



**Mayor:** Katy Kinney Harris

**Councilmembers:** Stephan Lagerholm, Carl Scandella, Chuck Porter, Andy Valaas, Kathy Smith

**Town Attorneys:** Scott Missall and Emily Miner

**Clerk-Treasurer:** Bonnie Ritter

**Deputy Clerk:** Austen Wilcox

### **Meeting Participation**

As this is a special Council meeting, there is not an opportunity for public comment. The public may listen to the special meeting by attending in person or joining virtually.

### **Join on computer, mobile app, or phone**

1-253-215-8782

Meeting ID: 816 5972 0218#

<https://us02web.zoom.us/j/81659720218>

1. **CALL TO ORDER:** Mayor Katy Kinney Harris

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:** Councilmembers Stephan Lagerholm, Carl Scandella, Chuck Porter, Andy Valaas, Kathy Smith

### **REGULAR BUSINESS (15 minutes)**

4. **Bellevue Fire Report**

5. **ADJOURNMENT**



**Mayor:** Katy Kinney Harris

**Councilmembers:** Stephan Lagerholm, Carl Scandella, Chuck Porter, Andy Valaas, Kathy Smith

**Town Attorneys:** Scott Missall and Emily Miner

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### **Meeting Participation**

Members of the public may participate in person at Town Hall or by phone/online. Town Hall has limited seating available, up to 15 public members. Individuals who call in remotely who wish to speak live should register their request with the Deputy Clerk at 425-454-6994 or email [depclerk@yarrowpointwa.gov](mailto:depclerk@yarrowpointwa.gov) and leave a message before 3:30 PM on the day of the Council meeting. Wait for the Deputy Clerk to call on you before making your comment. If you dial in via telephone, please unmute yourself by dialing \*6 when it is your turn to speak. Speakers will be allotted 3 minutes for comments. Please state your name (and address if you wish.) You will be asked to stop when you reach the 3-minute limit.

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4. **APPROVAL OF/AMENDMENTS TO AGENDA**

5. **STAFF REPORTS (15 minutes)**

6. **APPEARANCES/PUBLIC COMMENT**

If you call in via telephone, please unmute yourself by dialing \*6 when it is your turn to speak.

Comments via email may be submitted to [depclerk@yarrowpointwa.gov](mailto:depclerk@yarrowpointwa.gov) or regular mail to: Town of Yarrow Point, 4030 95<sup>th</sup> Ave NE, Yarrow Point, WA 98004.

7. **MINUTES (3 minutes)**

September 13, 2022 regular Council meeting

8. **CONSENT CALENDAR (5 minutes)**

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.

## **REGULAR BUSINESS (40 minutes)**

### **9. AB 22-57 – 2023 Budget**

- A. Public hearing on the 2023 final budget
- B. Adopt Ordinance No. 721, adopting 2023 final budget

### **10. AB 22-58 – Fence Height Amendment**

- A. Adopt Ordinance 722, amending fence height

### **11. AB 22-59 – Revisions to Private Property Tree Code**

- A. Adopt Ordinance 723, amending private property tree code 20.22

### **12. AB 22-60 – Updated Town Prosecutor Ordinance No. 724**

- A. Adopt Ordinance 724, updating to reflect the updated cross-references to state law regarding protection orders

## **13. MAYOR & COUNCIL REPORTS (5 minutes)**

### **14. EXECUTIVE SESSION**

Executive Session with Town Attorney (Pursuant to RCW 42.30.110.(1)(i), the Council will recess into executive session 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.

### **15. ADJOURNMENT**

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STAFF REPORTS
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1. Police Reports
2. Fire-EMS Reports (Not yet received.)
3. Town Engineer Reports:
  - NE 36<sup>th</sup> St
  - 94<sup>th</sup> Ave NE
4. Commission Minutes:
  - October 17, 2022 Regular Planning Commission meeting
  - October 25, 2022 Regular Park Board Meeting



# MEMO

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To: Yarrow Point City Council

From: Chief Kyle Kolling

Date: November 7, 2022

Re: October 2022 Summary

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Greetings,

October was a great month for training:

- Regular monthly training through PoliceOne Academy continued with 2 hours of training on active shooter scenarios
- Corporal Humphreys and Corporal Cobrea attended a week long training with the FBI's Supervisor Leadership Institute.
- Officer Fernandez participated in defensive tactics instructor training over two weeks.
- Detective Swai attended a training on homicide investigations.
- All Officers, Corporals and the Chief and Lieutenant attended a training on the history of race and policing hosted by the coalition of small cities.
- Both Corporals, Chief Kolling and Lieutenant Hanson attended a training on trauma-focus mental health and wellness training for first responders.

Three Facebook posts were created in October, which reached over 917 people. Our page garnered over 158 engagements this month by the public (reactions, comments, and shares). In addition, the Sentinel e-newsletter continued with four editions published to almost 800 recipients. We now have 402 followers on our Instagram account. Our Twitter account now has 39 followers and growing.

We have filled our open Police Officer position and hired Cameron Hanson as an entry-level police officer. Cameron will be getting acquainted with Clyde Hill while working in the office until his time at the academy begins in late January.

In honor of Breast Cancer Awareness Month this October, the Clyde Hill Police Department went pink for a good cause. Officers swapped their usual badges/patches for pink ones to raise awareness about breast cancer.

Clyde Hill officers also participated in our third annual Halloween catch-a-cop. Officer Fernandez handed out over 100 goodie bags full of Clyde Hill swag and treats to local trick-or-treaters.



Town of Yarrow Point  
October 2022

2022-3896	10-12-2022	9000Blk Points Dr NE	Traffic Accident	Swai
Non-injury property damage traffic accident. Assisted in exchange of information and provided all parties with case number. Report for information/documentation purposes.				
2022-3996	10-17-2022	4200Blk 94 <sup>th</sup> Ave NE	Harassment	Cobrea
Reporting party called to report concerning messages they had been receiving. Reporting party did not wish to press charges at this time and was given information on obtaining a protection order. Report for information/documentation purposes.				
2022-4106	10-26-2022	9400Blk NE 37 <sup>th</sup> Pl	Burglary	Swai
Victims reported hearing footsteps and found a back door ajar. A search was conducted and suspect was not located. Nothing reported missing from the home. No suspect information at this time, officers to follow up with AFIS. Report for information/documentation purposes only.				
2022-4109	10-27-2022	4000Blk 92 <sup>nd</sup> Ave NE	Recovered Property	Swai
Flock camera alerted officers of a stolen vehicle in the area. After an area check the vehicle was located and the suspect was taken into custody without incident.				
2022-4141	10-30-2022	3700Blk 92 <sup>nd</sup> Ave NE	Recovered Property	Cobrea
Flock camera alerted officers of a stolen vehicle in the area. Officers located vehicle, which tried to evade them. Suspect attempted to evade officers on foot and was eventually located and taken into custody without incident. Vehicle was impounded and owner notified.				



## Town of Yarrow Point ACTIVITY REPORT

	October 2022	September 2022	2022 YTD	2021 YTD
<b>CRIMES AGAINST PERSONS</b>				
Assault	0	0	3	0
Domestic Violence/Disturbance	0	0	2	8
Harassment	1	1	2	1
Order violation	0	0	0	0
Rape/sex offenses	0	0	1	0
Robbery	0	0	0	0
Other ( <i>Abuse, APS, civil, CPS, custodial interference, extortion</i> )	0	0	1	4
<b>PROPERTY CRIMES</b>				
Burglary	1	0	2	4
Fraud	0	0	4	6
MV Prowl	0	0	7	10
MV Theft	0	0	1	1
Theft	0	0	4	9
Other ( <i>Arson, illegal dumping, malicious mischief, prowler, trespass</i> )	0	0	9	10
<b>ARRESTS</b>				
Drug/alcohol	0	0	0	0
Warrants	0	0	1	0
Other	2	0	2	3
<b>TRAFFIC ACTIVITY</b>				
Criminal Traffic	0	0	0	1
Infractions	3	4	56	27
Warnings	12	8	71	76
Traffic accidents	1	0	4	3
Traffic stops	15	12	127	76
Parking	5	6	71	71
<b>OTHER</b>				
Alarms	3	1	17	27
<b>Complaints</b>				
~Animal	0	0	5	7
~Fireworks	0	0	4	0
~Noise	1	0	12	9
~Soliciting	0	0	0	0
Deaths	0	0	1	1
Suspicious	3	0	26	22
Drug/alcohol	0	0	1	0
<b>PUBLIC SERVICES</b>				
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> )	35	23	207	268





Issued Ticket Report Summary  
 Yarrow Point  
 10/1/2022 through 10/31/2022

<b>Citations - Non-Traffic</b>	<b>0</b>	<b>Location</b>
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<b>Criminal Traffic</b>	<b>0</b>	<b>Location</b>
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<b>Infractions - Traffic</b>	<b>3</b>	<b>Location</b>
Driving Dangerously Distracted	1	9000BLK POINTS DR NE
Following Too Close	1	9000BLK POINTS DR NE
Speed 10-15 MPH Over Limit	1	8900BLK POINTS DR NE

<b>Infractions - Parking</b>	<b>5</b>	<b>Location</b>
Parked Blocking Lane of Travel	5	4200BLK 95TH AVE NE (2)
		4400BLK 95TH AVE NE
		4600BLK 95TH AVE NE (2)



# PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
11/8/22	2022 NE 36 <sup>th</sup> Stormwater Project	Stacia Schroeder

## STATUS SUMMARY

The contractor mobilized to the site on 9/26/22 and he had 40 working days to obtain physical completion (November 18<sup>th</sup>). Gray & Osborn provided inspection services and aided the town engineer with general project management activities. The project went very well. As a result, we authorized a small change order (\$6,280.00) on October 18, 2022, to repair an additional stormwater pipe that was shown to be compromised in recent video inspection. This work was completed on October 24<sup>th</sup>. The total of the work grew to \$9,115.29 due to inaccurate distances on the video and a pipe material change that was not visible in the video.

A final punchlist was created and communicated to the contractor the last week in October. All identified items were completed prior to this council meeting. In addition to the single payment for B&B Utilities in the November consent calendar, I am expecting one final payment of their retainage (\$9,326.85) and one final payment to Gray and Osborne for final inspection and project management services. The entire project ran roughly 10% **under** budget.

NOTE: I reached out to King County Roads to ensure the NE 36<sup>th</sup> Street grind and overlay work is included on their 2023 Road Preservation Program. I expect to have more contact with them in February 2023 regarding the final design scope of work.

## PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	January 2021	PACE/ Town Engineer	
Design	100	Spring/ Summer 2022	Town Engineer	
Bid	100	Summer 2022	Town Engineer	
Construction	100	Fall 2022	Town Engineer	
Overlay	0	Summer 2023	Town Engineer	

## BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Dec. 2020 - Mar. 2021 Town Engineer	\$12,250	\$781.25		CIP S-2: Design \$25,000; Project Management

Jan. 2021 – Mar. 2021 PACE Surveying Consultant	\$12,750	\$12,750.00		Completed; Task Order No. 2
Total:	\$25,000	\$13,531.25		
<hr/>				
Fall 2022 Stormwater Stormwater Contractor B&B Utilities & Excavating	\$208,275.00	\$177,210.24	Yes	CIP S-1: \$280,000 Budget; B&B Contract Amount: \$208,275.00 NOTE: Town is holding \$9,326.85 for 5% retainage.
Jan. 2022 – Oct. 2022 Town Engineer Project Management	\$20,000.00	\$4,448.75	Yes	
Apr. 2022 – Sept. 2022 Civil Engineering Consultant Gray & Osborne, Inc	\$36,800.00	\$26,364.71	Yes	
Oct. 2022 – Nov. 2022 Civil Engineering Consultant Gray & Osborne, Inc	\$35,800.00	\$12,064.26	Yes	G&O awarded construction inspection and management contract. NOTE: A <b>final invoice is expected for October</b> inspection and project management services.
Total:	\$300,875.00	\$220,087.96		
<hr/>				
Summer 2023 – King County Roads (2-inch grind and overlay)	\$160,000.00	TBD		CIP T-1: \$160,000 Budget
Total:	\$160,000.00			

## RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

## CONCLUSIONS/NEXT STEPS



# PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
11/8/22	2024 94 <sup>th</sup> Ave NE UGC	Stacia Schroeder

## STATUS SUMMARY

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)

Town staff has been working on several elements of this project over the past 4 months including:

- In late June, just prior to the July 4th holiday, the town notified each homeowner of upcoming vegetation removal activities within the construction corridor. Outreach efforts included mass emails, pagoda postings, letters to individual residents, and in some cases door knocking. As stated in the notices, the Town’s trimming service was on-site for five days in mid-July to cut back vegetation 14-ft above and 1-ft behind the edge of pavement.
- In late July and early August town staff identified 24 residents who currently have overhead utilities (power, phone, and/or cable) within the project corridor. We then arranged individual property owner meetings for 7/29, 8/5, or 8/12 which were attended by WE Electric – Jake Longhurst a private electrician and Comcast – Chris Combs. At these meetings we generally discussed the best construction method(s) and timing for each private underground conversion project and answered resident’s questions pertaining to the upcoming scope of work and schedule.
- In early to mid-August the Town Arborist completed a preliminary tree assessment of the project corridor. The study identified 126 trees which might be impacted by the construction: 18 completely within the town’s right-of-way, 24 shared trees (straddling the property line), and 84 trees on private property whose critical root zones extend into the right-of-way.
- In late August PSE released its 30% design effort. At that time Town staff reconnected with the City of Bellevue – Water Utility staff regarding the status of their design. A meeting is planned for the week of September 12th to resolve alignment conflicts between COB and PSE.

On-going activities include:

- a.) Coordination with Gray & Osborn to determine scope of work for civil design proposal.
- b.) Meeting w/ various residents to discuss the potential use of their private property for construction parking.
- c.) City of Bellevue and PSE power design coordination

The project schedule is still on track. We expect the City of Bellevue Water Utility to complete their design this year, bid their project in early 2023, and construct in the summer of that same year. Meanwhile we will continue working with PSE/ Lumen/ Comcast to obtain their final designs by the end of this year and Gray & Osborn to determine a scope of work for their civil design in 2023. Construction is still anticipated in 2024.

## PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	March 2021	PACE/ Town Engineer	
PSE/ Comcast/ Lumen City of Bellevue Utilities Dept. Preliminary Design	25	Fall 2022	PSE/Comcast/ CenturyLink Town Engineer	
TYP Stormwater & Landscape Design including Bid Documents	0	2022-2023	Town Engineer	<u>NOTE:</u> The Town will use 3-Year On-Call Engineer Gray & Osborne, Inc. for this design.
Bidding	0	Fall 2023		
Construction	0	2024		

## BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Jan. 2021 – Mar. 2021 PACE Surveying Consultant Task Order No. 3	\$28,250	\$28,250		Completed
Total:	\$28,250	\$28,250		
May 2022 – June 2022 Puget Sound Energy (Sch. 74 Design Agreement)	\$10,005.02	\$0		Contract Signed 06/13/22
Total:	\$10,005.02	\$0		
Stormwater Design UGC Design (2022/ 2023)	\$110,000			CIP S-3: \$50,000 Budget CIP U-1: \$60,000 Budget
Jan. 2022 – Oct. 2022 Town Engineer Project Management		\$12,976.25		
Jan. 2022 – Aug. 2022 Civil Engineering Consultant Gray & Osborne, Inc.				
Total:	\$110,000	\$12,976.25		
Summer 2024 TBD (Stormwater & UGC)	TBD			CIP S-4: \$700,000 Budget CIP U-2: \$1,300,000 Budget
Summer 2024 Town Engineer Project Management	TBD			
Summer 2024 Civil Engineering Consultant Gray & Osborne, Inc.	TBD			
Total:	\$2,000,000			
Fall 2024 – King County Roads	\$500,000			CIP T-3: \$500,000 Budget
Total:	\$500,000	11		

**TOWN OF YARROW POINT  
PLANNING COMMISSION REGULAR MEETING MINUTES  
October 17, 2022**

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

**CALL TO ORDER:**

Commission Chairman Carl Hellings called the meeting to order at 7:02 p.m.

**PRESENT:**

Chairman: Carl Hellings

Commissioners: Chuck Hirsch  
Jeffrey Shiu  
David Feller – Absent  
Lee Sims

Staff: Austen Wilcox – Deputy Clerk  
Emily Miner – Town Deputy Attorney  
Stacia Schroeder – Town Engineer  
Aleks Romanenko – SBN Planning  
James Eager – SBN Planning  
Drey Avila – SBN Planning

Guests: Carl Scandella – Councilmember  
Scott Penner – Resident  
Robert Afzal - Resident

**APPROVAL OF AGENDA**

**MOTION:** Motion by Chairman Hellings seconded by Commissioner Hirsch to approve the amended agenda.

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

**STAFF REPORTS:**

Deputy Clerk Wilcox gave a report of the October 17 regular Council meeting.

**MINUTES:**

- July 25, 2022 Special Meeting

**MOTION:** Motion by Commissioner Hirsch seconded by Commissioner Sims to approve the July 25, 2022 special meeting minutes as amended.

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

**APPEARANCES:**

Resident Scott Penner discussed the proposed hedge code. He discussed neighbor correspondence for hedge mitigation issues and shared his opinions for enforcement and definition.

Resident Robert Afzal discussed a row of Leland Cypress on his neighbor's property that have turned into trees and the hazards they cause to his property.

**REGULAR BUSINESS:**

**PCAB 22-10 – Introduction of New Town Planner**

Aleks Romanenko introduced his firm SBN Planning including partners James Eager and Drey Avila.

**PCAB 22-11 – Tree Code Amendment Discussion**

The Planning Commission has explored various noticing requirements to ensure that future property owners are on notice of the need to comply with YPMC Chapter 20.22 requirements for removal of mitigation trees. Potential noticing options discussed included requiring placement of a notice on title, requiring a notarized document from the buyer confirming their compliance with the code, and requiring a warranty bond for the three-year survival period requirement for mitigation trees. Planning Commission's expressed preference at the July meeting was for a notice requirement in conjunction with a warranty bond.

Staff have prepared draft code amendments to YPMC 20.22 to reflect Planning Commission's direction. Attorney Emily Miner discussed the draft code as presented.

- Performance and warranty bonds
- Administrative procedures for tree permit review
- Fines
- Fees
- Mitigation trees

Commissioner Shiu left the meeting under PCAB 22-11 prior to the following motion.

MOTION: Motion by Chairman Hellings seconded by Commissioner Sims to recommend approval to Council of the proposed revisions from the Planning Commission as presented to the private property tree code.

VOTE: 3 For, 0 Against. Motion carried.

**PCAB 22-12 – Hedge Code Discussion** As discussed during prior Planning Commission meetings, there are ambiguities in the definition of the Town's Hedge Code that make it difficult to enforce hedge code regulations. The definition of "hedge" is also problematic because it includes the word "tree" which creates a conflict with the private property tree code at Chapter 22.02 YPMC. These ambiguities in the code create challenges for enforcement, as illustrated by the Town Building Official's presentation during the May Planning Commission meeting.

In response to this discussion, staff have prepared a draft code with hedge regulations and a voluntary dispute resolution process for the Planning Commission's consideration. Comments are left in the draft code to assist in guiding the Planning Commission's review. The Planning Commission discussed:

- Definition of a hedge

- Views
- Enforcement
- Examples of current hedge complaints
- Neighborly hedge conflict mitigation
- Examples of hedge codes from other jurisdictions

**PCAB 22-13 – Introduction to Comprehensive Plan Update**

As part of the Growth Management Act Comprehensive Plan Update, the Town Planners at SBN Planning have developed a high-level preliminary schedule highlighting the commission’s potential involvement. The Town Planners view potential for up to six Agenda Bills at Yarrow Point Planning Commission meetings, at a minimum. Only one of these is required by RCW 36.70A: the final approval of the Comprehensive Plan update. The five proposed agenda bills can be included at the commission's discretion, as well as any additional items from the Comprehensive Plan Update process which the commission would like to discuss.

The Town Planners are executing a grant for \$100K from Department of Commerce.

**PCAB 22-14 – HB 1220 Discussion**

In July 2021, Engrossed Second Substitute House Bill 1220 (“Bill”) went into effect. This bill eliminates zoning barriers related to the provision of transitional housing, permanent supportive housing, emergency shelters, and emergency housing. While there is no requirement for any ordinance from the Town of Yarrow Point in response to the Bill, nearby jurisdictions such as Medina and Bellevue have discussed and passed related ordinances.

To offer background on the Bill, its impact on the Town, and how to accommodate this impact, staff have provided an article from the Municipal Research and Services Center of Washington (MRSC) to serve as a foundation for this discussion.

The Planning Commission discussed how HB 1220 could pertain to Yarrow Point.

**APPEARANCES:**

Councilmember Carl Scandella shared his appreciation for the Planning Commission’s work on the tree and hedge codes.

