

**TOWN OF YARROW POINT  
COUNCIL MEETING MINUTES  
March 9, 2010  
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 7:00 p.m.

**MEMBERS PRESENT:**

**Mayor:** David Cooper

**Mayor Pro-Tem:** Lisa Mushel

**Councilmembers:** Carl Scandella  
Tim Dillon  
Bruce Jones  
Roger Myklebust

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

**Guests:** None

**APPEARANCES:**

No one from the public addressed the Council.

**MINUTES:**

**MOTION:** Councilmember Roger Myklebust made a motion to approve the minutes of the regular Town Council meeting February 9, 2010, as presented. Councilmember Bruce Jones seconded the motion.

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

## **CONSENT CALENDAR:**

Councilmember Jones questioned a payment for boundary and topographic surveying. Town Engineer Stacia Schroeder explained that this survey is the first step in the next storm water capital improvement project. At the end of NE 42<sup>nd</sup> Street, there is a six inch break in the line, and it must be replaced. The Town has allocated \$40,000 in the current budget for the work. Mayor David Cooper added that this improvement is identified in the Town's Comprehensive Storm Water Management Plan. Councilmember Lisa Mushel questioned an expense of \$3,000 for street striping. Mrs. Schroeder explained that this is Yarrow Point's portion of the cost contained within an interlocal agreement with the City of Clyde Hill for the work.

MOTION: Councilmember Roger Myklebust motioned to approve the Consent Calendar as presented. Councilmember Carl Scandella seconded the motion.

A vote was not taken.

MOTION: Councilmember Roger Myklebust motioned to approve the Consent Calendar as presented including the payment approval report dated March 4, 2010 approving payments as shown totaling \$82,752.37. Councilmember Carl Scandella seconded the motion.

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

## **STAFF REPORTS:**

***Lt. Kyle Kolling, Clyde Hill Police*** – Lt. Kolling said the only crime reported in February involved an individual from out of town who was violating a restraining order. He discussed some incidents that recently occurred in the City of Clyde Hill. Councilmember Tim Dillon asked about the feasibility of installing surveillance cameras similar to those used in Medina and Hunts Point. Some members of the community are interested in seeing them used in Yarrow Point. Lt. Kolling said this issue has been raised in the past. The cameras do not assist in apprehending criminals.

***Wayne Stewart, Town Attorney*** – Mr. Stewart reported that the Town recently held a joint meeting of the Planning Commission and Park Board to discuss a proposed tree ordinance regulating trees on public property. Councilmember Dillon said he also attended this meeting. The ordinance appears to be a good first step in the right direction, Mr. Dillon said. At this point the Town is not discussing the regulation of trees on private property, and Mr. Dillon said he would like the discussion to be focused on public property only.

Mr. Stewart said the Town will send the ordinance to the Department of Natural Resources (DNR) for a review. When the Town is ready to apply for the Tree City designation, this is the agency that will determine if the Town qualifies. Planning Commissioners will hold a public hearing on the ordinance draft next month.

**Stacia Schroeder, Town Engineer** – Mrs. Schroeder reported that she recently completed a sign inventory and created a list of street signs that need to be replaced. She also noted areas where some crack sealing could be performed instead of moving forward with more costly overlays. The Town would spend a few thousand dollars to replace the signs and less than \$10,000 for crack sealing.

Plans for the proposed sport court are moving forward. Councilmember Dillon asked if there is a plan in place for long-term maintenance of the facility. Mrs. Schroeder said there is no maintenance plan. The court will need a slurry coat every three to five years. Councilmember Carl Scandella asked if the roots of nearby trees will crack the court's surface, and Mrs. Schroeder responded that the four trees that would be closest to the sport court will be removed. The court will also need to be pressure washed, she added.

