTION: Councilmember Scandella moved to approve Ordinance No. 711, an Ordinance of the Town of Yarrow Point, Washington amending Yarrow Point Municipal Code sections 17.16.010 and 12.04.030 to correct inconsistencies regarding driveway width and requirements in the Municipal Code and adopted Town Design Standards. Councilmember Valaas seconded the motion.
VOTE: 5 For, 0 Against. Motion carried.

9. AB 21-23: Revisions to the Municipal Code to eliminate the contradiction between two section of the Code regarding the ability to count the area of pipe-stem driveway in lot area

The issues were addressed in AB 21-22.

10. AB 21-26: Roundabout Safety

Councilmember Lagerholm shared a list of vehicle accidents since last year in the roundabout.

Mayor and Council discussed the following measures to increase safety in the roundabout:

- Increase signage on existing poles.
- Staff will pull data from the Town's speed limit radar signs to check their effectiveness.

11. **MAYOR AND COUNCIL REPORTS:**

Mayor

Points 4th of July Celebration

Mayor Cahill reported that activities this year will be minimal due to Covid-19 restrictions. There may still be some smaller activities that take place. Attorney Missall will look into the possibility of a "spontaneous street dance." Mayor Cahill has been in discussion with the Chair of the Points 4th Committee, and they are closely following the State guidelines for reopening. The Town will broadcast news to the residents as more details unfold.

Councilmember Valaas

Utility Tax Revenue

The Town is currently auditing utility tax intake revenue from its providers. Councilmember Valaas shared that Town code requires 6% on water and sewer utility tax however, City of Bellevue is paying 5%. Mayor Cahill responded that Town staff are researching it.

12. ADJOURNMENT:

MOTION: Councilmember Valaas moved to adjourn the meeting at 9:28pm. Councilmember Scandella seconded the motion.

VOTE: 5 For, 0 Against. Motion carried.

APPROVED:

Dicker Cahill, Mayor

ATTEST:

Bonnie Ritter, Clerk-Treasurer

TOWN OF YARROW POINT, WASHINGTON CORPORATE SEAL 1959