**ADJOURNMENT:**

**MOTION:** Motion by Commissioner Hirsch seconded by Commissioner Hellings to adjourn the meeting at 8:37 p.m.

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

APPROVED:

ATTEST:

\_\_\_\_\_  
Carl Hellings, Chairman

\_\_\_\_\_  
Austen Wilcox, Deputy Clerk



**TOWN OF YARROW POINT  
PARK BOARD REGULAR MEETING MINUTES  
October 25, 2022  
7:00 p.m.**

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

**CALL TO ORDER:**

Park Board Chairman John McGlenn called the meeting to order at 7:00 p.m.

**PRESENT:**

**Chairperson:** John McGlenn

**Members:** Doug Waddell  
Dicker Cahill  
Carolyn Whittlesey  
Krista Fleming – Excused absence  
Robert Afzal – Excused absence  
Kathy Smith

**Guests:** Wais Wazeri – Resident  
Steve Fleming – Resident

**STAFF REPORTS:**

Deputy Clerk Wilcox provided a report of the October regular Council meeting.

**APPEARENCES**

Town property owner Wais Wazeri discussed a pile of landscaping in the Town’s ROW accumulated over many years adjacent to his property. Mr. Wazeri offers to assist the Town with efforts to remove the debris from the hillside.

Resident Steve Fleming discussed concerns he has of emergency vehicle access into Sally’s Alley noting that a fire truck could be hampered to fit the narrow access shown on the proposed plan. He discussed a laurel hedge in Sally’s Alley that needs continual maintenance and suggests replacing old trees.

The Park Board discussed written comments submitted by resident Nanette Freeman who suggests keeping Sally’s Alley pathway natural and not to develop it into a park.

**MINUTES:**

September 27, 2022 Regular Meeting

**MOTION:** Motion by Park Board Member Waddell seconded by Park Board Member Smith to approve the regular September 27, 2022 regular meeting as amended.

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

**REGULAR BUSINESS:**

**PB AB 22-12 Discuss Sally’s Alley Master Plans for West Entrance**

The Park Board discussed a Sally’s Alley Scope of Work Design and Construction Proposal from JGM Landscape Architects dated October 14, 2022.

- Budget
- Phasing the project
- Vision/scope of work
- Getting support from Council for 2023 for budgeting \$60k

The Park Board discussed the proposed budget for the sport court refurbishment plans in 2023 and reviewed alternative/less costly options to fix the drainage issues. The Park Board recommends a French Drain. Staff will pass along the comments from the Park Board to the Mayor and Town Engineer.

MOTION: Motion by Park Board Member Cahill seconded by Park Board Member Waddell to request a budget of \$60k in 2023 for Phase 1 of the Sally’s Alley Master Plan.  
VOTE: 4 For, 0 Against. Motion carried.

**OTHER REPORTS:**

**ADJOURNMENT:**

MOTION: Motion by Park Board Member Cahill seconded by Park Board Member Waddell to adjourn the meeting at 8:00: p.m.  
VOTE: 4 For, 0 Against. Motion carried.

APPROVED:

ATTEST:

\_\_\_\_\_  
John McGlenn, Park Board Chairman

\_\_\_\_\_  
Austen Wilcox, Deputy Clerk

**TOWN OF YARROW POINT  
COUNCIL REGULAR MEETING MINUTES  
October 11, 2022  
4:00 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 4:01 p.m.

**PRESENT:**

**Mayor:** Mayor Katy Kinney Harris

**Councilmembers:** Stephan Lagerholm  
Carl Scandella  
Chuck Porter  
Andy Valaas  
Kathy Smith

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

**Guests:** Town Attorney – Emily Miner  
Bruce Jones – Wetherill Nature Preserve Chairman  
David Bergey – Resident

**1. APPROVAL OF AGENDA.**

**MOTION:**

Motion by Councilmember Porter, seconded by Councilmember Smith to remove the Laserfiche system purchase from the Consent Calendar to allow for discussion after the Consent Calendar approval.

**VOTE:** 5 For. 0 Against. Motion carried.

**MOTION:**

Motion by Councilmember Valaas, seconded by Councilmember Smith to approve the amended agenda.

**VOTE:** 5 For. 0 Against. Motion carried.

**2. STAFF REPORTS:**

**A. Police Report**

Lt. Dawn Hanson reviewed the police report for September 2022 and shared an update on the open position for a new police officer.

Mayor Harris discussed the Fire-EMS reporting procedures.

## **B. Engineer Report**

- NE 36<sup>th</sup> St

The contractor mobilized to the site on 9/26/22 and he has 40 working days to obtain physical completion. Gray & Osborne is providing inspection services and aiding the Town Engineer with general project management activities.

- 94th Ave NE

The project schedule is still on track. We expect the City of Bellevue Water Utility to complete their design this year, bid their project in early 2023, and construct in the summer of that same year. Meanwhile we will continue working with PSE/ Lumen/ Comcast to obtain their final designs by the end of this year and Gray & Osborne to determine a scope of work for their civil design in 2023. Construction is still anticipated for 2024.

## **C. Third Quarter 2022 Financial Report**

Clerk-Treasurer Bonnie Ritter discussed the financial report/budget worksheet for the third quarter of 2022.

### **3. APPEARANCES:**

None.

### **4. MINUTES**

Minutes of September 13, 2022 regular meeting

MOTION: Motion by Councilmember Valaas, seconded by Councilmember Lagerholm to approve the September 13, 2022 regular meeting minutes as amended.

VOTE: 5 For, 0 Against. Motion carried.

### **5. CONSENT CALENDAR:**

MOTION: Motion by Councilmember Valaas seconded by Councilmember Scandella to approve the Consent Agenda as presented.

VOTE: 5 For, 0 Against. Motion carried.

### **Laserfiche System:**

Clerk-Treasurer Bonnie Ritter discussed the need to have an archival system to readily search Town records. She discussed the capabilities of the Laserfiche system and recommends it for Yarrow Point. The Town received a grant to purchase the program.

Council discussed:

- Policy for public records requests
- Access to records
- Staff management of records system

MOTION: Motion by Councilmember Valaas to authorize the Mayor to negotiate the acquisition of the Laserfiche system with the purchase of a possible larger scanner seconded by Councilmember Smith.

VOTE: 5 For, 0 Against. Motion carried.

## **REGULAR BUSINESS**

### **6. AB 22-54: 2023 Property Tax Levy**

The setting of the property tax levy is routine:

- The levy is limited to an increase of 1% on existing properties' Property Tax revenue the Town receives PLUS an amount related to new construction. Property tax levies are set by ordinance and filed with the County.
- If the estimated levy request is higher than the finally determined allowable rate, the assessor will reduce the levy appropriately.

Mayor Harris opened the public hearing at 4:40 p.m., and upon hearing no comments, closed the public hearing at 4:41 p.m.

MOTION: Motion by Councilmember Lagerholm, seconded by Councilmember Valaas to adopt ORDINANCE NO. 720: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON INCREASING THE TOWN OF YARROW POINT'S PROPERTY TAX REGULAR LEVY FROM THE PREVIOUS YEAR, COMMENCING JANUARY 1, 2023 ON ALL PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE.

VOTE: 5 For, 0 Against. Motion carried.

### **7. AB 22-55: The State of The Wetherill Nature Preserve**

Chairman Bruce Jones provided a State of The Wetherill Nature Preserve along with observations for the future. Council thanked Chairman Jones.

### **8. AB 22-56: 2023 Budget**

A public hearing is required to give citizens an opportunity to be heard with reference to the 2023 preliminary budget. Council briefly discussed the preliminary budget. No action required.

Mayor Harris opened the public hearing at 5:04 p.m., and upon hearing no comment, closed the public hearing at 5:05 p.m.

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

### **Council discussed:**

- Increasing legal fees
- Storage of materials in right of way for upcoming 94<sup>th</sup> Ave NE underground project
- Projects on Council project tracking sheet
- Sally's Alley project – discuss as a future agenda item
- Include a standing executive session option on agenda for future meetings

**EXECUTIVE SESSION:**

Executive Session with Town Attorney (Pursuant to RCW 42.30.110.(1)(i), the Council will recess into executive session 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.

Mayor Harris called the executive session to order at 5:25 p.m. announcing the reopening of the regular meeting to be at 5:55 p.m. No action to be taken.

Mayor Harris closed the executive session at 5:58 p.m.

Mayor Harris reopened the regular meeting at 5:58 p.m. stating that the executive session is extended for 30 minutes, until 6:25 p.m.

Mayor Harris closed the executive session executive session at 6:25 p.m.

Mayor Harris reopened the regular meeting at 6:25 p.m. stating that the executive session is extended for 10 minutes, until 6:35 p.m.

Mayor Harris closed the executive session executive session at 6:40 p.m.

Mayor Harris reopened the regular meeting at 6:40 p.m.

**10. ADJOURNMENT:**

MOTION: Motion by Councilmember Valaas, seconded by Councilmember Lagerholm to adjourn the meeting at 6:40 p.m.

VOTE: 5 For, 0 Against. Motion carried.

APPROVED:

ATTEST:

\_\_\_\_\_  
Katy Kinney Harris, Mayor

\_\_\_\_\_  
Bonnie Ritter, Clerk-Treasurer

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

Consent Calendar  
November 8, 2022

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Consent Calendar	<b>Proposed Council Action:</b> Approve Consent Calendar
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Presented by: Clerk-Treasurer

Exhibits: Payment Approval and Payroll Reports  
Mayor's Proclamation Terminating Emergency Proclamation of 3/16/20  
Engineer's Report on NE 36<sup>th</sup> Street Project

**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.

Consent Calendar Items for Consideration:

1. Payment Approval and Payroll Reports totaling \$457,527.96.
2. Mayor's Proclamation Terminating Emergency Proclamation of 3/16/20.
3. NE 36<sup>th</sup> Street Storm Improvements Project Acceptance

**Recommended Action:**

Motion to approve the Consent Calendar as presented.