The Town is moving forward with the storm water improvement project on NE 42<sup>nd</sup> Street. Surveying and preliminary design work will help with permitting requirements. It could take nearly a year to get permits in place. Councilmember Scandella asked if the Town could make irrigation water available to citizens in this area. Mayor Cooper responded that the Town owns water rights, but he is unsure if it is possible to make the water available to citizens. He said he would investigate the possibility.

**Mona Green, Town Planner** – Mrs. Green reported that she met with DNR's director, and she provided some recommendations for what can be added to the proposed tree ordinance. Mrs. Green said she also informed her about a grant that is available for a tree inventory or tree management plan. Mrs. Green said she would apply for this grant on behalf of Yarrow Point.

The Watershed Company provided the first deliverable for the update of the Town's Shoreline Master Program to the Department of Ecology at the end of February. This was a series of about a dozen maps, a public participation plan and a list of resources. The Department of Ecology will respond in 30 days. The next step is an analysis of all the data, which should be completed by the end of June. Mayor Cooper asked when data could be made available on the Town's Web site. Mrs. Green responded that the data is still in draft form and posting it at this point would be premature.

### **REGULAR BUSINESS:**

#### ***AB 10-007 – Revision of Town Fee Resolution – Review of Proposed Resolution 293***

Building Official Steve Wilcox addressed the Council concerning the proposed revision to the Town's fee resolution. Revisions include fees for some costs that were not formerly included specifically, such as for when a building is moved. Nothing was formerly in the resolution concerning appeals of building official decisions, he stated. A partial demolition fee was added for projects that don't require as much review time. The resolution provides some clarification on building permit valuation fees. It also provides a greater degree of consistency for the application of fee collection.

Mr. Wilcox said the \$250 fee for an appeal of a building official decision is based on his experience with how much time is usually spent on processing the appeal. If the building official is found to be in error, the fees are refunded. Mr. Jones asked if a contractor

would report a change in project value after the permit is issued. Mr. Wilcox said that projects do change during construction. The Town does not scrutinize each project so closely that every change is noted, but at the end of the project fees should be checked.

Councilmember Jones asked if there is a separate permit for constructing a pool. Mr. Wilcox responded that a person who is constructing a pool is required to obtain a building permit. The construction of a pier or dock also requires a building permit. This fee resolution is clearer and any future adjustments can be made more easily.

The resolution also contains provisions regarding a temporary certificate of occupancy, Mr. Wilcox said. The Town does not have to issue a temporary certificate of occupancy, but generally does. He said he based the fee on how long it generally takes to prepare a certificate of occupancy. In general the changes are designed to make development pay for development.

Town Engineer Schroeder added that a pathway repair fee was included. Three to five contractors a year cut holes in the pathway because lines are located underneath it. Material used for the pathway is highly temperature sensitive and must be installed when there is no rain. Building up funds for pathway repairs will ensure that the work is done during optimal conditions and with the correct materials. The Town reviews the fee resolution frequently, Mayor Cooper said. This revision was more of a refinement and did not significantly increase fees.

**MOTION:** Councilmember Carl Scandella motioned to adopt Resolution No. 293, adopting a revised Town fee resolution. Councilmember Roger Myklebust seconded the motion.

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

### ***AB 10-008 – Introduction to Upcoming Building Code Revisions***

Building Official Steve Wilcox addressed the Council concerning upcoming building code revisions. The State Building Code Council put some contentious issues in appendices, and municipalities will be forced to make decisions on them. The appendix regarding fire sprinkler requirements is probably the most controversial. Mayor Cooper asked if there is a certain threshold for when a sprinkler system must be installed. Mr. Wilcox responded that the determination is based on fire flow capacity, the size of the building, the availability of access for firefighters and the location of the nearest fire hydrant. The appendix does not clearly state if sprinkler systems will be required for remodels.

Some of the appendices have been challenged in court, Mr. Wilcox said. They will need to be cleaned up before the Town can consider them. Councilmember Scandella asked if any nearby communities require fire sprinklers for all new construction. Medina has this requirement, Mr. Wilcox said. Yarrow Point could require them. Mr. Scandella asked if sprinkler systems are reliable, and Mr. Wilcox responded that they are. The systems need to be checked on an annual basis.

