

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
May 12, 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 (excused)
Carl Scandella
Andy Valaas

Staff: Lt. Kyle Kolling – Clyde Hill Police
Sara McMillon – Town Clerk-Treasurer
Mona Green – Town Planner

Guests: Linda Longmire – 3805 92nd Ave., Yarrow Point

APPEARANCES:

None.

MINUTES:

MOTION: Councilmember Andy Valaas motioned to approve the minutes of the regular Town Council Meeting April 14, 2009, as presented. Councilmember Lisa Mushel seconded the motion.

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

CONSENT CALENDAR:

Councilmember Scandella requested that the item concerning pagoda replacement be moved to regular business. If this item is moved, the warrants will have to be approved at a later time in the meeting, Councilmember Valaas noted. Mayor Cooper inquired about Mr. Scandella's concerns. He replied that he does not have any major concerns, but some members of public have been asking about pagoda replacement for some time. He wanted some explanation on which pagodas will be replaced. The pagodas that have been identified as in critical need of repairs will be addressed first, Mayor Cooper responded. About ten pagodas are in critical need. A plan of action can be presented at next month's Council meeting.

Councilmember DesCamp noted that funding for pagoda replacement is in the Town budget, and each year a certain number are scheduled to be replaced. This maintenance should be considered an ongoing cost of owning the pagodas. Some citizens have replaced their pagodas at their own expense, which reduces the cost to the Town. Mr. Scandella asked if there is a way to encourage people to use the same type of locking mailbox. Mr. Valaas stated that this might not be something the Town should do. The pagodas are made to accommodate this size of mailbox.

MOTION: Councilmember John DesCamp motioned to approve the consent calendar as presented including the Warrant Register dated 5/08/09 for Warrant No. 16458 through 16511 totaling \$222,599.03. Councilmember Scandella seconded the motion.

Councilmember Scandella asked why the Town is paying all of the charges for pagoda replacement all at once. The intention is to pay for each pagoda on delivery, Mayor Cooper stated. Approving all of the warrants at one time allows the Town to pay as each one comes in, instead of waiting for Council approval. The warrants are a promise to pay, and the terms and conditions are spelled out in the Dogwood proposal.

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

STAFF REPORTS:

Kyle Kolling, Clyde Hill Police – An unusual amount of car prowls have taken place in Yarrow Point recently, Lt. Kolling reported. Four scattered incidents took place, and the police have a suspect. Two of the cars were unlocked.

Mona Green, Town Planner – Mrs. Green reported that the state has awarded the Town \$50,000 for a required update to the Shoreline Master Plan. She also reported that the Town recently found \$7,000 from the Department of Natural Resources that it has not yet spent on making improvements to public areas that would increase habitat. Yarrow Point's \$7,000 could be combined with funds from Hunts Point to do some improvement to the Wetherill Nature Preserve. The funds could be used as a match for a grant, or could be used for improvements to Morningside Park.

Councilmember Scandella said that upgrades to storm water systems are related to water quality and salmon habitat. A grant for storm water system improvements could be obtained through the WRIA 8 Salmon Recovery program. Mayor Cooper said the Town

has been advised to combine street and storm water projects for the purpose of getting grants and low interest loans.

REGULAR BUSINESS:

AB 09-028 – Presentation on Transportation 2040 – Puget Sound Regional Council – Charlie Howard

Mr. Howard explained that the Puget Sound Regional Council (PSRC) is a regional planning group that addresses issues related to growth management, economic development and transportation. As a condition of receiving federal transportation funding, a metropolitan planning group is required. Federal money is distributed to municipalities through PSRC. The group also functions as a forum for regional issues.

Mr. Howard presented an overview of the PSRC’s regional transportation plan called “Transportation 2040”. PSRC is in the process of gathering input from area municipalities. A preferred alternative will be chosen this fall.

He provided an overview of the population of the area and the number of car trips on area roads. Population and employment growth in the Seattle area generally outpaces that of the rest of the nation, but there appear to be steep hills and valleys. Mr. Howard said one problem is between 1970 and 2000 King County captured most of the jobs, but not the population. This means motorists are traveling farther to get to work. PSRC hopes that its growth plan will reverse the trend and reduce trip lengths.

