

**TOWN OF YARROW POINT
COUNCIL REGULAR MEETING MINUTES
July 12, 2022
7:00 p.m.**

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

CALL TO ORDER:

Mayor Katy Kinney Harris called the meeting to order at 7:00 p.m.

PRESENT:

Mayor: Mayor Katy Kinney Harris

Councilmembers: Stephan Lagerholm - Excused absence
Carl Scandella
Chuck Porter
Andy Valaas
Kathy Smith

Staff: Bonnie Ritter – Clerk Treasurer
Austen Wilcox – Deputy Clerk
Stacia Schroeder – Engineer
Scott Missall – Attorney

Guests: Dawn Hanson – Clyde Hill Police Department
Brad Hunt – Resident
Trevor Dash – Resident
David Feller – Resident
Dylan Bear – Resident
Laurie Bugbee – Resident
Karen Prins – Resident
Jeff Levere – Resident

1. APPROVAL OF AGENDA.

MOTION:

Motion by Councilmember Scandella seconded by Councilmember Valaas to move public appearances behind staff reports.

VOTE: 4 For. 0 Against. Motion carried.

2. STAFF REPORTS:

A. Police Report

Lieutenant Dawn Hanson gave a report on June police activity.

- Fraud
- Recovered property
- Identity theft
- Extortion case

- Infractions
- Parking tickets

B. Engineer Report

- NE 36th St

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 diverts flows along 92nd (south of NE 36th St) as well as Points Drive NE (east of the roundabout) 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 identifies this project as both S-1 (\$280,000 for design and construction) and T-1 (\$160,000 for full grind and overlay). There is no power, phone, or cable conversion associated with this project. Gray & Osborne, the Town's 3-year On-Call Engineer, is currently working on the design. Staff is expecting the final bid documents mid next week. Gray and Osborne will bid the package for roughly 2 weeks. We expect bid results back the second week in August and presentation to the Town Council at the September 12th meeting. Assuming prices come in relatively close to budget, we are looking to construct the project in September – November 2022, with the grind and overlay to be done in the summer of 2023 using the King County Roads Interlocal Agreement.

- 94th Ave NE

Town Engineer Schroeder has been communicating with residents regarding the upcoming undergrounding project. The 2024 94th Ave NE underground conversion project limits were significantly expanded by the Yarrow Point Town Council in May 2022 due to funding received from the dissolution of Water District #1. The scope of work now includes:

- 3800 – 4700 94th Ave NE (2,320 LF)
- 9200 – 9500 NE 40th Street (800 LF)
- 9200 – 9400 NE 38th Street (320LF)

The 2020 Town of Yarrow Point Stormwater Management Plan identifies four (4) projects that fall within these new limits:

- CIP #2 – Replace ~690 LF of 8" pipe with 15" diameter pipe 4400-4700 94th Ave NE
- CIP #7 – Replace ~420 LF 12" pipe 9200-9400 NE 40th St
- CIP #10 – Replace ~180 LF 8-12" pipe 9200 9400 NE 38th St
- CIP #11 – Spot repair 3838 94th Ave NE

As a result, the 2023-2028 CIP now includes this project as:

- S-3 & U-1 (\$110,000 for design in 2023)
- S-4 & U-2 (\$2,000,000 for construction in 2024)
- T-3 (\$500,000 for road restoration in 2024)

The Town executed the design agreement with PSE on June 13, 2022, for an estimated total cost of \$25,012.55 (40%)

TYP share \$10,005.02). The following items are also going on behind the scenes:

- Ongoing coordination with the City of Bellevue Water Utility Department (2022 design/ 2023 construction)
- First resident notification letter sent June 27th, 2022
- First round vegetation clearing July 18th and 19th
- Notification to Comcast, Lumen, PSE IntoLight, and Gray & Osborne of upcoming design project

C. 2nd Quarter 2022 Financial Report

Clerk-Treasurer Ritter gave an overview of the second quarter financials.

APPEARANCES:

Resident Dylan Bear reflected on the sport court's importance and value to the community. He shared that there is wide support to repair it correctly and recommends a full rebuild of the court.

Resident Trevor Dash shared his support to do a full rebuild of the sport court. He supports a Council meeting time change to 4:00 p.m.

Resident David Feller shared about the great history the sport court has been for pickleball tournaments including the rapid growth for the pickleball sport. He discussed the current poor surface structure of court and recommends a rebuild.

Resident Brad Hunt discussed the poor surface of the Town's sport court and the popularity for pickleball. He recommends rebuilding the sport court correctly.

Resident Laurie Bugbee is in support of moving up Council meeting time to 4:00 p.m.

Resident Karen Prins is in support of restoring to restore the sport court. She is in support of moving the Council meeting time to 4:00 p.m.

Jeff Levere resident is in support of rebuilding the court.

Mayor Harris played the following automated messages:

Resident Ben Tobin resident voiced his support of rebuilding the sport court correctly.

Resident Kamran Zargahi is in support of changing the Council meeting time to 4:00 p.m.

3. MINUTES

A. Minutes of June 14, 2022 Regular Meeting

MOTION: Motion by Councilmember Porter seconded by Councilmember Smith to approve the June 14, 2022 regular minutes as amended.

VOTE: 4 For, 0 Against. Motion carried.

4. CONSENT CALENDAR:

MOTION: Motion by Councilmember Valaas seconded by Councilmember Smith to approve the Payment Approval Report dated 7/06/2022 approving payments as shown totaling \$189,787.36, plus payroll, benefits, and tax expenses of \$32,523.30 as shown on the attached payroll & benefits report for a total of \$222,310.66 with the condition that the payment to MTS Tree and Landscape be held until the Town Engineer approves the work.