Carbon monoxide detectors will be required. Crawlspace that are not vented will be permitted. The new regulations require interior and exterior staircases to be lighted. Mr. Wilcox said some major changes were made to the state's energy code. Changes are designed to improve energy efficiency. Modifications to the state's codes are ongoing.

***AB 10-009 – ARCH Annual Budget and Work Plan – Overview of ARCH and Review of Resolution 294***

Arthur Sullivan, program manager for A Regional Coalition for Housing (ARCH) addressed the Council. He explained that ARCH was created 17 years ago to assist municipalities with dealing with a variety of affordable housing issues and the requirements of Washington's Growth Management Act (GMA). ARCH provides cities with specialized resources for planning for growth. Mayor Cooper said providing affordable housing in Yarrow Point is difficult due to the value of property, so ARCH gives the Town another avenue for fulfilling requirements.

Mr. Sullivan said something was needed to assist cities in becoming a part of the regional effort. ARCH provides staff support to member cities, so direct assistance on local initiatives is available. Municipalities are also able to pool funds together that can be used to create affordable housing in other areas. ARCH determines how to best use the funds. ARCH will provide a study session at Bellevue City Hall for new commissioners and councilmembers to learn more about what the GMA means and what cities in the area have been doing to fulfill requirements for the past 15 years. The next informational session will be held March 31<sup>st</sup>.

Annually the ARCH executive board develops a work program that is approved by the Councils of the member cities. ARCH provides direct assistance, represents cities from eastern King County at state and regional levels and assists in facilitating regional planning efforts. ARCH has discussed the possible use of accessory dwelling units with the Mayors of the five Points communities. ARCH provides support and education. Councilmember Mushel stated that Yarrow Point must participate in ARCH in order to provide affordable housing.

MOTION: Councilmember Lisa Mushel motioned to adopt Resolution No. 294, approving the ARCH annual work plan and administrative budget for 2010. Councilmember Roger Myklebust seconded the motion.

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

***AB 10-010 – Revised ARCH Interlocal Agreement – Review of Resolution 295***

Mr. Sullivan of ARCH again addressed the Council. He said he is presenting a revised interlocal agreement for Yarrow Point's participation in ARCH. Changes to the interlocal involve the way ARCH's trust fund is administered. In the past when a project was proposed, ARCH would enter into a contract with each city separately, an inefficient process. The new interlocal agreement would allow a system where the City of Bellevue, the administrating member, would enter into one contract on behalf of all member cities.

Mr. Sullivan explained that there is one account for administrative dollars and a separate trust fund account. A sub-account will exist for each city, and no money can leave the sub-accounts unless authorized by the Councils of each city. While the money is in the account, it will be earning interest that the cities will get credit for. A regular report will be provided.

Administering one contract for each affordable housing project improves efficiency of operations so that staff can work on other aspects of ARCH. The revised interlocal also enlarges the area ARCH covers, including additional communities with similar market conditions and issues. ARCH benefits when cities are added. The organization started with four cities and has now expanded to 14.

MOTION: Councilmember Roger Myklebust motioned to authorize the Mayor to sign the Amended and Restated Interlocal Agreement between the Town of Yarrow Point and A Regional Coalition for Housing. Councilmember Lisa Mushel seconded the motion.

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

**EXECUTIVE SESSION:**

Pursuant to RCW 42.23.110 (l)(i), to discuss potential litigation with legal counsel representing the agency, the Council recessed into executive session at 8:30 p.m. The Council came out of executive session at 9:10 p.m.

**ADJOURNMENT:**

MOTION: Councilmember Lisa Mushel motioned to adjourn at 9:12 p.m. Councilmember Bruce Jones seconded the motion.

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

APPROVED:

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David Cooper, Mayor

ATTEST:

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Sara McMillon, Clerk-Treasurer