The proposed plan calls for increasing density, Mr. Howard said. Seattle needs improvement in this area. Infill development is being created in Bel Red, Factoria and downtown Kirkland. Sustainable sources of funding for transportation systems need to be developed, he continued, because for a number of reasons, revenue from gas tax has been decreasing. At some point, a broad change in how transportation systems are funded is needed. Federal funding is inadequate.

In the future, PSRC expects cleaner vehicles, cleaner fuels and travel reductions. Fewer households with children are expected. An older population with different travel needs will emerge. Mr. Howard said the PSRC board will have a discussion on how the plan should address these trends.

Mr. Howard then explained the six alternatives that are being discussed. One is a baseline of no action. The current system and current capacity would be maintained. Improvements that are already funded and ongoing would be maintained. Due to the erosion of funding, this alternative appears unrealistic, he said.

Alternative one would make the existing system as efficient as possible, but not much beyond baseline conditions. Tolling is one component. The HOV network would be replaced with a hot lane network. Hot lanes allow that lane to function and flow. If the road is congested, the motorist has a choice to pay a toll and use the lane.

Alternative two is most like the PSRC current 2030 plan. It contains the most provision for capacity expansion. Most of the expansion is funded through traditional sources, and there is not as much a reliance on tolling.

Alternative three relies heavily on tolling. Money collected at a particular facility would be used on that facility. Highway improvements would be limited, and efforts would be focused on areas of highest demand. Alternative four also relies heavily on tolling, but the money can be spent anywhere in the system or used for public transit.

Alternative five aims to meet carbon emission reduction targets. It would make a large investment in transit and non-motorized improvements. Gas tax would be eliminated, and the entire highway and arterial network would be tolled. This would affect demand.

A policy analysis, technical analysis and environmental review will be conducted for each alternative. Now is the time for other agencies to provide input on these alternatives, Mr. Howard concluded.

Councilmember Valaas noted that tolling has not been a popular alternative in the past. Option five may not be acceptable to the public. Mr. Scandella stated that much of the discussion has centered on how to pay for improvements, but not how they will be specifically designed. Mr. Howard agreed that more discussion is needed on what benefit the public will see, and how each alternative improves the system. Mayor Cooper said it seems incomplete. The public does not know what it would be purchasing.

The Council recessed at 8:17 p.m., and reconvened at 8:23 p.m.

AB 09-027 – Application for Shoreline Substantial Development Permit – 4615 92nd Ave. NE – Charles and Nancy Porter

Town Planner Green reported that this application was reviewed by the planning commission, and that commissioners have voted to recommend approval. Charles and Nancy Porter are seeking a permit to remove an existing pier located at 4615 92nd Ave. NE, and replace it with a pier that is about the same size. The new pier would have fewer, smaller pilings and a grated pier deck. The new pier would be moved 18 inches to comply with the Town's 10-foot side setback restriction. A new rock bulkhead is proposed.

Mrs. Green showed the Council where this property is located. All design elements conform to U.S. Army Corps of Engineers requirements, she reported. Some of the reviewing agencies may impose some additional requirements, but all of the Town's requirements have been met. A Mitigated Determination of Non-Significance has been issued for the project.

Councilmember Valaas asked to review a set of plans clearly showing the 10-foot setback. Mrs. Green said this drawing has been submitted, but it is not available. It will have to be shown correctly before the Town issues a building permit.

Councilmember Scandella asked if the Town is taking advantage of information available concerning salmon recovery requirements. Mrs. Green responded that local regulations

are substandard compared with other communities in the area. The Town relies on state and federal regulations. Councilmember Mushel asked why the Town needs its own shoreline regulations when state and federal requirements take priority. Updating the local Shoreline Master Plan is mandatory, Mrs. Green responded. The Town can be more restrictive. With the appropriate scientific justification, the Town could be less restrictive.

MOTION: Councilmember Lisa Mushel motioned to approve Shoreline Substantial Development Permit Case No. 202, incorporating all mitigations of the SEPA determination and any requirements of the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers. Councilmember Andy Valaas seconded the motion.