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
<b>AA Asphaltting LLC</b>					
309	AA Asphaltting LLC	4255 91st Ave NE work per bid	10/28/2022	2,174.48	20,681.62
Total AA Asphaltting LLC:				2,174.48	
<b>Applegate, Larry</b>					
470	Applegate, Larry	Kubota Service bill reimbursement	10/17/2022	1,593.81	1,593.81
Total Applegate, Larry:				1,593.81	
<b>B&amp;B Utilities &amp; Excavating, LLC</b>					
469	B&B Utilities & Excavating,	NE 36th Street Storm Improvements	10/25/2022	177,210.24	177,210.24
Total B&B Utilities & Excavating, LLC:				177,210.24	
<b>Banner Bank</b>					
700	Banner Bank	Town cell phone	10/18/2022	125.22	
700	Banner Bank	ROW Supplies	10/18/2022	203.66	
700	Banner Bank	IT	10/18/2022	566.18	
700	Banner Bank	Constant Contact	10/18/2022	77.07	
700	Banner Bank	Office supplies	10/18/2022	316.86	
700	Banner Bank	WA Govt Finance Officers Training	10/18/2022	670.00	
700	Banner Bank	Swindley Plaque	10/18/2022	3,252.38	36,398.39
Total Banner Bank:				5,211.37	
<b>Bonnie Ritter</b>					
9047	Bonnie Ritter	Reimburse for Govt Finance Officers Training	10/17/2022	630.00	630.00
Total Bonnie Ritter:				630.00	
<b>CASELLE, INC.</b>					
1300	CASELLE, INC.	Contract support and maintenance for Nov. & Dec.	10/01/2022	1,492.96	8,029.63
Total CASELLE, INC.:				1,492.96	
<b>Cities Digital, Inc.</b>					
471	Cities Digital, Inc.	Laserfiche Municipal Site License and Service Packag	10/18/2022	13,597.35	13,597.35
Total Cities Digital, Inc.:				13,597.35	
<b>CITY OF BELLEVUE</b>					
212	CITY OF BELLEVUE	Sewer and Water Service	10/11/2022	1,079.28	3,514.47
Total CITY OF BELLEVUE:				1,079.28	
<b>City of Bellevue</b>					
233	City of Bellevue	Fire Protection - 2nd Half of 2022	10/07/2022	116,971.50	
233	City of Bellevue	2022 LEOFF 1 Payment	10/07/2022	6,108.42	252,551.42
Total City of Bellevue:				123,079.92	
<b>Comcast</b>					
301	Comcast	Internet and fax line	10/14/2022	247.53	3,142.29
Total Comcast:				247.53	



Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
<b>Comcast Business- VoiceEdge</b>					
1374	Comcast Business- VoiceE	Town Hall Phone Service	10/15/2022	248.21	3,007.75
Total Comcast Business- VoiceEdge:				248.21	
<b>CRYSTAL AND SIERRA SPRINGS</b>					
1046	CRYSTAL AND SIERRA S	Water cooler	10/22/2022	68.16	717.73
Total CRYSTAL AND SIERRA SPRINGS:				68.16	
<b>Gaylynn Brien</b>					
1151	Gaylynn Brien	Sales Tax reports	09/30/2022	50.00	
1151	Gaylynn Brien	Sales Tax reports	10/31/2022	50.00	550.00
Total Gaylynn Brien:				100.00	
<b>Gray &amp; Osborne, Inc.</b>					
9043	Gray & Osborne, Inc.	36th Street Stormwater Improvements	10/10/2022	12,064.26	50,399.63
Total Gray & Osborne, Inc.:				12,064.26	
<b>Guilford Investments LLC</b>					
466	Guilford Investments LLC	Partial release of performance bond	10/20/2022	33,783.75	
466	Guilford Investments LLC	Refund of Street Deposit	10/17/2022	3,750.00	37,898.75
Total Guilford Investments LLC:				37,533.75	
<b>Hausheng Zhou and Liu Mengyin</b>					
1466	Hausheng Zhou and Liu M	Street Deposit Refund	10/11/2022	3,750.00	3,750.00
Total Hausheng Zhou and Liu Mengyin:				3,750.00	
<b>ISOsource</b>					
1301	ISOsource	Monthly Billing for October	10/27/2022	110.10	6,536.95
Total ISOsource:				110.10	
<b>King County Finance - Treasury Operation</b>					
45	King County Finance - Trea	Interlocal agreement - stormwater fee collection	06/01/2022	422.00	422.00
Total King County Finance - Treasury Operation:				422.00	
<b>Mishra, Debi and Madhavi</b>					
1465	Mishra, Debi and Madhavi	Street Deposit Refund	10/11/2022	3,750.00	3,750.00
Total Mishra, Debi and Madhavi:				3,750.00	
<b>MONA H. GREEN</b>					
219	MONA H. GREEN	Correspondence with SBD Planning	10/31/2022	297.50	23,752.07
Total MONA H. GREEN:				297.50	
<b>MUNICIPAL PERMIT SERVICE, LLC</b>					
350	MUNICIPAL PERMIT SER	Code Enforcement	10/31/2022	191.01	
350	MUNICIPAL PERMIT SER	Building Permit Inspections	10/31/2022	3,200.67	
350	MUNICIPAL PERMIT SER	Mechanical/Plumbing Permit Inspections	10/31/2022	1,403.70	
350	MUNICIPAL PERMIT SER	Fence Permit Inspections	10/31/2022	33.01	
350	MUNICIPAL PERMIT SER	Demolition Permit Inspection	10/31/2022	63.67	

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
350	MUNICIPAL PERMIT SER	Plan Review	10/31/2022	312.50	55,672.44
Total MUNICIPAL PERMIT SERVICE, LLC:				5,204.56	
<b>Northern Waters</b>					
304	Northern Waters	Winterization at 9020 NE 42nd St Road End	10/14/2022	139.83	
304	Northern Waters	Winterization at NE 47th St Road End Beach	10/14/2022	216.35	
304	Northern Waters	Winterization at 4030 95th Ave NE	10/14/2022	209.74	2,066.42
Total Northern Waters:				565.92	
<b>NORTHWEST CIVIL SOLUTIONS</b>					
450	NORTHWEST CIVIL SOLU	CIP #1 - NE 36th St	10/31/2022	1,046.25	
450	NORTHWEST CIVIL SOLU	42nd-91st Stormwater Upsizing and UGC Project	10/31/2022	33.75	
450	NORTHWEST CIVIL SOLU	94th UGC & Storm Improvements	10/31/2022	270.00	
450	NORTHWEST CIVIL SOLU	Site Development	10/31/2022	978.75	
450	NORTHWEST CIVIL SOLU	ROW permit	10/31/2022	67.50	
450	NORTHWEST CIVIL SOLU	General Admin - Planner duties	10/31/2022	33.75	
450	NORTHWEST CIVIL SOLU	Stormwater Clean & Camera	10/31/2022	101.25	
450	NORTHWEST CIVIL SOLU	General Admin - Sally's Alley	10/31/2022	101.25	
450	NORTHWEST CIVIL SOLU	General Administration	10/31/2022	472.50	67,899.33
Total NORTHWEST CIVIL SOLUTIONS:				3,105.00	
<b>Ogden Murphy Wallace</b>					
1390	Ogden Murphy Wallace	Clerk	10/21/2022	480.00	
1390	Ogden Murphy Wallace	Council	10/21/2022	1,560.00	
1390	Ogden Murphy Wallace	Land Use	10/21/2022	3,990.00	
1390	Ogden Murphy Wallace	Mayor/Executive	10/21/2022	1,432.50	
1390	Ogden Murphy Wallace	Short Plat 64 (sewer)	10/21/2022	11,767.50	
1390	Ogden Murphy Wallace	Sally's Alley ROW	10/21/2022	1,267.50	155,684.46
Total Ogden Murphy Wallace:				20,497.50	
<b>Peters, Thomas and Katherine</b>					
1467	Peters, Thomas and Kather	Street Deposit Refund	10/11/2022	3,750.00	3,750.00
Total Peters, Thomas and Katherine:				3,750.00	
<b>PUGET SOUND ENERGY</b>					
604	PUGET SOUND ENERGY	Town Hall service	10/24/2022	160.10	
604	PUGET SOUND ENERGY	Street lights	10/24/2022	714.57	121,954.57
Total PUGET SOUND ENERGY:				874.67	
<b>SBN Planning LLC</b>					
154	SBN Planning LLC	Mechanical Permit Review	11/03/2022	77.50	
154	SBN Planning LLC	Shoreline Sub Development	11/03/2022	581.25	
154	SBN Planning LLC	Shoreline Exemption	11/03/2022	77.50	
154	SBN Planning LLC	Building Permits	11/03/2022	348.75	
154	SBN Planning LLC	Tree Permit	11/03/2022	310.00	
154	SBN Planning LLC	Comprehensive Plan Update	11/03/2022	1,666.25	
154	SBN Planning LLC	General Administration	11/03/2022	1,985.00	16,717.20
Total SBN Planning LLC:				5,046.25	
<b>SEA-TAC SWEEPING SERVICE</b>					
46	SEA-TAC SWEEPING SE	Street Sweeping	10/10/2022	410.00	

Vendor	Vendor Name	Description	Invoice Date	Amount Paid	YTD Payments
46	SEA-TAC SWEEPING SE	Street Sweeping	10/10/2022	410.00	8,270.00
Total SEA-TAC SWEEPING SERVICE:				820.00	
<b>THE SEATTLE TIMES</b>					
192	THE SEATTLE TIMES	Budget hearing notices	10/31/2022	145.35	
192	THE SEATTLE TIMES	Ord. 720 publication	10/18/2022	35.19	2,136.00
Total THE SEATTLE TIMES:				180.54	
Grand Totals:				424,705.36	

Certification of the Consent Calendar as presented including the Payment Approval Report dated 11/3/2022 approving payments as shown totaling \$424,705.36, plus payroll, tax, and benefit expenses of \$32,822.60 as shown on the attached payroll & tax and benefits report, for a grand total of \$457,527.96.

I, the undersigned, do hereby certify that the items herein listed are proper obligations of the Town in accordance with the Town budget and directives of the Council and Mayor.

