

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
October 13, 2009
7:00 PM**

The following is a summary of the proceedings and is not a verbatim transcript. The meeting is recorded, and the audio files are public record.

CALL TO ORDER:

Mayor David Cooper called the meeting to order at 7:03 p.m.

MEMBERS PRESENT:

Mayor: David Cooper

Mayor Pro-Tem: Lisa Mushel

Council Members: John DesCamp
Steve Rutledge
Carl Scandella
Andy Valaas

Staff: Lt. Kyle Kolling – Clyde Hill Police
Sara McMillon – Town Clerk-Treasurer
Mona Green – Town Planner
Stacia Schroeder – Town Engineer
John Joplin – Fiscal Coordinator
Steve Wilcox – Building Official

Guests: Jeff Smith – 933 11th Ave. E., Seattle
Cris Riva – 9400 NE 37th Pl., Yarrow Point
Liz Newstrum – 4428 92nd Ave. NE, Yarrow Point
Jeff Smith – T-Mobile Representative
Bruce Jones – 4628 95th Ave. NE, Yarrow Point

APPEARANCES:

Yarrow Point resident Cris Riva addressed the Council concerning apple trees located in the Town right of way adjacent to her property. She received a letter notifying her that someone had filed a complaint concerning the trees, an arborist performed an evaluation, and the trees would be removed following the arborist's recommendation. She acknowledged that some of the trees are unsightly, and said that although her family enjoys them, she would not object to their removal. Mrs. Riva said she would like to ensure that some landscaping is put in the area after the trees are removed.

Since moving into her house in 2006, she has paid for tree maintenance and trimming. Councilmember Lisa Mushel said the problem is that the trees are slanting toward the street and asked Riva if she could have them trimmed on the street side. The arborist found that the trees had not been pruned on that side. Town Engineer Stacia Schroeder said she has investigated the complaint. A canopy is in the roadway, and two vehicles can't pass each other. Tree branches can scratch vehicles, and the trees drop apples into the roadway that rot and become slick. Mrs. Riva said there are other places in town where trees are overhanging the roadway.

Mayor David Cooper said the arborist suggested removal, but the Town is prepared to do whatever makes sense. Tree removal may not be the only option, but the traffic obstruction issue needs to be addressed. The problem is clearance for vehicles. Town staff can work with Mrs. Riva on an acceptable solution.

Town Attorney Wayne Stewart said if the property owner would like to take over tree maintenance and control landscaping in this area, an encroachment agreement will be needed. However, the Town has a long-term goal of controlling its right of way. Mrs. Riva said she does not object to the Town's plans, but would like to see something planted in the area. This is a narrow strip, and may not be possible, Mrs. Schroeder said, but the Town will work with Mrs. Riva.

MINUTES:

MOTION: Councilmember Andy Valaas motioned to approve the minutes of the regular Town Council Meeting September 8, 2009. Councilmember Steven Rutledge seconded the motion.

Vote: 4 For, 0 Against, 1 Abstain. Motion carried.

CONSENT CALENDAR:

Councilmember Valaas questioned a payment of \$1,268 for a "pole hold". Mrs. Schroeder explained this was a necessary part of the capital improvement project currently underway.

Mayor Cooper reported on a letter included in the consent calendar concerning animal control. King County must continue to provide this service through the end of the year, but soon will not provide it. Last year Yarrow Point paid more than the cost of animal control. Town staff will keep the Council updated on any developments in negotiations with King County and the Seattle Humane Society or other parties.

Staff also will keep the Council informed of developments in negotiations with the City of Bellevue concerning fire protection capacity. According to the findings of a lawsuit, Yarrow Point will have to pay directly for the cost of fire protection capacity. Bellevue Utilities has informed the Town of the cost, but the Town is disputing the amount. Councilmember Valaas added that the Town may need to increase its utility tax.

Councilmember Mushel asked Mayor Cooper if there is anything to report concerning the Town's information technology support provider. The Town is preparing its computer system for new software it hopes to purchase, and working on some problems with hardware and other issues.