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

Mayor Cooper stated that he has met with officers from the Mercer Island Marine Patrol. Officers have indicated that it would be beneficial to have an ordinance requiring addresses to be shown on docks. Town Planner Green agreed that this is critical. The Town could make this a requirement of building permit approval.

AB 09-029 – Presentation of Annual Audit Results – Washington Cities Insurance Authority – Land Use

Mrs. Green reported that the Town was required to complete a land use questionnaire for the Washington Cities Insurance Authority (WCIA). The WCIA noted only one item that the Town is required to address. After the Council holds a public hearing and makes a decision, a standalone document must be written that states findings of fact and conclusions of law and the final decision, Mrs. Green said. Currently the Town uses its minutes to justify a decision.

Mayor Cooper noted that a public hearing was not held for the Shoreline Substantial Development Permit application that was just approved by the Council. A public hearing will need to be held for the Porter permit at the next Council meeting to correct this procedural mistake.

Councilmember Valaas asked who would prepare the findings of fact and conclusions of law. Mrs. Green said that the Town could use the Hearing Examiner for all public hearings. Mrs. Mushel noted that this would be an additional cost to the Town.

WCIA is attempting to limit the amount of land use claims by proactively addressing issues, she explained. The most significant claims are in this area. WCIA offers training for Town officials and staff. The Council reviewed training options. Councilmember DesCamp indicated he would be interested in training concerning arbitrary and capricious decision making.

Councilmember Mushel stated that she would like Town Clerk McMillon to be the official WCIA delegate, a capacity that Mrs. Mushel is currently serving in. Ms. McMillon is more able to devote the time needed because she is a Town employee. Mrs. Mushel would serve as the alternate delegate. Mayor Cooper agreed.

AB 09-030 – Discussion of Staff-Council Retreat – Action Items

Mayor Cooper said many ideas were generated at the recent staff-council retreat. He said he thought the idea of creating a boardwalk in the wetlands between Yarrow Point and Kirkland was one good idea. Councilmember Scandella noted that most who attended thought in general that the Town Hall property could be developed more. Town Hall could be more of a community gathering place. Mr. Valaas said the consensus was that extending the pathway and undergrounding power lines should be a priority.

Councilmembers reviewed minutes from the retreat. Councilmember Mushel said a list of action items might be an effective format for ideas from the retreat. Councilmembers could then rank the action items. Some would be easy to implement. Mr. Scandella noted that the Association of Washington Cities endorses staff-council retreats as part of budget preparations. The Town has an opportunity to develop a vision based on the ideas generated at the retreat.

Councilmember DesCamp said he also thinks the Town should pursue the completion of the 92nd Avenue project. He said he does not agree that the Town should develop a tree ordinance. Developing this type of ordinance would only lead to ordinances regulating other types of vegetation like aquatic weeds. He does not think loss of tree canopy is an issue of great concern in Yarrow Point.

Mayor Cooper said he thinks the presentation from the Department of Natural Resources put things in a different perspective. Most people agreed that as a first step, the Town should regulate trees on public property. So far, it has had an unofficial practice, but the Town should have a policy in place that is supported by the Town Code. Councilmember Valaas said it was interesting to hear that the Town could become a Tree City without regulating trees on private property. An ordinance with minimal restrictions can be developed, Mrs. Mushel said.

Town Planner Green noted that it is up to each community to set a goal for the preservation of tree canopy. In Hunts Point, the town has decided that 60 percent is its goal. The first step in the process is a tree inventory. Town staff may be able to do this inventory. Councilmembers agreed that Town staff should come up with a plan for how to become a Tree City.

The Council discussed a real estate sign on 92nd Avenue that is out of compliance with Town Code. Town Clerk McMillon stated that she would inform the owner of the sign that it is out of compliance. Most real estate companies contacted so far have removed non-compliant signs immediately.

ADJOURNMENT:

Mayor Cooper reminded Councilmembers that if they are interested in running for the Council position this year, the first week of June is the filing period. If no one runs for the position, the current Councilmember must occupy the seat until a replacement is found.

MOTION: Councilmember Andy Valaas motioned to adjourn at 9:15 p.m.
Councilmember Lisa Mushel seconded the motion.

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

APPROVED:

David Cooper, Mayor

ATTEST:

Sara McMillon, Clerk-Treasurer