

**TOWN OF YARROW POINT  
COUNCIL MEETING MINUTES  
January 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 7:02 p.m.

**MEMBERS PRESENT:**

**Mayor:** David Cooper

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

**Staff:** Bill Archer – Clyde Hill Chief of Police  
Lt. Kyle Kolling – Clyde Hill Police  
Sara McMillon – Town Clerk-Treasurer  
Wayne Stewart – Town Attorney  
John Joplin – Fiscal Coordinator

**Guests:** John Carpita – Municipal Research and Services Center  
Linda Carpita – Guest of Mr. Carpita  
Diane Carlson – Bellevue Intergovernmental Relations  
Cheryl Pietromonaco – Yarrow Point Resident

**APPEARANCES:**

Cheryl Pietromonaco, a resident at 3445 92<sup>nd</sup> Ave. in Yarrow Point, addressed the Council. She asked that she be notified when a property owner applies for a building permit at 3547 92<sup>nd</sup> Ave. Some of the utility lines in the area of this residence, including water and gas lines, are not recorded anywhere, she said. She said she is concerned that someone could hit these lines.

Additionally, Mrs. Pietromonaco asked that the Town notify her if anything changes in regard to the pool house on the Roush property. If the pool house can be built somehow, construction trucks should not be allowed to drive down her road, she said. In the past, construction traffic on the road has caused damage.

Mrs. Pietromonaco asked if there is a way that the public can be notified immediately when anyone applies for a permit. Mayor Cooper assured her that if there is a way to notify the public immediately, the Town will do so. He said he is uncertain as to why undocumented utility lines would exist in this area.

### **MINUTES:**

Councilmembers discussed the minutes from the December 9, 2008, meeting. Councilmember Scandella noted a correction on page five. The minutes state that he said there have been no home sales in Yarrow Point for the last four months, but he would have no way of knowing that. Town Clerk McMillon responded that this section of the minutes could be deleted, because it is not legally required to be included.

Councilmember Valaas noted a correction on page seven. The minutes should state that he said a change would not be beneficial.

MOTION: Councilmember Steven Rutledge motioned to approve the minutes of the regular Town Council Meeting December 9, 2008, as amended. Councilmember Lisa Mushel seconded the motion.

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

### **CONSENT CALENDAR:**

In response to a question from Councilmember DesCamp, Fiscal Coordinator Joplin provided an explanation of how building permit and plan checking fees are calculated. Mr. DesCamp noted that Building Official Steven Wilcox spent two hours on responding to a hedge complaint. Attorney Stewart said this is likely accurate.

Councilmember Valaas observed that there are two sets of fourth quarter payments to the Department of Labor and Industries on page two of the warrants, which would appear to be a mistake. Mayor Cooper noted a mathematical error on the cover sheet. Mr. Joplin asked for time to correct these errors, and Mr. Cooper said the claims could be approved later in the meeting.

### **STAFF REPORTS:**

*Lt. Kyle Kolling, Clyde Hill Police* – Lt. Kolling reported that there have been no burglaries reported in 2008 in Yarrow Point. In December, three people were arrested in connection with vehicle prowls. Investigations are ongoing, he said.

Mayor Cooper reported on a couple of incidents that occurred during recent snowstorms. He thanked Clyde Hill Police for assisting a Yarrow Point resident who could not get out

of his driveway. A burglar alarm was going off at a property in Clyde Hill that the resident owned, and the officer drove him to the property to resolve the issue. During the snowstorm, Mayor Cooper said he was late to a medical appointment, and a Clyde Hill police officer gave him a ride.

During 2008 there were no burglaries, but 11 thefts, Councilmember Valaas observed. A burglary occurs when there is an intrusion into a dwelling, Lt. Kolling explained. A theft is an incident that takes place outside a residence. Seven of the thefts took place in December. Four theft cases have been solved, he reported.

### **REGULAR BUSINESS:**

#### ***AB 09-001 – Presentation on Plans for Regional Jail – Discussion of Proposed EIS Agreement – Bellevue Intergovernmental Relations***

Diane Carlson, City of Bellevue Intergovernmental Relations, addressed the Council concerning plans for a regional jail and the process of studying potential sites. Planning for a regional jail began when all northeastern cities of the Seattle area, all 22 north of Renton including Seattle, were notified that their contract with King County for jail services would expire in 2012. She added that an extension to 2014 has been negotiated.

Preliminary jail studies showed that constructing one large jail instead of two separate jails provided a significant cost savings. The northeast cities then authorized studies of potential sites, which will involve full environmental impact statements (EIS). Six potential sites, located in the five primary cities of Bellevue, Seattle, Kirkland, Redmond and Shoreline, are under study.

Seattle is the lead agency on the jail study, but each northeast city has been invited to participate in the environmental review and share in its costs and participate in the decision-making process. So far, Clyde Hill is the only municipality that is not a primary city to participate, Mrs. Carlson reported.