Clerk/Treasurer: Bonnie Ritter \_\_\_\_\_

Dated: November 8, 2022

Mayor Katy K Harris: \_\_\_\_\_

Councilmember Stephan Lagerholm: \_\_\_\_\_

Councilmember Carl Scandella: \_\_\_\_\_

Councilmember Charles H Porter: \_\_\_\_\_

Councilmember Andy Valaas: \_\_\_\_\_

Councilmember Kathy Smith: \_\_\_\_\_

Report Criteria:

- Includes all check types
- Includes unprinted checks

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Description	GL Account	Amount
10/31/2022	CDPT		0	EMPLOYMENT SECURITY DEPT	5	Quarterly Employment Security Pay	999-1010110	50.81-
10/31/2022	CDPT		0	DEPT OF LABOR & INDUSTRY	6	Quarterly L & I Workers Compensa	999-1010110	276.37-
10/31/2022	CDPT		0	EMPLOYMENT SECURITY DEPT	8	Quarterly WA FMLA WA Paid Fami	999-1010110	111.78-
10/31/2022	PC	10/25/2022	1020221	Lovas, Istvan	9002		001-514-20-1	4,742.90-
10/31/2022	PC	10/25/2022	1020222	Wilcox, Austen	9037		999-1010110	4,677.16-
10/31/2022	PC	10/25/2022	1020223	Ritter, Bonnie	9041		001-2200000	6,545.84-
10/31/2022	PC	10/25/2022	1020224	Harris, Kathryn K	9047		001-513-10-1	1,568.72-
10/31/2022	CDPT	10/31/2022	1020224	Association of Washington Cities	9	Health and Dental Insurance Visio	999-1010110	3,609.60-
10/31/2022	CDPT	10/31/2022	1020225	DEPT OF RETIREMENT SYSTEM	1	State Retirement PERS II Pay Per	999-1010110	3,752.85-
10/31/2022	CDPT	10/31/2022	1020226	Federal Tax	2	941 Taxes Federal Withholding Tax	999-1010110	7,486.57-
Grand Totals:								32,822.60-
			<u>10</u>					<u></u>

**TOWN OF YARROW POINT  
PROCLAMATION**

**A PROCLAMATION OF THE TOWN OF YARROW POINT, WASHINGTON, TERMINATING  
THE MAYOR'S MARCH 16, 2020, EMERGENCY PROCLAMATION RELATED TO THE  
COVID-19 PANDEMIC**

**RECITALS**

- A. With the occurrence of the pandemic outbreak of COVID-19 throughout much of the world and in Washington State, Governor Inslee issued a statewide "State of Emergency" on February 29, 2020.
- B. Because of the actual and potential impacts to the Town of Yarrow Point posed by the pandemic, on March 16, 2020, the Mayor of the Town of Yarrow Point issued a local emergency proclamation declaring a state of emergency in Yarrow Point.
- C. After nearly two years of combatting the disease, on September 8, 2022, Governor Inslee announced that he intends to end the statewide State of Emergency by October 31, 2022.
- D. The extraordinary measures taken to protect the public health, safety, and welfare of Town residents, visitors, and personnel are no longer required, and the powers granted by the March 16<sup>th</sup> proclamation are no longer necessary.
- E. With the statewide emergency now coming to an end, it is appropriate that I similarly terminate the March 16, 2020, emergency proclamation to coincide with the termination of the state proclamation ending the emergency by October 31.

**PROCLAMATION**

**NOW, THEREFORE**, I, Katy Kinney Harris, Mayor of the Town of Yarrow Point. Terminate the Town's Covid-19 emergency proclamation as follows:

- 1. Based on changing circumstances and improving conditions related to the COVID-19 pandemic in Yarrow Point and throughout Washington State, the emergency previously proclaimed under the authority of RCW Chapter 38.52 no longer exists with the Town of Yarrow Point.
- 2. The emergency proclamation issued on March 16, 2020, is terminated and is no longer in effect.
- 3. Any authorization for emergency work or procurements issued in the March 16<sup>th</sup> proclamation is terminated and is no longer in effect.

Dated this 1<sup>st</sup> day of November, 2022.

APPROVED:

\_\_\_\_\_  
Mayor Katy Kinney Harris

\_\_\_\_\_  
Attest: Clerk-Treasurer Bonnie Ritter

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

Consent Agenda  
November 8, 2022

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<b>NE 36<sup>th</sup> Street Storm Improvements Project Acceptance</b>	<b>Proposed Council Action:</b> Project Acceptance.
<b>Presented by:</b>	Town Engineer Stacia Schroeder
<b>Exhibits:</b>	<ul style="list-style-type: none"><li>Gray &amp; Osborne – Chris Bacon Letter Dated 10/31/22 <i><u>“Physical Completion, NE 36<sup>th</sup> Street Storm Improvements</u></i></li></ul>

**Summary:**

Gray & Osborne has worked with the contractor this week to iron out the remaining details of the NE 36<sup>th</sup> Street project. The attached letter explains the final progress estimate, project acceptance completion, and release of retainage activities.

**Recommended Action:**

Approve the Final Progress Estimate #1 and officially accept project as complete.



October 31, 2022

Mr. Jeff Brown  
B&B Utilities and Excavating, LLC  
P.O. Box 293  
Bothell, Washington 98041

SUBJECT: PHYSICAL COMPLETION, NE 36<sup>TH</sup> STREET STORM  
IMPROVEMENTS  
TOWN OF YARROW POINT, KING COUNTY, WASHINGTON  
G&O #22492.00

Dear Mr. Brown:

In accordance with WSDOT Standard Specifications Section 1-08.5, the Town is notifying Contractor that the Physical Completion date for this project is October 31, 2022. Physical Completion does not imply the Town's acceptance of the work or the contract.

Sincerely,

GRAY & OSBORNE, INC.

Christopher Bacon, P.E.

CJB/sc

cc: Ms. Stacia Schroeder, P.E., Town Engineer, Town of Yarrow Point

**FINAL PROGRESS ESTIMATE 1**  
**OCTOBER 25, 2022**

TOWN OF YARROW POINT  
 KING COUNTY  
 WASHINGTON

PROGRESS ESTIMATE PERIOD  
 SEPTEMBER 27, 2022 TO OCTOBER 26, 2022

PROJECT:  
 TOWN OF YARROW POINT  
 NE 36TH STREET STORM IMPROVEMENTS  
 G&O JOB NUMBER #22492

CONTRACTOR:  
 B&B UTILITIES & EXCAVATING, LLC  
 P.O. BOX 293  
 BOTHELL, WA 98041

BID ITEMS				QUANTITIES		PROJECT COSTS		PERCENT OF CONTRACT QUANTITY	
NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL THIS PERIOD	TOTAL TO DATE	AMOUNT THIS PERIOD		AMOUNT TO DATE
1	Minor Change	1	CALC	\$5,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
2	Survey	1	LS	\$5,000.00	100.00%	100.00%	\$5,000.00	\$5,000.00	100%
3	Record Drawings (Minimum Bid \$1,000)	1	LS	\$1,500.00	100.00%	100.00%	\$1,500.00	\$1,500.00	100%
4	SPCC Plan	1	LS	\$1,000.00	100.00%	100.00%	\$1,000.00	\$1,000.00	100%
5	Mobilization, Cleanup and Demobilization	1	LS	\$20,000.00	100.00%	100.00%	\$20,000.00	\$20,000.00	100%
6	Project Temporary Traffic Control	1	LS	\$12,000.00	100.00%	100.00%	\$12,000.00	\$12,000.00	100%
7	Remove Drainage Structure	8	EA	\$500.00	8.00	8.00	\$4,000.00	\$4,000.00	100%
8	Remove Asphalt Pavement	440	SY	\$5.00	321.00	321.00	\$1,605.00	\$1,605.00	73%
9	Remove Cement Conc. Pavement (Roadway and Driveway)	50	SY	\$50.00	7.00	7.00	\$350.00	\$350.00	14%
10	Controlled Density Fill	5	CY	\$150.00	0.00	0.00	\$0.00	\$0.00	0%
11	Locate Existing Utilities	1	LS	\$1,000.00	100.00%	100.00%	\$1,000.00	\$1,000.00	100%
12	Pothole	14	EA	\$200.00	20.00	20.00	\$4,000.00	\$4,000.00	143%
13	Crushed Surfacing Top Course for Shoulder Restoration	10	TN	\$25.00	0.00	0.00	\$0.00	\$0.00	0%
14	Commercial HMA	170	TN	\$150.00	113.07	113.07	\$16,960.50	\$16,960.50	67%
15	PVC Storm Sewer Pipe, 8 In. Diam. (Incl. Bedding)	245	LF	\$85.00	223.00	223.00	\$18,955.00	\$18,955.00	91%
16	PVC Storm Sewer Pipe, 12 In. Diam. (Incl. Bedding)	270	LF	\$90.00	256.00	256.00	\$23,040.00	\$23,040.00	95%
17	Catch Basin, Type 1	11	EA	\$5,000.00	11.00	11.00	\$55,000.00	\$55,000.00	100%
18	Concrete Inlet	1	EA	\$3,500.00	1.00	1.00	\$3,500.00	\$3,500.00	100%
19	Removal of Unsuitable Material (Trench)	10	CY	\$50.00	0.00	0.00	\$0.00	\$0.00	0%



**FINAL PROGRESS ESTIMATE 1**  
**OCTOBER 25, 2022**

TOWN OF YARROW POINT  
 KING COUNTY  
 WASHINGTON

PROGRESS ESTIMATE PERIOD  
 SEPTEMBER 27, 2022 TO OCTOBER 26, 2022

PROJECT:  
 TOWN OF YARROW POINT  
 NE 36TH STREET STORM IMPROVEMENTS  
 G&O JOB NUMBER #22492

CONTRACTOR:  
 B&B UTILITIES & EXCAVATING, LLC  
 P.O. BOX 293  
 BOTHELL, WA 98041

BID ITEMS				QUANTITIES		PROJECT COSTS		PERCENT OF CONTRACT QUANTITY
NO.	DESCRIPTION	QUANTITY UNIT	UNIT PRICE	TOTAL THIS PERIOD	TOTAL TO DATE	AMOUNT THIS PERIOD	AMOUNT TO DATE	
20	Trench Excavation Safety Systems	1 LS	\$5,000.00	100.00%	100.00%	\$5,000.00	\$5,000.00	100%
21	Bank Run Gravel for Trench Backfill	340 TN	\$10.00	386.13	386.13	\$3,861.30	\$3,861.30	114%
22	Sanitary Side Sewer Pipe Realignment	1 EA	\$1,500.00	0.00	0.00	\$0.00	\$0.00	0%
23	Erosion Control and Water Pollution Prevention	1 LS	\$500.00	100.00%	100.00%	\$500.00	\$500.00	100%
24	Topsoil, Type A	20 CY	\$50.00	3.00	3.00	\$150.00	\$150.00	15%
25	Bark or Wood Chip Mulch	15 CY	\$50.00	0.00	0.00	\$0.00	\$0.00	0%
26	Sod Installation	10 SY	\$100.00	0.00	0.00	\$0.00	\$0.00	0%
27	Cement Concrete Driveway Repair	25 SY	\$220.00	0.00	0.00	\$0.00	\$0.00	0%
28	Monument Case and Cover	1 EA	\$2,000.00	0.00	0.00	\$0.00	\$0.00	0%
<b>Change Order 1</b>								
29	Storm Repair on J-25 to J-23	1 LS	\$9,115.29	100.00%	100.00%	\$9,115.29	\$9,115.29	100%

