

**TOWN OF YARROW POINT
COUNCIL REGULAR MEETING MINUTES
November 8, 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 4:00 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
Emily Minor – Attorney

Guests: Jay Hagen – Bellevue Fire Chief
Eric Lee – Bellevue Fiscal Manager
Dave Beste – Bellevue Fire Department
Dawn Hanson – Clyde Hill Police
Jack Gale – Resident

1. APPROVAL OF AGENDA.

MOTION:

Motion by Councilmember Valaas, seconded by Councilmember Porter to approve the agenda as presented

VOTE: 5 for. 0 against. Motion carried.

2. STAFF REPORTS:

A. Police Report

Lt. Dawn Hanson reviewed the police report for October 2022.

Bellevue Fire Report

Chief Jay Hagen and representatives from the Bellevue Fire Department gave a presentation to Council on cost increases, upgrades to fire station locations, the new fire station, and new technology.

B. Engineer Report

- NE 36th St

The project was completed successfully and under budget on October 24, 2022.

- 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. The utility companies are preparing for the conversion and the Town is working with the effected residents to prepare. Construction is still anticipated for 2024.

3. APPEARANCES:

Resident Jack Gate discussed proposed fence height amendment Ordinance 722 and asked questions. He discussed proposed revisions to private property tree code Ordinance 723.

4. MINUTES

Minutes of October 11, 2022 regular meeting

MOTION: Motion by Councilmember Valaas, seconded by Councilmember Smith 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 Porter to approve the Consent Agenda as presented.

VOTE: 5 for, 0 against. Motion carried.

REGULAR BUSINESS

6. AB 22-57: 2023 Budget

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.

Council discussed updates to the budget since the October preliminary review.

Mayor Harris opened the public hearing at: 5:03 p.m. and upon hearing no comment, closed the public hearing at 5:03 p.m.

MOTION: Motion by Councilmember Valaas, seconded by Councilmember Smith to 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.

VOTE: 5 for, 0 against. Motion carried.

7. AB 22-58: Fence Height Amendment

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.

Section 17.12 needs to be updated on the proposed Ordinance. Town legal staff will amend and bring the ordinance back to Council for review at the regular December meeting.

8. AB 22-59: Revisions to Private Property Tree Code

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. The Planning Commission expressed their preference at the July meeting 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.

MOTION: Motion by Councilmember Valaas, seconded by Councilmember Scandella to approve 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.
VOTE: 5 for, 0 against. Motion carried.

9. AB 22-60: Updated Town Prosecutor Ordinance No. 724

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.

MOTION: Motion by Councilmember Lagerholm, seconded by Councilmember Valaas to approve 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.

VOTE: 5 for, 0 against. Motion carried.

10. MAYOR AND COUNCIL REPORTS:

Councilmember Smith

Councilmember Smith discussed a resident's comment from the October regular Park Board meeting requesting that the Town not develop Sally's Alley.

Councilmember Smith discussed the need for better resident communication regarding the Town's intentions to not develop Sally's Alley.

Councilmember Valaas

Councilmember Valaas suggests banning vehicles from Sally's Alley.

Mayor

Mayor Harris discussed the holiday lights on the sequoia tree on 92nd Ave NE. Staff discussed options to redo the lights and associated costs. Due to the high cost involved with redoing the lights, Council would like to have an alternative holiday display at the Town entrance. Mayor and staff will research options.

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 5:43 p.m. announcing the reopening of the regular meeting to be at 5:58 p.m. No action to be taken.

Mayor Harris closed the executive session at 5:58 p.m., and reopened the regular meeting at 5:58 p.m.

11. ADJOURNMENT:

MOTION: Motion by Councilmember Valaas, seconded by Councilmember Porter to adjourn the meeting at 5:58 p.m.

VOTE: 5 for, 0 against. Motion carried.


Katy Kinney Harris, Mayor


Attest: Bonnie Ritter, Clerk-Treasurer