MOTION: Councilmember Lisa Mushel motioned to approve the consent calendar as presented with the exception of the tree removal, and including the warrant register dated October 8, 2009, for warrant number 16689 through warrant number 16726, totaling \$272,113.39. Councilmember Steve Rutledge seconded the motion.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

STAFF REPORTS:

Lt. Kyle Kolling, Clyde Hill Police – Lt. Kolling reported that last month in Yarrow Point a burglar kicked in a back door and took an item from a residence. The intruder fled due to the presence of dogs. The owner did not immediately contact law enforcement. Residents should contact emergency dispatch immediately about any suspicious activity.

Mayor Cooper asked Lt. Kolling about the no parking restriction in the school zones in Clyde Hill. He responded that people were parking there and walking their children up to the school instead of dropping them off, which caused some congestion and complaints from homeowners. Councilmember Scandella asked if Yarrow Point should set up a security camera system as some neighboring communities have done. Lt. Kolling said camera systems do not apprehend criminals, and patrolling officers and residents contacting police concerning suspicious activity are more effective ways to deter crime and apprehend criminals.

Stacia Schroeder, Town Engineer – Mrs. Schroeder reported on the Capital Improvement Project underway. Pipes for the underground conversion are in, and next Monday Puget Sound Energy will take down overhead lines. She said as part of the project, the fountain will be made functional with circulating lake water. The same pump located at Road End Beach will be used for irrigation and the fountain, just on different circuits. The fountain can be set to run at different times.

Councilmember Mushel asked if the pump at the beach will make a loud noise. Mrs. Schroeder responded that it will be encased in fiberglass and insulation and sunk into the ground. It should not cause a problem. The cost of making the fountain operational is \$4,500, which includes a drain line and connection and running a conduit should the Town decide to light up the fountain in the future. Water coming out of the lake will be metered the first year. The Town was able to relocate the irrigation meter from the Road End Beach up to 92nd Avenue without paying fees.

Mrs. Mushel complimented the Town on a well-run capital improvement project. Mrs. Schroeder reported that next month the Council will consider the final draft of the Site Development Code Ordinance.

John Joplin, Fiscal Coordinator – Mr. Joplin reported he is seeking to switch the Town’s financial accounts from Bank of America to a different institution. He plans to start the year with a new bank. Banner Bank’s government affairs director was formerly the treasurer of Benton County. Councilmember John DesCamp noted that US Bank would be a good bank to use. Warrants are rarely used by governments today and there is no compelling advantage, Mr. Joplin said, so the Town will start to use checks in 2010.

Mona Green, Town Planner – Mrs. Green reported on a visual examination of the Yarrow Point shoreline she performed with the Watershed Company as a step in the process of revising the Town’s Shoreline Management Master Program. The consultant observed environmental conditions, noting how much of the shoreline has bulkheads and what type. Information of this nature will serve as a baseline for the plan. This is just the beginning of a lengthy process.

Updates of shoreline programs in neighboring municipalities have been controversial, Councilmember Mushel noted. Town Planner Green said because other communities have been through the process, she is aware of some of the potential pitfalls. Controversy usually arises when the community does not identify all interested parties in the beginning. Planning commissioners will write a public involvement plan, and the Town plans to involve as many interested parties as possible.

Mrs. Green reported that a special committee will be formed to draft a Tree Ordinance and move forward with the steps needed to become a Tree City. The committee will have two members of the Park Board, two Planning Commissioners and two members of the public. She also reported that the Park Board would like to update the plan for Morningside Park. A plan for the park might be advantageous prior to sport court construction.

REGULAR BUSINESS:

AB 09-047 – Discussion of Town Sport Court Project

AB 09-048 – Proposal for 92nd Avenue Pathway Extension Planning

Councilmember Valaas requested that the Council discuss pathway extension planning before the sport court agenda item, and the Council agreed. Mayor Cooper stated that funds are available in the 2009 budget for the pathway project. Past surveys and data gathered at the retreat shows that extending the pathway is a priority for the community and the Council. A successful project starts with effective planning.

The consultant used for the first part of the project, Susan Black and Associates, has provided a proposal to perform planning for the extension. Town Engineer Schroeder said the proposal is for initial project preparations including the compilation of basic information and preliminary sketches. Councilmember Mushel said it would be beneficial to receive a greater number of proposals from different companies. Mrs. Schroeder said two proposals have been received so far.

