

**TOWN OF YARROW POINT  
COUNCIL MEETING MINUTES  
February 10, 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 7:04 p.m.

**MEMBERS PRESENT:**

**Mayor:** David Cooper

**Council Members:** John DesCamp  
Lisa Mushel  
Steve Rutledge  
Carl Scandella  
Andy Valaas

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

**Guests:** John McGlenn – Park Board Chairman  
Cheryl Pietromonaco – 3445 92<sup>nd</sup> Ave., Yarrow Point

**APPEARANCES:**

None.

**MINUTES:**

Councilmember Scandella commented that at the previous meeting, a resident had reported that there are undocumented service lines in the area of her home on 92<sup>nd</sup> Avenue. He asked how accurate the Town's new Geographic Information Systems (GIS) data is in this respect. Town Clerk McMillon responded that the data the Town has received is the same data the City of Bellevue has on file. If a utility line is unknown to

the City of Bellevue, it is also unknown to the Town. She said the city where she was previously employed as the City Clerk provided utility services, and undocumented lines were not uncommon in that city. Most of the undocumented lines were older.

MOTION: Councilmember Steven Rutledge motioned to approve the minutes of the regular Town Council Meeting January 13, 2009, as amended. Councilmember Andy Valaas seconded the motion.

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

### **CONSENT CALENDAR:**

MOTION: Councilmember Steven Rutledge motioned to approve the consent calendar as presented, including warrant numbers 16350 through 16385, and excluding warrant number 16381, totaling \$144,852.49. Councilmember Lisa Mushel seconded the motion.

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

### **STAFF REPORTS:**

***Lt. Kyle Kolling, Clyde Hill Police*** – Lt. Kolling reported that a motorist who was being pursued by Bellevue Police knocked over a large, brick pillar at the end of Points Drive in Yarrow Point. The driver was insured. City of Clyde Hill personnel will coordinate efforts to replace the pillar.

A firearm was stolen from a vehicle in Yarrow Point, Lt. Kolling said. This gun was a stolen gun from Vancouver. The gun owner purchased the weapon in Idaho. Lt. Kolling reported that a vehicle was stolen in Yarrow Point when someone cleaning a house left her keys in the car.

An unusual incident recently occurred in Yarrow Point, Lt. Kolling said. A resident received a threat from someone who claimed to have kidnapped her grandson. The caller wanted money wired. The grandson was with his mother and on his way to school, so the threat was unsubstantiated. Lt. Kolling noted that the call was placed in Jamaica. Criminals placing these calls are hoping for an immediate reaction.

Resident Cheryl Pietromonaco asked how people in Jamaica would know that the Yarrow Point resident had a grandson. Lt. Kolling responded that by listening to cell phone conversations, people can piece together enough information. In response to a question from Councilmember Rutledge, Lt. Kolling stated that the Federal Bureau of Investigations would not be involved unless the threat was substantiated.

***Building Official Steven Wilcox*** – Building Official Wilcox reported that as the result of communication with Regency West, a home located at 3545 95<sup>th</sup> Ave. NE was cleaned up and will be rented. A structure at 3835 95<sup>th</sup> Ave. NE has been a problem for a number of years, he said. This property is owned by the Boguchs, who live next door. Mrs. Boguch claims that the house has been vacant for 30 years.

Mr. Wilcox said he has inspected the site. He remarked on large debris and litter at the property. The Town is seeking voluntary compliance, but it is important that blackberry brambles and other debris be removed so that emergency personnel have access to the structure and surrounding properties. Mrs. Boguch likely will not make cosmetic changes to the house, but she said she would clean it up, Mr. Wilcox stated.

Mayor Cooper advised that the Town's code may need revision to broaden the definition of what is considered a nuisance property. Currently the Town does not have a formalized code enforcement process, which should be included. Councilmember Valaas said that vacant homes may become more of an issue, and the Town may need to strengthen its regulations in this respect. Town Planner Green said the Planning Commission would be willing to look at the issue, but the Town should not enact something that is difficult to enforce.

Mrs. Pietromonaco asked if the Town could enforce this type of regulation through the building permit process. Mayor Cooper responded that this would not be effective for violations that are not tied to a particular construction project. Something that is more generally applicable is needed.

Mr. Wilcox said it would be effective to outline a code enforcement process in Town Code. The process he is following is one he is familiar with from working with other cities. Councilmembers agreed that the Planning Commission should look at a way to better regulate vacant properties.

Councilmember Rutledge asked Mr. Wilcox about a location in the Town where a pool fence will be installed across two lots. The installation of the fence commingles the two properties. He asked if this is permissible. Mr. Wilcox stated that the fence is required for safety reasons. Some time ago, the Town approved the way the fence was to be installed.

Mrs. Pietromonaco asked Councilmembers what would happen if someone has a building permit, and damage to private property occurs as the result of construction. She asked what action the Town would take in this instance. Mayor Cooper said he did not think it was appropriate to answer the question during the meeting. He said the Town would provide an answer at a later time. Councilmember Mushel assured Mrs. Pietromonaco that the Town would provide an official answer to the question in writing at a later time.