VOTE: 4 For, 0 Against. Motion carried.

REGULAR BUSINESS

5. AB 22-44: Sport Court Resurfacing Discussion

Due to resident input, we are canceling the tile order and getting a full refund for the down payment. We are currently getting quotes to redo the entire court and fix the drainage issues in order to prevent the peeling condition of the surface. The Town is seeking the help of the community for support.

Council discussed.

6. AB 22-45: Council Meeting Start Time Change Proposal / Ordinance No. 719

A proposal to amend TYPMC 2.04.010 Town Council Meetings – Time and place for regular Council meeting commencement of 7:00 p.m. to 4:00 p.m.

Mayor and Council discussed trying the earlier meeting start time on a trial basis.

MOTION: Motion by Councilmember Scandella seconded by Councilmember Porter to approve Ordinance No. 719, AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON AMENDING CHAPTER 2.04.10 TOWN COUNCIL MEETINGS – TIME AND PLACE, OF THE YARROW POINT MUNICIPAL CODE, TO COMMENCE REGULAR COUNCIL MEETINGS AT 4:00 P.M STARTING IN SEPTEMBER.

VOTE: 4 For, 0 Against. Motion carried.

7. AB 22-46: Approve General Contract Terms for New Town Planner SBN Consulting

The Town issued a Request for Proposals (RFP) on May 20, 2022 to fill the vacant Town Planner position created by Mona Green's recent retirement. One response to the RFP was received, from SBN Planning LLC (SBN). Based on that information, discussions and an interview with SBN's principal, Aleksandr Romanenko, Mayor Harris determined that SBN is qualified to perform the Town Planner function as required by the Town. In addition, SBN's hourly rate will be \$155.

The contract for SBN's services is being prepared by Town Attorney Scott Missall. The current draft of that contract is attached and reflects the Town's proposed terms, which are consistent with town planner contracts currently in use by several municipalities. Final terms

will be determined by the Mayor after discussions with SBN, and Town Attorney Missall will prepare a final contract for signature.

Because of the desire to engage SBN prior to Council's summer hiatus, the Mayor requests that the Town Council approve the general terms of the pending contract and authorize her to conclude the contact discussions with SBN as she determines to be in the Town's best interests.

A potential conflict issue has been identified—Assistant Town Attorney Emily Miner is married to Aleksander Romanenko. For that reason, Ms. Miner has been screened from participating in the Town's actions and evaluations regarding SBN, and from participating in Town Attorney Missall's work with the Mayor and Town Staff on those same issues. After internal evaluation at OMW and discussion with the Mayor, it has been determined that there is no actual conflict under the Washington State Rules of Professional Conduct for attorneys, nor under the public ethics rules set forth in the Revised Code of Washington, for Ms. Miner to perform legal services to the Town, including to SBN, on a going forward basis.

MOTION: Motion by Councilmember Valaas seconded by Councilmember Scandella moved to authorize the Mayor to work with the Town Attorney to finalize the proposed contract for the planner and negotiate with SBN Consulting to become the town planner.

VOTE: 4 For, 0 Against. Motion carried.

8. MAYOR AND COUNCIL REPORTS:

Councilmember Scandella

- He gave an update on the committee who is involved with creating a memorial commemoration of late resident Peter D. Swindley. A proposal will soon be presented to Council.
- He suggests the Town invest in a higher quality video conferencing system for public meetings. Mayor Harris responded stating that staff will research options.
- He discussed a planned transit facility in Kirkland that Yarrow Point should be aware of.

Councilmember Smith

- She discussed the possibility to install additional streetlights on 95th Ave NE and suggests doing a future survey.
- She suggested that the Town have a Land Acknowledgement Statement that states we are on indigenous lands. Many organizations have recently done this.

Mayor:

- Fourth of July event— Congratulated and thanked the volunteers who put on a great event.
- Thanked residents David and Marian Bergey for installing the swim line. A committee is being sought to take over future swim line installations.
- Thanked Deputy Clerk Wilcox for working on and receiving a grant from King County for park funds.
- The Town is working with neighboring jurisdictions for Lid maintenance with WSDOT.

- Fence height code amendment: Require a permit for fences over 6.5 feet high, unless they are masonry or concrete, in which case they would require a permit.
- Staff is working on an option to receive digital donations for Wetherill Nature Preserve.
- Researching City of Mercer Island's marine services.
- A repair of broken buoys is in the works.

Mayor Harris announced pursuant to RCW 42.30.110.(1)(i), the Council is recessing into executive session for 25 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. No action is expected to be taken.

MOTION: Motion by Councilmember Valaas to retire into executive session.

VOTE: 4 For, 0 Against. Motion carried.

Mayor Harris called the executive session to order at 8:57 p.m.

Mayor Harris closed the executive session at 9:41 p.m. and reopened the special meeting at 9:42 p.m.


9. ADJOURNMENT:

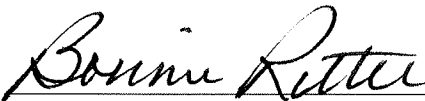
MOTION: Motion by Councilmember Porter seconded by Councilmember Valaas to adjourn the meeting at 9:42 p.m.

VOTE: 4 For, 0 Against. Motion carried.

APPROVED:

ATTEST:


Katy Kinney Harris, Mayor


Bonnie Ritter, Clerk-Treasurer