Councilmember Valaas stated that he is opposed to spending money right now on pathway planning. Due to funding restraints, too much time will pass between planning

and execution. It is unknown when the Town will have funds to do the work, Mr. Valaas said. Because the project is important to the community, residents might be willing to pass a levy to pay for it, but without a visual presentation and some preliminary planning, it would be difficult to show people what the Town would like to do, Mayor Cooper said. Councilmember Valaas said residents are already familiar with the idea because of the existing pathway.

Mr. Valaas agreed that the project is important, but now does not seem to be the appropriate time to do the planning. In response to a question from Mr. Scandella, Mayor Cooper said the project could cost less than the first phase because the entire corridor has been surveyed and the Town has more information on utilities now. The extension will cost over \$1 million.

The Town borrowed \$750,000 for the first phase and paid for the rest with reserve funds, Fiscal Coordinator Joplin reported. The Town pays \$88,000 a year at an interest rate of 3.5 percent for this loan, which will be repaid by 2013. Realistically the Town could pay for the extension with other sources of revenue, Mr. Joplin said. Storm water improvements and other projects are needed, and a bond issue is one way the Town could obtain the funding. The outlook for Real Estate Excise Tax is not good. Councilmember DesCamp said he is concerned that voters would not approve a bond issue. People living on 92nd would not want to provide money for something benefiting people on 34th.

Councilmember Scandella said the pathway extension project is a priority, and how to fund it is a problem, but is not a problem that can't be addressed. A plan is needed before the Town can obtain funds. The project could begin before the original loan is repaid. Mr. Scandella said he does not know the solution, but the Town should study this issue. Mayor Cooper stated that this type of project increases the quality of life in the Town. Councilmember Valaas said he agrees, but he does not think the Town should do planning this far in advance.

The planning proposed is such an overview, it can be used in the future, Mrs. Schroeder said. It would provide a cost estimate that can be used when considering funding sources. Mayor Cooper stated that a closeout report is included so if the study is shelved, the project can effectively pick up from where it left off.

Funding from pathway planning can be used for the sport court project or vice versa, Councilmember Valaas said. He asked what the total cost of the sport court is estimated to be, and Mrs. Schroeder responded \$80,000 for the base project and an additional \$30,000 for the handicap access. Attorney Stewart said if voters approve initiative 1033, the Town's general fund may be restricted. The Council should be conservative. In response to a question from Mr. Rutledge, Mr. Joplin said the Town can budget for projects, but wait to spend the money until the time is appropriate.

The Town will have no money in 2013 if all of the projects are completed as planned, or the Town will have to pass a bond issue, Mr. Joplin reported. The situation under the current projections does not look positive. Mayor Cooper said the storm water system is in great need of repair. There are some sections that are missing the bottom half of the pipe. Some grant funding is available, and some money from the King County Flood District is allocated to Yarrow Point.

Mr. Joplin said the Town will be reviewing the Capital Improvement Plan next month. A projection for REET is unreliable due to the market. A bond issue would provide a guaranteed revenue source. Town Clerk McMillon asked if a storm water utility could be pursued. Mayor Cooper said this is a possibility, but it takes time for the funds to build up. Loans can be secured if the utility is put into place.

Councilmember DesCamp said he would like to see all of the needed projects completed, but does not want to waste money on needless planning. Mr. Joplin said the Town can put together a program to let residents know what is needed, and ask them for the money. Mr. Rutledge said Yarrow Point's property tax is one of the lowest in the state. Councilmember Valaas said it might be possible that voters will approve a levy, if the Town puts together a program with a variety of improvements that would have enough interest to different people.

Mayor Cooper said for the sport court agenda item, staff will recommend that the entire project be funded and completed instead of just the first phase. The Park Board has suggested that if the sport court is not funded in entirety, the money could be used for an updated plan for Morningside Park. The Council said it is not interested in more planning, because the Town has not seen the results of this planning in the past.

Councilmember Rutledge suggested that funding for the pathway be used for the sport court project. Mrs. Schroeder said an additional \$30,000 would be needed beyond that. Mr. Rutledge said he would like the pathway to be completed, but doesn't know how it will be possible in the near future. The Council would like to see some results, and should move forward with the sport court project. Councilmember DesCamp said if the sport court is completed, the Town would have a project it could show to voters when it asks residents for additional funds. Councilmember Mushel said the sport court will be a good addition to the community.

