

**TOWN OF YARROW POINT  
COUNCIL MEETING MINUTES  
August 11, 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 (Excused)

**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:** Melanie Gilroy – 6220 35th Ave. NE, Seattle

**APPEARANCES:**

None.

**MINUTES:**

Councilmember Carl Scandella noted that on page five the minutes reflect two motions, but only one vote. Several Councilmembers stated that this is not what they recall taking place. The Council directed the Clerk to review the meeting recording to ensure accuracy and to work with the Town Attorney on the wording. Councilmember Andy Valaas noted that “Canon Beach” should be spelled “Cannon Beach”.

**MOTION:** Councilmember Valaas motioned to approve the minutes of the regular Town Council Meeting July 14, 2009, with the direction that the Clerk review the audio record

to see if the motions concerning the sport court are accurate. Councilmember Steven Rutledge seconded the motion.

Vote: 4 For, 0 Against, 2 Abstain. Motion carried.

### **CONSENT CALENDAR:**

Councilmember Rutledge asked about a warrant for blackberry control. Fiscal Coordinator John Joplin reported that this work was performed within the Wetherill Nature Preserve. Councilmember John DesCamp asked if any action has been taken on an abandoned house complaint submitted by resident Joe Silvernale. Mayor Cooper responded that he has contacted Mr. Silvernale, and further investigation is needed.

Building Official Steve Wilcox said it has been a couple of months since he has visited the site. Some code enforcement letters were sent to the owner of the house, and some cleanup has taken place as a result. Yarrow Point's nuisance code is difficult to enforce, Mayor Cooper stated. Some cities have ordinances that require property owners to clean up the property, or the municipality will do the work and bill the owner. This may be a regulation Yarrow Point should consider adopting.

Next year the Town is required to update building codes to the 2009 edition, Mr. Wilcox said, and this may be the appropriate time to address the issue. Certain portions of this code are mandatory and some optional. The Property Maintenance Code provides criteria for assessing the safety of a building and a process for abatement.

Councilmember DesCamp noted that if there is no consequence, there is no motivation to resolve the issue. Mayor Cooper agreed that correspondence with the property owner has mostly conveyed empty threats and that some revision of the Code is needed.

MOTION: Councilmember Carl Scandella motioned to approve the consent calendar as presented including the Warrant Register dated August 11, 2009, for Warrant No. 16604 through 16645 and warrants 16649 and 16650, totaling \$68,200.62. Councilmember Andy Valaas seconded the motion.

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

### **STAFF REPORTS:**

*Kyle Kolling, Clyde Hill Police* – Lt. Kyle Kolling reported that no printed report was available for the meeting due to an issue related to converting to a new software program. Next month, an improved report will be available. No significant activity has taken place in Yarrow Point recently. An investigation of an assault that took place in Yarrow Point has concluded and has been forwarded to the King County prosecutor.

Councilmember Valaas mentioned a hedge that caught on fire on the Fourth of July at 92<sup>nd</sup> and 40<sup>th</sup>. Lt. Kolling said his understanding is fireworks caught the hedge on fire. Setting off fireworks is illegal in Yarrow Point, Mr. Cooper stated. Next year the Town will attempt to remind residents that fireworks are prohibited. The fire could have been much worse.

Councilmember DesCamp asked if Lt. Kolling noticed fewer parking violations at Road End Beach as the result of the installation of “no parking” signs. He responded that compared with last summer, fewer violations have occurred. Mayor Cooper said he is concerned that people working on construction projects have been parking along 92<sup>nd</sup> Avenue and using up available public parking.

***Stacia Schroeder, Town Engineer*** – Mrs. Schroeder reported that the proposed site development code is under review. She also reported that she has conducted some research into the history of NE 42<sup>nd</sup> Place. An easement may be necessary to proceed with the sport court project. This road used to be public, but the residents petitioned for a vacation. The Town officially vacated the street in 1971 by Ordinance No. 175.

Town Clerk Sara McMillon stated that she has worked with staff to draft a letter that will be sent to residents of NE 42<sup>nd</sup> Place requesting a written easement allowing the Town to use the drive behind Town Hall. The correspondence will also contain a form that residents can use to indicate whether or not they would grant an easement.

Mrs. Schroeder said the contractor working on CIP#3 has been dealing with rainy weather, but the project is moving ahead. She has worked with the contractor to resolve some initial housekeeping issues of keeping things out of the right-of-way and parking in the correct areas. Regarding the five-foot strip of land the Town may own, Mrs. Schroeder said a title company has discovered two quit claim deeds regarding it. A surveyor is working to see if the quit claim deeds cover the area in question. The Council briefly discussed pedestrian traffic on the north side of 47<sup>th</sup> Street.

***Mona Green, Town Planner*** – Mrs. Green reported that a number of firms have expressed an interest in performing the biological assessment for the update of the Shoreline Management Master Program. She also said the State Department of Natural Resources has provided two publications to the Town to assist in developing a Tree City Program free of charge.

***Steve Wilcox, Town Building Official*** – Mr. Wilcox reported that there are no parking problems on 91<sup>st</sup> Avenue even though there are two construction projects in the area. A dormant residential construction project on 92<sup>nd</sup> appears to be starting up again. Mayor Cooper said the contractor at the site should do a better job at removing garbage. Mr. Wilcox said he is also looking into garbage removal at the Lang site.

### **REGULAR BUSINESS:**

#### ***AB 09-040 – Mid-Year Town Budget Report***

Fiscal Coordinator John Joplin addressed the Council. Next month the Town will begin the budgeting process. A preliminary budget for 2010 will be presented to the Council in September. Mr. Joplin provided a mid-year budget report. Revenue is as expected, but the Town is a little under in the general fund. Property tax revenue is almost identical. Sales tax revenue is down about five percent, but this might be good compared with other communities due to nationwide economic conditions. An increase in utility tax revenue offsets the decrease.