**FINAL PROGRESS ESTIMATE 1**  
**OCTOBER 25, 2022**

TOWN OF YARROW POINT  
 KING COUNTY  
 WASHINGTON

PROGRESS ESTIMATE PERIOD  
 SEPTEMBER 27, 2022 TO OCTOBER 26, 2022

PROJECT:  
 TOWN OF YARROW POINT  
 NE 36TH STREET STORM IMPROVEMENTS  
 G&O JOB NUMBER #22492

CONTRACTOR:  
 B&B UTILITIES & EXCAVATING, LLC  
 P.O. BOX 293  
 BOTHELL, WA 98041

	PROJECT COSTS	
	AMOUNT THIS PERIOD	AMOUNT TO DATE
<b>SUBTOTAL EARNED TO DATE</b>	\$186,537.09	\$186,537.09
<b>SALES TAX</b>	0.00%	\$0.00
<b>MATERIALS ON HAND</b>	\$0.00	\$0.00
<b>TOTAL</b>	\$186,537.09	\$186,537.09
<b>LESS 5% RETAINED (BEFORE TAX)</b>	\$9,326.85	\$9,326.85
<b>TOTAL EARNED TO DATE LESS RETAINAGE</b>		<b>\$177,210.24</b>

LESS AMOUNTS PREVIOUSLY PAID

**TOTAL PAYMENT NOW DUE: \$177,210.24**

ORIGINAL CONTRACT AMOUNT (WITHOUT TAX)	\$208,275.00
CONTRACT AMOUNT WITH CHANGE ORDER 1	\$217,390.29
CONTRACT PERCENTAGE TO DATE	86%

**FINAL PROGRESS ESTIMATE 1**  
**OCTOBER 25, 2022**

TOWN OF YARROW POINT  
 KING COUNTY  
 WASHINGTON

PROGRESS ESTIMATE PERIOD  
 SEPTEMBER 27, 2022 TO OCTOBER 26, 2022

PROJECT:  
 TOWN OF YARROW POINT  
 NE 36TH STREET STORM IMPROVEMENTS  
 G&O JOB NUMBER #22492

CONTRACTOR:  
 B&B UTILITIES & EXCAVATING, LLC  
 P.O. BOX 293  
 BOTHELL, WA 98041

I HEREBY CERTIFY THE ABOVE ESTIMATE IS A  
 TRUE AND CORRECT STATEMENT OF THE  
 WORK PERFORMED UNDER THIS CONTRACT.

I HEREBY CERTIFY THAT THE WAGES HAVE BEEN PAID IN  
 ACCORDANCE WITH RCW 39.12 (PREVAILING WAGES).

GRAY & OSBORNE, INC.

B&B UTILITIES & EXCAVATING,LLC

\_\_\_\_\_  
 CHRISTOPHER BACON, P.E.

\_\_\_\_\_  
 CONTRACTOR'S REPRESENTATIVE

**SUMMARY AND DISTRIBUTION OF PAYMENTS**

PAY EST NO.	PROGRESS ESTIMATE PERIOD DATES	TOTAL EARNED PER PERIOD	SALES TAX RATE	SALES TAX AMOUNT	MATERIALS ON HAND	RETAINAGE (5%)	TOTAL PAYMENT
1	SEPTEMBER 27, 2022 TO OCTOBER 26, 2022	\$186,537.09	0.00%	\$0.00	\$0.00	\$9,326.85	\$177,210.24
<b>TOTAL:</b>		\$186,537.09		\$0.00	\$0.00	\$9,326.85	\$177,210.24

# CHANGE ORDER

**Project Title** NE 36<sup>th</sup> Street Stormwater Improvements  
**Owner** Town of Yarrow Point      **Contractor Name** B&B Utilities  
**Change Order No.** 1      **Contractor Address** P.O. Box 293  
Bothell, WA 98041  
**Change Order Date** October 25, 2022  
**G&O No.** 22492

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The following changes are hereby made to the Contract Documents:

**ITEM 1: Storm Repair between J-25 to J-23**

Replace failed pipe coupling and appurtenances along the storm main run from catch basin J-25 to catch basin J-23.

The following payment item is added to the Contract:

No.	Description	Quantity	Unit Price	Total
29	Storm Repair on J-25 to J-23	1 LS	\$9,115.29	\$9,115.29

The lump sum cost for this work is:.....\$9,115.29

**Justification:** The additional work is at the request of the Owner.

**Working Days:** 0 working days are added to the Substantial and Physical Completion Contract Times.

**CHANGE TO CONTRACT PRICE**

Original Contract Amount (without tax): .....\$208,275.00  
Current Contract Amount, as adjusted by previous change orders:.....\$208,275.00  
The Contract Amount due to this Change Order will be increased by: .....\$9,115.29  
The new Contract Amount (without tax) due to this Change Order will be:.....\$217,390.29

**CHANGE TO CONTRACT TIME**

The Substantial Completion Contract Time will be increased by 0 working days, for a total of 30 working days.

The Physical Completion Contract Time will be increased by 0 working days, for a total of 40 working days.

This document will become a supplement to the Contract and all provisions in the Contract will apply hereto. The Contractor acknowledges and agrees that by executing this change order he foregoes all rights and privileges of acquiring any additional compensation for any known or unknown claims of any type or nature, to include but not be limited to, any additional work, delays, extended office overhead, design omissions, changed site conditions, or any oral directions as of the date of the execution of this change order.

**GRAY & OSBORNE, INC.**  
**(RECOMMENDED)** \_\_\_\_\_ Date \_\_\_\_\_

**B&B UTILITIES &  
EXCAVATING, LLC**  
**(ACCEPTED)** \_\_\_\_\_ Date \_\_\_\_\_

**TOWN OF  
YARROW POINT**  
**(ACCEPTED)** \_\_\_\_\_ Date \_\_\_\_\_

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

Agenda Bill 22-57  
November 8, 2022

<b>Public Hearing on 2023 Final Budget</b>	<b>Proposed Council Action:</b> Hear comments and discuss Adopt Ordinance No.721
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<b>Presented by:</b>	Mayor Katy Harris
<b>Exhibits:</b>	2023 Final Budget by Fund (to show sub-funds of General Fund) Ordinance No.721 adopting the 2023 budget, including Appendix A.

**Summary:**

A public hearing is required to give citizens an opportunity to be heard with reference to the 2023 final budget. Publication and posting of the public hearing have been done in compliance with state law.

Please note that Fund 023 Wetherill, and Fund 040 Parks and Open Space, are sub-funds of the General Fund. The Town can only report one General Fund, so the revenues and expenditures of these sub-funds are rolled up and are included in the revenue and expenditures of Fund 001 General Fund in the adoption of the final budget.

**Recommended Action:**

1. Hold a Public Hearing on the 2023 Final Budget
  
2. ADOPT ORDINANCE NO.721: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON ADOPTING THE BUDGET FOR FISCAL YEAR 2023 AND SETTING FORTH IN SUMMARY FORM THE TOTAL OF ESTIMATED REVENUES AND EXPENDITURES FOR EACH SEPARATE FUND AND THE AGGREGATE TOTALS FOR ALL SUCH FUNDS COMBINED; AND ESTABLISHING AN EFFECTIVE DATE.

## Town of Yarrow Point 2023 Final Budget

FUND	Revenues & Other Resources	Expenditures and Other Uses
001 - General Fund	1,336,950	1,477,971
023 - Wetherill Nature Preserve	34,300	42,500
040 - Public Parks & Open Space	88,500	145,000
<b>Total General Fund</b>	<b>1,459,750</b>	<b>1,665,471</b>
101 - Street Fund	380,150	490,926
104 - Community Development	259,100	293,704
301 - Capital Improvememt	271,000	330,000
311 - Current Year Capital	37,000	60,000
401 - Stormwater	163,338	187,708
701 - Wetherill Endowment Fund	900	900
<b>Total for Town Funds</b>	<b>2,571,238</b>	<b>3,028,709</b>
<b>Fiduciary Funds</b>		
631 - Agency Remittance Fund	3,200	3,200
<b>Total for Fiduciary Funds</b>	<b>3,200</b>	<b>3,200</b>
<b>Total for Town &amp; Fiduciary Funds</b>	<b>2,574,438</b>	<b>3,031,909</b>

11/2/2022

**TOWN OF YARROW POINT  
ORDINANCE NO. 721**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON  
ADOPTING THE BUDGET FOR FISCAL YEAR 2023 AND SETTING  
FORTH IN SUMMARY FORM THE TOTAL OF ESTIMATED REVENUES  
AND EXPENDITURES FOR EACH SEPARATE FUND AND THE  
AGGREGATE TOTALS FOR ALL SUCH FUNDS COMBINED; AND  
ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Clerk-Treasurer of the Town of Yarrow Point, Washington has completed and placed on file a proposed budget and estimate of the amount of monies required to meet the public expense, reserve funds and expenses of government of said Town for the fiscal year ending December 31, 2023; and

**WHEREAS**, the preliminary budget was printed for distribution and notice timely published in the Seattle Times, setting the time and place for hearing on the budget and stating that all taxpayers requesting a copy of the preliminary budget from the Town's Clerk-Treasurer would be furnished a copy thereof; and

**WHEREAS**, the Town Council of the Town of Yarrow Point, having held public hearings on October 11, 2022 and November 8, 2022 for the purpose of reviewing and discussing the proposed budget for the 2023 fiscal year and giving taxpayers within the limits of the Town an opportunity to be heard upon said budget, with proper notice as required by law; and

**WHEREAS**, the estimated revenues are set forth in Appendix A, and the proposed 2023 budget does not exceed the lawful limit allowed by law to be levied on property within the Town of Yarrow Point for the purposes set forth in said budget that are necessary to carry on the government of the Town for the year and are sufficient to meet the various needs of the Town during the year; and

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON, AS FOLLOWS:**

SECTION 1. The budget for the Town of Yarrow Point, Washington for the year 2023 is hereby adopted at the fund level on this 8<sup>th</sup> day of November, 2022 after the notice of hearings and after the preliminary budget having been filed with the City Clerk as required by law.

SECTION 2. Estimated revenues, including fund balances for each separate fund of the Town of Yarrow Point and aggregate totals for all such funds combined for the year 2023, are set forth in summary and are hereby appropriated for expenditure at the fund level during the year 2023 as set forth in **Appendix A**, attached and incorporated by this reference.

SECTION 3. The Town Clerk-Treasurer is directed to transmit a certified copy of the 2023 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.



SECTION 4. The Mayor shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality, therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 6. This ordinance shall be in force and take effect on January 1, 2023 following its publication.

**PASSED** by the Town Council of the Town of Yarrow Point at a regularly scheduled meeting this 8<sup>th</sup> day of November, 2022.