MOTION: Councilmember Andy Valaas motioned that Councilmembers do not authorize Mayor Cooper to execute an agreement with SBA Landscape Architects for 92nd Avenue planning.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember John DesCamp motioned that the Town proceed with the sport court as budgeted, with the remainder of the project to be budgeted in 2010. Councilmember Steve Rutledge seconded the motion.

Attorney Stewart asked for clarification on the motion. Mr. DesCamp responded that the Town should proceed with the entire project, with part of it to be completed in 2009 and the remainder in 2010. Councilmember Valaas said the Council would like the Town to move forward in the most prudent fashion as determined by staff. Mayor Cooper said when the Town presents an amended budget for 2009, it will be presented in a way that reflects the Council's decision.

Mr. Stewart said it is unclear if the Council would like the project to be completed in phases or as one project. Mrs. Schroeder said she thinks it would be more effective to do the project all at one time. The Town should budget for the entire project so that it can be

completed in 2010, in whatever way staff sees as appropriate, Councilmember Valaas said. He said he does not think the sport court should be lighted. Mayor Cooper said pipe will be installed in case a future Council would like to put in lights.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

AB 09-049 – Proposed Use of Public Property for Cellular Facility

Town Planner Green provided an overview. Over the past six months, the Town has had several conversations with T-Mobile representatives who wanted to install cellular facilities on the Town property where other towers are currently located. However, this area will be completely reconfigured when SR520 improvements are constructed.

Mrs. Green said that according to the Town's zoning code, cellular facilities require a special use permit reviewed by the planning commission. Before applying for a special use permit, T-Mobile is seeking approval from the Council for the general concept of locating a new cellular facility on public property. Two towers currently exist on Town property. The height restriction is 47 feet, Mrs. Green said.

Jeff Smith said most municipalities encourage the grouping together of cellular facilities, but the SR520 work will disrupt the current area provided. In the future the companies that own the towers at the existing site will be coming forward, as they learn their facilities will be affected. He said T-Mobile proposes to construct a facility that can accommodate other companies that will be coming forward.

One possible area is the parking area at the intersection of NE 33rd and 92nd Avenue. One of the proposals is to locate a tower in the landscaping strip at the parking area or at city owned property adjacent to the parking area. Mrs. Green said staff can begin to work with T-Mobile on finding an acceptable location if the Council provides conceptual approval. Specifics can be discussed as part of the Special Use Permit process.

Mr. Stewart said under the Zoning Code, there are only two locations where cellular facilities are permitted, at the existing site or at Town Hall. At this point, T-Mobile is not prepared to discuss a specific location or what the facility will look like, Mr. Smith said. Councilmember DesCamp asked if T-Mobile would allow other companies to co-locate on the new tower. Mr. Smith responded that the Town can require that T-Mobile allow other companies to co-locate. T-Mobile would need to occupy the highest position. If the Town allows a tower higher than 47 feet, it would increase the likelihood that other carriers could occupy the same facility.

Mayor Cooper said T-Mobile will need to work with both the SR520 team and the Town to decide on a location. The Town has lighting standards on 92nd Avenue that also will need to be a consideration. Mr. Smith said T-Mobile definitely will work closely with the SR520 project.

Councilmember Mushel asked if T-Mobile coordinates with other carriers. Smith said co-location is a source of revenue to the carrier that owns the pole. The decision is market-based. Decisions are also affected by the satellites. He said he suspects in the future that facilities will have a smaller footprint. Mr. Stewart said he has seen some cell sites on the

I-90 bridge itself that are six or seven feet in height. The higher the facility, the greater the area of coverage, but if they are too high and cover too much of an area, there is interference, Mr. Smith said. Low facilities have a limited coverage objective. Mr. Stewart asked if T-Mobile would be interested in locating a facility on top of the new SR520 lid. T-Mobile would like to put a facility in immediately, but might consider a new facility on the Lid once it is completed, Mr. Smith responded.

Councilmember Valaas said there is a requirement in the ordinance that the company must prove that the facility is needed. Mrs. Green responded that this is a requirement. T-Mobile would need to provide coverage maps and documentation proving the height is the minimum needed to meet their objectives. There are a number of standards that will need to be met, she said.