Mayor Cooper stated that it was his understanding that cities that elect to participate now will receive proceeds from the sale of JAG property, and that these funds can be used for the cost of the EIS. Mrs. Carlson directed the Council's attention to an attachment to the proposed agreement showing the total proceeds to the Town from the sale of the property. Yarrow Point could receive up to \$17,407.84 that must be used for jail purposes, she said. Clyde Hill law enforcement officials would represent Yarrow Point as per an interlocal agreement, Mayor Cooper noted.

Clyde Hill Chief of Police Archer agreed. The biggest concerns are getting enough jail space and keeping on the timeline with the county, he said. Clyde Hill uses facilities in Issaquah and Kirkland, and does not often send a prisoner to the King County system. Councilmember DesCamp asked if the King County facility will be largely vacant when the cities leave the system, and Mrs. Carlson responded that the county anticipates an increase in felonies, and the jail will continue to house this type of prisoner.

Councilmember Scandella asked what decision the Yarrow Point Council needs to make. Mrs. Carlson explained that Yarrow Point and other northeastern cities have been asked

to decide by March 1, 2009, if they will join in the EIS process. If the Council decides not to join at this point, the Town can participate during the building phase. If Yarrow Point does not participate in the process of constructing a new jail at all, it will still have the option of purchasing beds for prisoners if a jail is built. Without participation in the process, the Town will pay a higher rate for prisoners than participating municipalities.

Mr. Valaas asked Chief Archer why Clyde Hill decided to be involved in the EIS process. He responded that the city wanted the opportunity to be a part of decision-making and to have priority consideration for any future prisoners. Mr. Valaas asked if there is anything stating that proceeds from the sale of the JAG property can be used to pay jailing fees.

This is not contained in the EIS Agreement, Mrs. Carlson responded. When the property is sold, each city will be asked to sign an agreement that the funds were received and that they will be used in a way that is consistent with the purpose of the funds. The City of Bellevue will hold the property on behalf of all the cities.

Councilmember Rutledge said he thinks Yarrow Point should join the initial process. The next logical step is to prepare an Ordinance for consideration at the next Town Council meeting, Mayor Cooper said. Mr. Rutledge asked statistically how many prisoners Yarrow Point has contributed to the system in the last five years. Chief Archer responded that the number is small and for a few years was zero, but one thing the Town should keep in mind is that one prisoner is a significant cost. If for some reason the Town contributes an unusually large number one year, this could have a great impact on the Town's budget.

Yarrow Point resident Cheryl Pietromonaco asked what the exact cost difference is between purchasing a bed in the jail without EIS participation, and purchasing a bed if the Town participates in the process. Mrs. Carlson responded that the exact amount is unknown at this point.

Mrs. Carlson's presentation concluded, and the Council agreed that they would continue the discussion at next month's meeting.

***AB 09-002 – MRSC Presentation – Mr. John Carpita – Information on Formation of Storm Water Utility***

Mr. John Carpita provided the Council with information concerning storm water utilities. He explained that he is a civil engineer by profession who assisted in forming a storm water utility for the City of Issaquah. He has worked for Municipal Research and Services Center of Washington (MRSC) for 13 years.

A malfunctioning storm water system creates nuisance flooding and potential water quality problems. Chemicals and debris from properties and streets can be transmitted improperly to the environment. Mayor Cooper added that state and federal storm water regulations are becoming more and more restrictive. Currently the Town is exempt from permitting requirements, but this may change.

A storm water utility is a dedicated enterprise fund set up to provide funding for operation and maintenance of the storm water system, Mr. Carpita continued. These

storm water funds can be used to pay back loans or for leveraging grants. Rate payers are expected to pay for the majority of the cost of the system.

Rate setting is an important aspect of forming the utility, Mr. Carpita said. Rates should be set so that they are affordable, but high enough to pay the cost of operating the system. Storm water utilities are common for smaller municipalities in Washington. Nine of the cities in Washington with storm water utilities are less than 2,500 in population, he said.

One of the disadvantages to storm water utilities is the increase in administrative work, and the Town would need to plan for the increased administrative burden, Mr. Carpita reported. The whole process probably would take two to three years to complete. Staffing may need to be increased for operating and maintaining the system and for billing. Some cities collect the fee by contracting with King County. A consultant may be needed to set the fee at the proper rate, Mr. Carpita said.

The Council could set up the utility with only standard public input, Mr. Carpita continued, but forming a committee of stakeholders would be more effective. Mayor Cooper asked if Mr. Carpita had any experience working with issues involving private property owners. By deeding private systems to the city, property owners are relieved of maintenance expenses, he responded. These property owners could be given a lower rate. The Town would need to ensure that prior to accepting these systems, they would have to be up to standard, Mr. Cooper said.

Councilmember Rutledge asked how citizens with catch basins that discharge into the lake would be persuaded to participate in a system that does not serve them. Mr. Carpita responded that these property owners are responsible for fulfilling environmental requirements, and by participating in a storm water utility, they are relieved of that responsibility. Attorney Stewart said that at some point, none of the storm drains or other storm water system components would be private. This ensures they are all functioning correctly and are in compliance.