APPROVED:

\_\_\_\_\_  
Katy K. Harris, Mayor

\_\_\_\_\_  
ATTEST: Bonnie Ritter, Town Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott M. Missall, Town Attorney

:

Appendix A - Ordinance 721  
**Town of Yarrow Point**  
**2023 Final Budget**

FUND	Revenues & Other Resources	Expenditures and Other Uses
001 - General Fund	1,459,750	1,665,471
101 - Street Fund	380,150	490,926
104 - Community Development	259,100	293,704
301 - Capital Improvement	271,000	330,000
311 - Current Year Capital	37,000	60,000
401 - Stormwater	163,338	187,708
701 - Wetherill Endowment Fund	900	900
<b>Total for Town Funds</b>	<b>2,571,238</b>	<b>3,028,709</b>
<b>Fiduciary Funds</b>		
631 - Agency Remittance Fund	3,200	3,200
<b>Total for Fiduciary Funds</b>	<b>3,200</b>	<b>3,200</b>
<b>Total for Town &amp; Fiduciary Funds</b>	<b>2,574,438</b>	<b>3,031,909</b>

11/2/2022

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

Agenda Bill 22-58  
November 8, 2022

<b>Fence Height Amendment</b>	<b>Proposed Council Action:</b> Hear comments and discuss Adopt Ordinance No.722
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<b>Presented by:</b>	Mayor Harris
<b>Exhibits:</b>	Ordinance 722

**Summary:**

It has come to the Town’s attention that many panels used to construct fences come with a trellis or other finishing top rails that exceed the current height limitation of six feet. Increasing the permitted fence height to six and a half feet would ensure that all existing fences are brought into compliance and would provide for a larger array of standard building materials to be used for future fences.

Additionally, this revision would streamline the permitting requirements for fences. If adopted, this ordinance would clarify that a building permit is required whenever a fence is built over 6’6” anywhere on the property, not just in the setbacks.

Fences/barriers proposed for sound attenuation would still continue to require a building permit, no matter the height. Sound barriers are typically used at automatic stand-by generators and other outdoors mechanical appliances which have specific code regulations for access and combustible materials clearances which must be confirmed.

Finally, “Lowest adjacent finished grade” is a proposed addition. This means that the fence height is measured from either side of the fence. Grades are often different from one side of a fence to another due to landscape slope, etc. One side of a fence may be significantly taller than the other. There are times when a fence is 6’-6” from the side of the person constructing the fence, but taller on the side facing neighbors. We would want a definition of Adjacent Finished Grade.

Enforcement of fence complaints for those that do not require a permit would be through code enforcement investigation only.

**Recommended Action:**

Approve Ordinance 722: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 15.04.030 RELATING TO FENCE HEIGHTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**TOWN OF YARROW POINT  
ORDINANCE NO. 722**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 15.04.030 RELATING TO CONDITIONS AND EXEMPTIONS FROM BUILDING PERMIT REQUIREMENTS AND YARROW POINT MUNICIPAL CODE CHAPTER 17.08 ADDING A NEW DEFINITION FOR LOWEST ADJACENT GRADE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Section 15.04.030 of the Yarrow Point Municipal Code (“YPMC”) sets forth exemptions from the requirement to obtain a building permit; and

**WHEREAS**, YPMC 15.04.030 exempts certain fences that have a height of six feet or less from the requirement to obtain a building permit; and

**WHEREAS**, it has come to the Town’s attention that many prefabricated panels used to construct fences come with a trellis or other finishing top rail that exceeds the current height limitation of six feet; and

**WHEREAS**, increasing the permitted fence height to six and one half feet (6’-6”) would ensure that many existing fences using prefabricated panels are code compliant, and would provide for a larger array of building materials to be used for future fence construction; and

**WHEREAS**, the Town Council finds the amendments as set forth herein to be in the public’s interest, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:**

**SECTION 1.** Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

**SECTION 2.** Amendment to YPMC Section 15.04.030. Yarrow Point Municipal Code Section 15.04.030 is hereby amended to read as follows:

Subsection 105.2, Building, of the IBC and subsection R105.2, Building, of the IRC, which list work of a building nature that is exempt from building permit requirements, are hereby amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
  
2. Single-family residential decks not exceeding 200 square feet in area, that are not more than 30 inches above finish grade at any point, are not attached to a dwelling and do not serve the exit door required by R311.2.

3. Boat moorage covers over open water not exceeding 120 square feet in horizontally projected roof area and which fully comply with all state and local regulations.
4. Fences not over six feet six inches (6'-6") in height as measured from the lowest adjacent finished grade to the top of the fence. A building permit is required for fences to be built within the setback area as defined in the Yarrow Point Zoning Code, and for any fence six feet in height or over wherever it is located on the property. This exemption shall not apply to any structure designed or used for sound attenuation purposes, or to fences that are constructed from concrete or masonry materials.
5. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. ~~A.~~ Temporary motion picture, television and theater stage sets and scenery limited to thirty (30) days.
8. Temporary, prefabricated or mobile structures to be used on-site during construction and removed upon completion of the project.
9. Swings and other playground equipment accessory to detached one and two family dwellings and not affecting the structural coverage allowance of the lot.
10. Interior and exterior trim, painting, papering, tiling, cabinets, counter tops, carpeting, finished flooring and other similar finish work for which inspection to verify code compliance is not required.
11. Ornamental or decorative ponds or pools that contain water not over twenty-four (24) inches in depth.
12. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches in height.
13. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
14. Residential re-roofing involving:
  - a. Removal and replacement of existing roofing materials using same or similar type of materials where the work does not activate other building code or energy code requirements, and does not reduce existing ventilation or storm water drainage connections and dispersal; or
  - b. A re-roof overlay of one layer of asphalt composition onto an existing layer of asphalt composition.
15. Any work not regulated by provisions of this code or any elements of the State Building Code.

**SECTION 3.** Amendment to chapter 17.08 YPMC. Yarrow Point Municipal Code Chapter 17.08 is hereby amended to include a new definition as follows:

“Lowest adjacent finished grade” means the lowest point of the ground level immediately next to or abutting a building or structure.

**SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

**SECTION 5.** Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 6.** Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force and effect five (5) days after the date of publication.

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THIS 8<sup>TH</sup> DAY OF November, 2022.**

\_\_\_\_\_  
Katy Kinney Harris, Mayor

Approved as to form:  
Town Attorney

Attest/Authenticated:

\_\_\_\_\_  
Ogden Murphy Wallace, PLLC

\_\_\_\_\_  
Bonnie Ritter, Town Clerk-Treasurer

PUBLISHED BY THE TOWN COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: 722

<b>Minor Revisions to Chapter 20.22 YPMC - Private Property Tree Code</b>	<b>Proposed Council Action:</b> Hear comments and discuss Adopt Ordinance No.723
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<b>Presented by:</b>	Deputy Town Attorney – Emily Miner
<b>Exhibits:</b>	Ordinance No. 723

**Summary:**

The Planning Commission has explored various noticing requirements to ensure that future property owners are on notice of the need to comply with YPMC Chapter 20.22 requirements for removal of trees planted as mitigation. Potential noticing options discussed included requiring placement of a notice on title, requiring a notarized document from the buyer confirming their compliance with the code, and requiring a warranty bond for the three-year survival period requirement for mitigation trees. Planning Commission’s expressed preference at the July meeting was for a notice requirement in conjunction with a warranty bond. Staff prepared the attached revisions to YPMC Chapter 20.22 to reflect this requirement and the Planning Commission voted to recommend approval of the revisions to Council at the October 2022 meeting.

The bond amount will be at the discretion of the Town Staff to ensure that certain site contexts are taken into consideration such as number of and size of trees.

**Recommended Action:**

1. Adopt ordinance as presented
2. Adopt ordinance with amendments
3. Refer ordinance for second reading
4. Take no action

**TOWN OF YARROW POINT  
ORDINANCE NO. 723**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON,  
AMENDING YARROW POINT MUNICIPAL CODE SECTION 20.22.080  
AND ADOPTING NEW YARROW POINT MUNICIPAL CODE SECTION  
20.22.085 REGARDING MITIGATION TREE REQUIREMENTS;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, on 723 the Yarrow Point Town Council adopted Ordinance No. 723 establishing regulations in Yarrow Point Municipal Code (“YPMC”) Chapter 20.22 regarding management of trees on private property; and

**WHEREAS**, YPMC Section 20.22.080 requires planting of mitigation trees as needed to meet the Town’s minimum tree density requirement; and

**WHEREAS**, Chapter 20.22 YPMC contains no tracking or noticing requirement regarding the need for future property owners to be aware of, protect and obtain a permit for removal of trees planted as mitigation; and

**WHEREAS**, to ensure the intent and purpose of YPMC 20.22.080 is met, the Town desires to adopt a notice requirement to ensure that future property owners are aware of the need to protect trees planted as mitigation and to obtain a permit for removal of trees planted as mitigation; and

**WHEREAS**, the Town Council finds that the amendments set forth herein are in the public’s best interest, safety and general welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:**

**SECTION 1.** Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

**SECTION 2.** Amendment to YPMC Section 20.22.080. Yarrow Point Municipal Code Section 20.22.080 is hereby amended to read as follows:

**20.22.080      Tree Mitigation.**

A. Whenever a significant tree is planned for removal pursuant to an issued tree removal permit, the applicant shall first demonstrate to the Town that, after the removal of the significant tree(s), the property will meet the requirements of YPMC 20.22.030 (Tree removal and minimum significant tree density). Should the property fail to meet this requirement, the applicant shall provide a tree mitigation plan that satisfies the requirements of YPMC 20.22.030 (Tree removal and minimum



significant tree density). When approved by the Town, the tree mitigation plan shall be kept on file as a town record.

B. Mitigation trees shall be a minimum of 10 feet tall or have a three-inch caliper, and shall have a full and well-developed crown.

C. Tree M-mitigation requirements shall be met within six months of removing any significant tree removal. In the case of concurrent new construction, mitigation requirements shall be met prior to final inspection.

D. Trees planted as mitigation trees shall be maintained with adequate water and care to survive a minimum three-year warranty period or be replaced. Prior to planting a mitigation tree, the applicants shall post a warranty bond in a form and amount acceptable to the town to ensure all trees planted as mitigation survive the warranty period. Mitigation trees that fail to survive the warranty period shall be replaced by the property owner with new mitigation trees within 90 days in accordance with the YPMC. Mitigation trees shall be maintained in a healthy condition for their lifetime.