Returning to the discussion of the swimming pool fence, Councilmember Rutledge said that the fencing appeared to be a way for property owners to avoid following accessory dwelling regulations. He asked for a legal opinion. Mayor Cooper said that without a variance the lot cannot be built on. The structure is not an accessory building. Different scenarios regarding the fence and sale of property were discussed in the past, Mrs. Green reported. Mr. Wilcox said building code does not prohibit the fence.

Councilmember Valaas alerted Wilcox to the existence of a decorative fence at the end of 33<sup>rd</sup> that may have been constructed in the public right of way. Mr. Wilcox said that he would inspect the property.

***Town Engineer Stacia Schroeder*** – Mrs. Schroeder reported that the Town is ready to move forward with Capital Improvement Project #3. Permits have been received from the

U.S. Army Corps of Engineers. The project will include the replacement of 550 linear feet of existing pipe with larger diameter pipe to fully contain storm water flows. Improvements are located within NE 47<sup>th</sup> Street and 92<sup>nd</sup> Avenue.

Councilmember Valaas stated that last month the Council received a presentation on the possible formation of a storm water utility. He said that he does not think that pursuing this is worthwhile. Mr. Rutledge said he thinks it is something that should still be considered. A number of regulatory changes could eventually affect smaller cities like Yarrow Point. Currently the Town is exempt from some requirements, but this may not always be the case, Mayor Cooper added.

**REGULAR BUSINESS:**

***AB 09-005 – Sport Court Proposal – Updated Site Plan – Town Park Board Chairman John McGlenn***

John McGlenn, chairman of the Town Park Board, addressed the Council concerning plans for a sport court. Mr. McGlenn stated that the main issue is if the project will move forward, and if it does what the solution is for ADA access.

JGM Landscape Architects has provided several alternatives. One option provides for parking on the street with a trail to the sport court. A different option is for an accessible spot located behind Town Hall. One issue with this choice is that access to the back would be located on a private lane. A third option would be to provide a parking spot in front of Town Hall with a paved ramp to the sport court.

Park Board members preferred the option that provides parking to the rear of the building. The total cost estimate for this option is \$70,000 plus sales tax, he said. Currently, economic conditions are favorable for obtaining a low cost estimate. The Town will not know the cost until bids are received.

Councilmember Scandella asked if an outdoor bathroom would be required. Mayor Cooper said he needs to research the issue in order to provide a definite answer. Town Engineer Schroeder said she does not see any plans for drainage. Mr. McGlenn said JGM reported that this was not a concern because water would drain into the wetland area. Mrs. Schroeder said the sport court would not be in compliance with Town code. Plans are to use the natural drainage capabilities of the site and some natural techniques, Mayor Cooper said.

Mr. Valaas asked what the enthusiasm is for the sport court. A number of people on the Park Board have children, and these board members are excited about plans, Mr. McGlenn responded. Board member Mary Elmore does not have children, and she is in favor of it. Mayor Cooper added that some residents have objected. Most people seem neutral or casually in favor of it. Mr. McGlenn said that he is in favor of it. Councilmember Mushel stated that long-term plans for Morningside Park show a play area. A gathering place for the Town is needed.

The Council discussed some of the pros and cons of the different site schematics. If the ADA parking was located behind Town Hall, the lane still would not be used often, Mr.

Valaas said. Owners of the private lane probably would not have an objection. Councilmember Valaas expressed his support of the sport court option with parking behind Town Hall.

Mayor Cooper said he would like the Council to encourage staff to obtain bids for all the proposals as soon as possible. Councilmember DesCamp said that due to current economic conditions, he does not think it is a good idea to spend money on a sport court. Revenue is expected to plummet. Fiscal Coordinator Joplin reported that the Town has received very little revenue during January and February, and the Town has over \$500,000 in capital projects. The Town also is making payments on a loan.

Mr. Valaas said the Town should solicit bids only for option B. Mayor Cooper disagreed. He said many companies are used to submitting bids for more than one alternate. Councilmember DesCamp said he would not vote to construct a sport court. The Town should not waste time and money preparing for a project that will not be constructed.

Councilmember Mushel agreed that at any price, now is not a good time to construct a sport court. The Town should move forward with bidding, Councilmember Rutledge stated. Receiving bids does not cost the Town anything. The Council discussed the three options for ADA parking with Mr. McGlenn. Councilmembers agreed that the Town should receive bids for all three options.

***AB 09-006 – Public Hearing, Shoreline Substantial Development Permit – Pier Reconfiguration at 9009 NE 42<sup>nd</sup> St. – Joe and Kristina Belfiore, Applicants***

Town Planner Green reported that the application is for the removal of a pier south of the 42<sup>nd</sup> street end. Joe and Kristina Belfiore plan to construct a new pier that is larger, but has reduced over water coverage. A mitigation of shoreline plantings is required.