If the Council provides conceptual approval, T-Mobile will begin the process of negotiating a lease, Mrs. Green said. Following the granting of a special use permit, the lease agreement can be signed. A lease can be written now that is contingent on obtaining land use approvals. Mr. Stewart said the Town can negotiate an agreement in principal. Mr. Smith said T-Mobile would conduct a community meeting to address any concerns.

Councilmember Mushel asked if the Town has any obligation to notify other carriers, or if the Town would notify them to maintain a good relationship. The Town has agreements with other companies already in place. The leases with the other two carriers will need to be terminated. The Town should encourage co-location. Mrs. Green responded that the SR520 project team is communicating with the other carriers, and Mr. Smith added that he is certain these companies are aware of the project.

MOTION: Councilmember John DesCamp made a motion to allow T-Mobile to apply for a special use permit for a cell tower facility. Councilmember Lisa Mushel seconded the motion.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

AB 09-050 – Contract for Updated Accounting and Permitting Software

Mr. Joplin addressed the Council. He said the Town has used the current system for six years, but it isn't an adequate management tool. An automated budgeting system would be a benefit. Putting the budget together is largely a manual process. The Town does not have an effective way of linking revenue and expenses. It is holding \$86,000 in construction deposits because there is no efficient way of determining if these deposits need to be refunded. The Town's accounts receivable process is manual, and staff struggles to create invoices and track payments for development services fees.

Integration with a permitting system will be an important improvement, Building Official Wilcox said. If the two programs are linked the information is organized and readily available so that bonds can be refunded to the correct people. Tracking inspections will be more efficient. Data can be entered from the field into a laptop computer. Councilmember Rutledge asked if billable time would be reduced, and Mr. Wilcox said it probably wouldn't, but tracking of the status of permits and inspections will be improved.

Many cities in the area realize the importance of linking accounting and permitting information without the use of spreadsheets.

It is going to take time, but as information is entered it will become an increasingly useful tool, Mr. Joplin said. Councilmember Mushel said it seems the Town made improvements when a permitting technician was hired. Mr. Joplin said things are improved, but some problems were not solved. The Town's current permitting software, Local Government Manager (LGM), is a simple program that had to be enhanced with other programs like Excel spreadsheets. The new permitting program will have more of an automated, streamlined process.

Mayor Cooper said that Town Clerk McMillon has taken on permitting tasks so that she could learn the process and assist in discovering what improvements the Town needs. New software was one way to address areas of concern identified. In the future when building activity increases, a permitting technician may be needed. Mr. Wilcox said Medina was prepared to spend over \$60,000 on permitting software. Yarrow Point's software will provide the platform for organization and process improvements. LGM was a good start and an improvement, but the new software is the next step.

Now is a good time to implement the new software, because building activity is low, Mayor Cooper said. Mr. Joplin said he is optimistic that the new system can be running by 2010. Councilmember Rutledge said he understands the need. Mr. Joplin added that the new efficient system keeps staffing needs to a minimum. Councilmember Mushel said her concern is that the system is eight times the current cost.

MOTION: Councilmember Steve Rutledge motioned to authorize the Mayor to sign a contract with Caselle for the purchase of new accounting and development permitting software. Councilmember Andy Valaas seconded the motion.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

AB 09-051 – Review of Ordinance Revising Title 3 of Yarrow Point Municipal Code

Councilmember Valaas asked if this is the same ordinance that was presented at a previous Council meeting. Mr. Stewart replied that it is. Previously the Council asked staff to look at the question of whether or not grant funds should be placed in a separate fund rather than being deposited into Fund 104. Mr. Joplin said there is no compelling reason to separate it. The Council discussed the elimination of a dedicated Parks Fund.

MOTION: Councilmember Andy Valaas motioned to approve Ordinance No. 600 as presented. Councilmember Steve Rutledge seconded the motion.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MAYOR'S REPORT:

Mayor Cooper reported that the Town will use money this year, as is currently budgeted, for ADA improvements at Town Hall, including a bathroom remodel and the changing of door hardware. He also reported that he will be attending a regional Mayor's summit.

ADJOURNMENT:

Andy motion to adjourn at 9:30. Lisa second. Unanimous.

MOTION: Councilmember Andy Valaas motioned to adjourn at 9:30 p.m. Councilmember Lisa Mushel seconded the motion.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:

David Cooper, Mayor

ATTEST:

Sara McMillon, Clerk-Treasurer