**SECTION 3.** Amendment to Chapter 20.22 YPMC. Yarrow Point Municipal Code Chapter 20.22 is hereby amended by the addition of the following new section:

**20.22.085 Verification Required.**

Within 90 days of purchasing a property, and also prior to removing any trees on the property, the property owner shall contact the Town and verify with the Town whether an approved mitigation planting plan for the property is on file with the Town. Failure of the property owner to do so is a code violation and shall not relieve a property owner of compliance with the provisions of this chapter, nor shall such failure serve as a defense to enforcement of this chapter.

**SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

**SECTION 5.** Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 6.** Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force and effect five (5) days after the date of publication.

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THE \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2022.**

\_\_\_\_\_  
Katy Kinney Harris, Mayor

Approved as to form:  
Town Attorney

Attest/Authenticated:

\_\_\_\_\_  
Ogden Murphy Wallace, PLLC

\_\_\_\_\_  
Bonnie Ritter, Town Clerk-Treasurer

PUBLISHED BY THE TOWN COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: 723

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

Agenda Bill 22-60  
November 8, 2022

<b>Updated Town Prosecutor Ordinance</b>	<b>Proposed Council Action:</b> Hear comments and discuss Adopt Ordinance No.724
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<b>Presented by:</b>	Town Attorney
<b>Exhibits:</b>	Ordinance 724

**Summary:**

The Town’s prosecutor has asked us to prepare an ordinance amending YPMC chapter 9.04 to reflect the updated cross-references to state law regarding protection orders. We will need to enact this as an emergency measure to make sure that it becomes effectively immediately so that protection orders can continue to be issued. The Town Attorney prepared the attached ordinance, which has been reviewed and approved by the Town’s prosecutor.

**Recommended Action:**

Adopt Ordinance 724, AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 9.04.040, “STATE STATUTES ADOPTED”, TO HARMONIZE THE CHAPTER WITH RECENT CHANGES TO STATE LAW; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

**TOWN OF YARROW POINT  
ORDINANCE NO. 724**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 9.04.040, "STATE STATUTES ADOPTED", TO HARMONIZE THE CHAPTER WITH RECENT CHANGES TO STATE LAW; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, in 2021, the Washington State Legislature enacted Engrossed Second Substitute House Bill 1320 (E2SHB 1320) with the purpose of modernizing, harmonizing, and improving the efficacy of the state's laws concerning civil protection orders; and

**WHEREAS**, E2SHB 1320 established a new chapter of the Revised Code of Washington (RCW) to govern all types of protection orders, including domestic violence protection orders (DVPOs), sexual assault protection orders (SAPOs), stalking protection orders (Stalking POs), anti-harassment protection orders (AHPOs), vulnerable adult protection orders (VAPOs), and extreme risk protection orders (ERPOs); and

**WHEREAS**, Section 9.04.010 of the Yarrow Point Municipal Code (YPMC), "State Statutes Adopted" adopts by reference former sections of the RCW that criminalized violations of various types of protection orders and penalized such violations as gross misdemeanors; and

**WHEREAS**, these references have changed with enactment of E2SHB 1320, effective July 1, 2022, and are no longer consistent with state law; and

**WHEREAS**, in order for the Town to effectively enforce the state's protection order violation laws, the Town Council must amend YPMC Section 9.04.010 to adopt the recodified laws by reference; and

**WHEREAS**, the Town Council desires to amend YPMC Section 9.04.010 to harmonize with changes to state law effectuated by enactment of E2SHB 1320; and

**WHEREAS**, the Town Council finds that the seriousness of order violations merits affirmatively adopting the criminal provisions of Chapter 7.105 RCW to ensure violators may be promptly and effectively prosecuted in the Yarrow Point Municipal Court, and

**WHEREAS**, the Town Council finds that a legal question of whether these provisions of Chapter 7.105 RCW have been adopted by the Town of Yarrow Point can lead to delayed justice and potential danger to victims of domestic violence, stalking, harassment, and sexual assault, and elder abuse and constitutes a public emergency requiring that these amendments become effectively immediately upon adoption.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:**

**SECTION 1.** Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

**SECTION 2.** Amendment to YPMC Section 9.04.010. Yarrow Point Municipal Code Section 9.04.010 is hereby amended to read as follows:

**9.04.010 State statutes adopted.**

The following statutes as set forth in the Revised Code of Washington are adopted by reference as and for a portion of the penal code of the town as if set forth in full in this section. Also adopted by reference are all subsequent modifications to the sections or chapters of the RCW set forth in this section as the same may be changed, amended or added to:

RCW

7.105 Civil Protection Orders

- 9.01.130 Sending criminal letter
- 9.03.010 Abandoning, discarding refrigeration equipment
- 9.03.020 Permitting unused equipment to remain on premises
- 9.40.100 Injuring or tampering with fire alarm apparatus or equipment – False alarm
- 9.41.010 Terms defined
- 9.41.050 Carrying pistol
- 9.41.060 Exceptions
- 9.41.230 Aiming and discharging firearms
- 9.41.240 Use of firearms by minor
- 9.41.250 Dangerous weapons – Evidence
- 9.41.260 Dangerous exhibitions
- 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful – Penalty – Exceptions
- 9.47A.010 Definition
- 9.47A.020 Unlawful inhalation – Exception
- 9.47A.030 Possession of certain substances prohibited, when
- 9.47A.040 Sale of certain substances prohibited, when
- 9.47A.050 Penalty
- 9.61.230 Telephone harassment
- 9.61.240 Telephone harassment – Permitting telephone to be used
- 9.61.250 Telephone harassment – Offense, where deemed committed
- 9.61.260 Cyberstalking
- 9.62.010 Malicious prosecution
- 9.69.100 Duty of witness of offense against child or any violent offense – Penalty
- 9.72.090 Committal of witness – Detention of documents
- 9.91.025 Unlawful bus conduct
- 9.91.060 Leaving children unattended in parked automobile
- 9.92.020 Punishment of gross misdemeanor when not fixed by statute
- 9.92.030 Punishment of misdemeanor when not fixed by statute
- 9A.04.010 Title, effective date, application, severability, captions
- 9A.04.030 State criminal jurisdiction
- 9A.04.040 Classes of crimes
- 9A.04.050 People capable of committing crimes
- 9A.04.060 Common law to supplement statutes
- 9A.04.070 Who amenable to criminal statutes
- 9A.04.080 Limitation of actions
- 9A.04.090 Application of general provisions of code
- 9A.04.100 Proof beyond reasonable doubt

9A.04.110 Definitions  
 9A.08.010 General requirements of culpability  
 9A.08.020 Liability for conduct of another – Complicity  
 9A.08.030 Corporate and personal liability  
 9A.16.010 Definitions  
 9A.16.020 Use of force – When lawful  
 9A.16.060 Duress  
 9A.16.070 Entrapment  
 9A.16.090 Intoxication  
 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable  
 9A.16.110 Defending against violent crime – Reimbursement  
 9A.20.010 Classification and designation of crimes  
 9A.20.030 Alternatives to a fine – Restitution  
 9A.28.020 Criminal attempt  
 9A.28.030 Criminal solicitation  
 9A.28.040 Criminal conspiracy  
 9A.36.041 Assault in the fourth degree  
 9A.36.050 Reckless endangerment  
 9A.36.070 Coercion  
 9A.40.010 Definitions  
 9A.40.070 Custodial interference in the second degree  
 9A.42.037 Criminal mistreatment in the fourth degree  
 9A.46.020 Definitions – Penalties  
 9A.46.030 Place where committed  
 9A.46.040 Court-ordered requirements upon person charged with crime – Violation  
 9A.46.050 Arraignment – No contact order  
 9A.46.060 Crimes included in harassment  
 9A.46.080 Order restricting contact – Violation  
 9A.48.050 Reckless burning in the second degree  
 9A.48.090 Malicious mischief in the third degree  
 9A.48.100 Malicious mischief – “Physical damage” defined  
 9A.52.010 Definitions  
 9A.52.060 Making or having burglar tools  
 9A.52.070 Criminal trespass in the first degree  
 9A.52.080 Criminal trespass in the second degree  
 9A.52.090 Criminal trespass – Defenses  
 9A.52.100 Vehicle prowling in the second degree  
 9A.56.010 Definitions  
 9A.56.050 Theft in the third degree  
 9A.56.060 Unlawful issuance of checks or drafts  
 9A.56.063 Making or possessing motor vehicle theft tools  
 9A.56.140 Possessing stolen property – Definitions – Presumption  
 9A.56.170 Possessing stolen property in the third degree  
 9A.72.010 Definitions  
 9A.72.040 False swearing  
 9A.72.140 Jury tampering  
 9A.72.150 Tampering with physical evidence  
 9A.76.010 Definitions  
 9A.76.020 Obstructing a law enforcement officer  
 9A.76.030 Refusing to summon aid for a peace officer

- 9A.76.040 Resisting arrest
- 9A.76.050 Rendering criminal assistance – Definition of term
- 9A.76.080 Rendering criminal assistance in the second degree
- 9A.76.090 Rendering criminal assistance in the third degree
- 9A.76.100 Compounding
- 9A.76.130 Escape in the third degree
- 9A.76.170 Bail jumping
- 9A.84.020 Failure to disperse
- 9A.84.030 Disorderly conduct
- 9A.84.040 False reporting
- 9A.88.010 Indecent exposure
- 9A.88.030 Prostitution
- 9A.88.090 Permitting prostitution
- 9A.88.110 Patronizing a prostitute
- ~~10.99 – et seq. – Domestic violence – Official response~~
- ~~26.09 – et seq. – Dissolution proceedings – Legal separation~~
- ~~26.50 – et seq. – Domestic violence prevention~~
- 66.44.100 Opening or consuming liquor in a public place – Penalty
- 66.44.180 General penalties – Jurisdiction for violations
- 66.44.270 Furnishing liquor to minors – Possession, use – Penalties – Exhibition of effects – Exceptions
- 66.44.292 Sales to minors by licensee or employee – Board notification to prosecuting attorney to formulate charges against minors
- 69.50.401 Prohibited acts: A – Penalties
- 69.50.412 Prohibited acts: E – Penalties
- 69.50.4014 Possession of 40 grams or less of marihuana – Penalty

**SECTION 3.** Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

**SECTION 4.** Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 5.** Declaration of Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, and welfare, shall take effect and be in full force immediately upon its adoption. A non-exhaustive list of facts supporting this emergency declaration are included in the recitals above, which are adopted by reference as findings of fact as if fully set forth herein. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the Town of Yarrow Point.

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE \_\_\_\_ DAY OF \_\_\_\_\_ 2022.**

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Katy Kinney Harris, Mayor

Approved as to form:  
Town Attorney

Attest/Authenticated:

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Ogden Murphy Wallace, PLLC

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Bonnie Ritter, Town Clerk-Treasurer

PUBLISHED BY THE TOWN COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: 724