She found that the project is consistent with Yarrow Point Town Code and meets the requirements of a Shoreline Substantial Development Permit. Comments from the Muckleshoot Indian Tribe have been addressed, and Fish and Wildlife approved the application through the hydraulic approval process. Planning Commissioners are recommending approval.

Councilmember Valaas asked about a pump house that is not in compliance. Mrs. Green said she does not think the code allows the Town to bring the pump house into compliance with this application. Any time a boundary line adjustment is requested nonconforming structures have to be removed.

Councilmember Scandella asked if the project would present a concern for fish populations. Mrs. Green responded that the Department of Fish and Wildlife has approved plans. The Town does not have this type of regulation, and relies on the state agencies.

Mrs. Mushel said that the City of Kirkland is in the process of adopting a new Shoreline Management Program, and she asked if Yarrow Point will soon be required to do an update. Mrs. Green reported that the Town will be included in the Department of Ecology's next grant cycle for an update.

Mayor Cooper opened the public hearing on the application at 8:45 p.m. No one from the public addressed the Council, and the hearing was closed at 8:45 p.m.

MOTION: Councilmember Lisa Mushel motioned to approve the application for a Shoreline Substantial Development Permit, Case No. 200, incorporating all mitigations of the SEPA determination and subject to U.S. Army Corps of Engineers review.

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

***AB 09-007 – Review of Proposed Fee Resolution – Amended Fees for Development Permits – Fiscal Coordinator John Joplin***

Mr. Joplin reported that the Town has spent \$24,000 more for development applications than it collected in fees. An adjustment is needed in this area so that the Town does not continue losing money. Most of the money is lost to engineering review. Town Engineer Schroeder will present a site development ordinance with a site development permit fee that can be collected to cover the cost.

For example, the Town collects a \$500 fee for pre-application conference meetings, Mr. Joplin said. However, these meetings cost the Town \$900 on average. The new proposed fee for pre-application conferences is \$1,000. He explained that the Town does not have to recover every dime it spends, but the amount absorbed should not be as great as it currently is.

MOTION: Councilmember Andy Valaas motioned to approve Resolution No. 290, a resolution of the Council of the Town of Yarrow Point setting forth fee requirements for various services, permits and applications within the Town. Councilmember Rutledge seconded the motion.

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

***AB 09-008 – Review of Proposed Ordinance No. 593 – Zoning Code Amendments – Building Height and Height of Retaining Walls***

Councilmember Steve Rutledge was excused from the meeting at 9 p.m.

Town Planner Green reported that the proposed code changes were the result of a study the Planning Commission conducted concerning livability. One proposed code change relates to structure height. Structures would be limited to 25 feet above original grade or 31 feet above finished grade, whichever is less. Retaining walls and rockeries were added to the list of items regulated within right-of-ways. These structures are limited to six feet in height. Mrs. Green recommended that the Council set a date for the public hearing.

The Council briefly discussed the proposed changes. They discussed some site specific scenarios. Resident Cheryl Pietromonaco asked if the regulations should address fill situations. Mrs. Green responded that the Planning Commission was concerned primarily with cuts.

Councilmembers agreed a public hearing on the proposed ordinance will be held at the March Town Council meeting.

***AB 09-009 – Proposed Contract for Participation in Regional Jail Planning – Review of EIS Agreement – Authorizing Resolution***

At last month’s meeting, the Council received a presentation on the proposed regional jail from a member of the jail’s working group. Town Clerk McMillon explained that the biggest advantage to participating financially in the jail study is that the cost of housing prisoners will be less for Yarrow Point in the future. Additionally, participating in a regional effort that involves a number of municipalities demonstrates the Town’s willingness to be of assistance. The City of Clyde Hill also is participating.

MOTION: Councilmember Andy Valaas motioned to approve Resolution No. 291, a resolution authorizing the Mayor to sign an amendment to the SEPA Nominal Lead Agency Agreement for an environmental review of potential sites for a new regional jail facility. Councilmember Scandella seconded the motion.

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

**MAYOR & COUNCIL REPORTS:**

Councilmember Scandella reported on a Water Resource Inventory Area 8 Salmon Recovery meeting he attended in January. Four major areas are included in a statewide effort to increase salmon populations. A number of techniques are being used. The meeting is a good way to be informed, he said.

Mayor Cooper said he and a group of mayors from the points communities recently traveled to Olympia to meet with state legislators. The purpose was to state the official position of the points communities on the tolling of SR520. He said he is meeting with the planning team for the 520 project periodically to discuss the eastside corridor. Mr. Cooper said he would like to involve the Town Park Board in landscaping of the LID.

**ADJOURNMENT:**

MOTION: Councilmember John DesCamp motioned to adjourn at 9:25 p.m. Councilmember Andy Valaas seconded the motion.

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

APPROVED:

ATTEST:

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David K. Cooper, Mayor

Sara McMillon, Clerk-Treasurer