Street fund revenue is close to budget. Contingency Fund revenue is considerably off from last year's actual on a percentage basis, because a year ago the Town was earning five percent on investment, but is currently earning half of a percent. Real Estate Excise Tax revenue is considerably less this year. So far this year, the Town has received about \$55,000, and of this amount, \$44,000 goes towards paying off a loan. This means that only \$10,000 will be available for future Town improvements.

The Town experienced some unanticipated expenses this year. Yarrow Point has not been billed for jail services for a long time and was billed \$14,000 in arrears this year. Additionally, the Town was required to refund \$9,000 to AT&T for an overpayment on a lease agreement.

Mr. Joplin reported that revenue from development services has been much less this year and expenditures have increased significantly compared to past years. If looking at development services over time, this is not a concern, he said. Salaries are comparable to last year. Yarrow Point is expecting large cost increases for police and fire services. Clyde Hill Police were given a four percent cost of living increase, and most officers went up a pay step, resulting in a seven percent increase, Mr. Joplin said. Fire department personnel will receive eight percent more with six percent more the following year.

Mr. Joplin reported on an initiative that would limit the ability of all levels of government to collect revenue for the general fund. If initiative #1033 passes, starting in 2010 Yarrow Point would not be allowed to keep any more money than it collected in 2009. If an increased amount is collected, the Town would be required to deposit it into a special account and reduce property taxes by that amount. The Town is fortunate to have already set up separate accounts for different purposes.

Concluding his mid-year budget report, Mr. Joplin said revenue is an area of concern. Current revenue is not sufficient to cover projects proposed in the Transportation Improvement Plan. Councilmember DesCamp stated that due to falling REET revenue, it is clear that the Town should postpone construction of a sport court and only move forward with necessary improvements. Mr. Joplin said Yarrow Point is in better financial condition than many other municipalities.

#### ***AB 09-041 – Discussion of Proposed Town Action Items***

Town Clerk McMillon reported that Town officials, staff and committee members generated a long list of ideas at the staff-council retreat in May. The special committee that organized the retreat met again to attempt to form a more concise action plan. A draft of an overall action plan for the Town was presented to the Council prior to the meeting. Ms. McMillon said the Town would like the Council to assist in finalizing the plan by prioritizing tasks and providing input into delegation. Staff-Council retreats can be viewed as a tool to assist with budgeting.

Councilmember Scandella asked why the sport court was not on the list. Mayor Cooper said this could be included in the plan for Morningside Park, and Ms. McMillon stated that it could also be included in the item for providing a community gathering place. Councilmember Valaas said he thinks the sport court should be a separate item, and Mr. Scandella agreed.

Mayor Cooper noted that some items may not fit in with the upcoming budget, but may be considerations for future budgets. The Council may not be able to revise the proposed action items this evening. Councilmember Rutledge said that improvements to the Town entryway should not be a priority because the SR520 project will change the look of the entire area.

Councilmember Valaas agreed. The Town does not have the money to extend the 92<sup>nd</sup> Avenue pathway and has no money for undergrounding all utility lines, he said. Ms. McMillon stated that even if the Town does not currently have the funding, there is the possibility of obtaining grants or developing other sources of revenue, so these items could still be considered priorities. Mayor Cooper said it is difficult to obtain grants if a plan for a project is not in place. The Town has allocated \$50,000 for pathway planning. Councilmember Rutledge said he would like to keep undergrounding and the pathway on the list.

Councilmember DesCamp said it appears that there are items on the list that can move forward immediately and some that will take more time and planning. He suggested that the Council group items into projects that the Town could begin in the next year, projects that are long-range and items that could be removed from the list. Mr. Valaas said the next meeting's agenda packets should give clear instructions on how to merge the results.

### **COUNCIL DISCUSSION:**

Councilmember Rutledge said he is pleased with how the new and repaired pagodas look. Mayor Cooper reported that the project will be finished under budget.

Mayor Cooper reported that the Town has applied for an Environmental Protection Agency (EPA) grant for a joint solar energy project with the Town of Hunts Point. A group called New Energy Solutions, an emerging group sanctioned and supported by the Puget Sound Regional Council, has provided its endorsement. The purpose of the EPA program is to support "climate showcase communities," which are municipalities seeking to do projects that encourage the use of alternative energy sources.

Councilmember Scandella reported that he recently attended a WRIA8 meeting. The group is reviewing 10 salmon recovery projects in our area. A tour of these projects is coming up, and Mr. Scandella said he has more information.

Town Planner Green reported that she informally heard that the Wetherill Nature Preserve will not receive a grant that the group applied for. This grant is small and very competitive, so it is doubtful that eradicating weeds will be viewed as a priority.

Mayor Cooper said he attended the first meeting in a series of meetings related to an environmental impact statement for the SR520 project. The state will be required to do some wetland mitigation, but most of the proposed projects are not in the immediate area of SR520. He has suggested that the mitigation could be done in the Wetherill Nature Preserve or Yarrow Bay.

Town Clerk McMillon reported that a private company will be spraying for Milfoil this month. It would be helpful if the Town could be notified when this happens so that it can provide the public with accurate information. Mr. Scandella said he is curious as to what type of herbicide was used recently to treat blackberries in the Wetherill Nature Preserve.

**ADJOURNMENT:**

MOTION: Councilmember Andy Valaas motioned to adjourn at 8:20 p.m. Councilmember Steve Rutledge seconded the motion.

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

APPROVED:

---

David Cooper, Mayor

ATTEST:

---

Sara McMillon, Clerk-Treasurer