Mr. Carpita explained that the rate structure is based on the amount of impervious surface on a property. Storm water funds can be used for storm water system improvement projects, maintenance and street sweeping. Street sweeping improves water quality and allows the Town to use funds previously used for street sweeping for other projects.

The Town is allowed to charge a storm water fee to road systems, Mr. Carpita reported. For instance, the Town could charge for SR520, but it would have to transfer funds from the general fund to the storm water fund to pay its own roads. Mayor Cooper asked if other storm water funding options are realistically available. A one-time fee could be charged with voter approval, Mr. Carpita responded. Developers could pay a capital facilities charge for their share of the storm water system cost. A number of special programs such as grants, state revolving funds and low interest loans are available. Revenue bonds could be issued.

Councilmember Mushel asked if storm water utilities are permanent. Mr. Carpita responded that money is needed to continually maintain the storm water system. It is difficult to go back. The Town has a number of costly storm water system improvements that need to be made, Mrs. Mushel said. She asked if rates would be high at first to pay

for improvements and then would decrease. Rates are designed to generate cash flow and continue generating cash flow, Mr. Carpita said. Funds are a guaranteed source of revenue that can be used a security for loans.

Councilmember DesCamp said he does not see how this one aspect of the Town's infrastructure justifies setting up a complicated mechanism. A storm water utility appears to be an expensive way to collect money for this infrastructure need, which may not be the Town's most critical. Mr. DesCamp said he does not like the idea of expanding the Town's services. Mayor Cooper said voters could approve funding just for the immediate improvement need.

Attorney Stewart said each year the Town would have the expense of an election. The system is 50 or more years old, and guaranteed funds to make repairs and ensure continued maintenance would mean the Town would not be wrestling with the same issues every three to five years. Councilmember DesCamp said setting up a utility is outside of the Town's current administrative capability. Maintenance issues are minimal, and the current condition of the economy should be considered, Mrs. Mushel stated.

Cities that already have a water and sewer system are easier to convince than a Town that does not provide these services, Mr. Carpita said. In cities that already have a utility, the administrative structure is already present. Mayor Cooper said the Town is still in the process of gathering information on the possibility of forming a utility. More information can be presented at the staff-council retreat.

### **CONSENT CALENDAR:**

MOTION: Councilmember Andy Valaas motioned to approve the consent calendar as amended including the Warrant Register dated January 8, 2009, for warrant no. 16310 through 16347 totaling \$73,505.83. Councilmember John DesCamp seconded the motion.

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

### **REGULAR BUSINESS:**

#### ***AB 09-003 – Presentation on Parks Expansion Levy – Funds from King County Proposition 2 – Fiscal Coordinator John Joplin***

Mr. Joplin addressed the Council concerning a Special Property Tax Levy. In 2007 King County voters approved continuation of the levy, and as a result, Yarrow Point will receive funds over the next six years for development of natural lands and city trail projects that support connections to the regional trail system.

Mr. Joplin said the money does not have to be spent immediately, but can be saved for future projects. It could be used for the extension of the 92<sup>nd</sup> Ave. trail or for improvements to Wetherill. The Council discussed possible improvements at the Wetherill Nature Preserve. Councilmember DesCamp said the Council has six years to make a decision on how to use the funds. Councilmembers agreed to save the money and decide at a later date how it will be expended.

***AB 09-004 – Consideration of Appointment to Planning Commission – Planning Commission Position 4 – Richard Cahill***

Mayor Cooper explained that Richard Cahill was appointed to the Planning Commission in 2007 to fill a seat vacated by Alan McEwan. Mr. McEwan's term ended in 2008. He said he would like Mr. Cahill to continue serving on the planning commission for a full six year term.

MOTION: Councilmember Lisa Mushel motioned to approve the appointment of Richard Cahill to fill the vacancy on the planning commission. Councilmember Andy Valaas seconded the motion.

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

**MAYOR & COUNCIL REPORTS:**

***Councilmember Lisa Mushel*** – Mrs. Mushel reported that the Park Board is moving ahead with the study of a sport court. An architect has prepared some preliminary designs, and ADA accessibility is the biggest concern. One proposal is for ADA parking in the front of Town Hall, and an alternate proposal shows parking to the rear of the building. The proposal with parking in front has a total cost of \$80,000. John McGlenn, chairperson of the Park Board, will have a presentation for the Council at next month's meeting.

***Councilmember Carl Scandella*** – Mr. Scandella reported that this Thursday he will attend a meeting of a statewide Salmon Recovery Board, which is charged with increasing the population of salmon in area waterways.

***Councilmember John DesCamp*** – Mr. DesCamp stated that it has not been inexpensive for the Town to explore ideas. Money has been put toward a town fountain project, walking path and other ideas for consulting and architectural work, and these projects have not been undertaken.

**ADJOURNMENT:**

MOTION: Councilmember Lisa Mushel motioned to adjourn at 9:10 p.m. Councilmember Steven Rutledge seconded the motion.

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

APPROVED:

ATTEST:

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David K. Cooper, Mayor

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Sara McMillon, Clerk-Treasurer