

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
April 13, 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 7:01 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
Eric Anderson – Clyde Hill Police

Guests: Cheryl Pietromonaco – 3445 92nd Ave. NE
Ray Jensen – 3802 94th Ave. NE

APPEARANCES:

Resident Cheryl Pietromonaco addressed the Council. She said she attended the Council's previous study session concerning the Town's finances. At the study session Fiscal Coordinator John Joplin reported that current capital improvement plans would exhaust all capital improvement funds by 2010, and the Town may be insolvent by 2014. Considering the Town's financial situation it seems irresponsible for the Council to move forward with construction of a sports court, Mrs. Pietromonaco said.

Councilmember Tim Dillon said in the private sector, when financial conditions are uncertain, capital improvements are the first items to be cut. Mayor David Cooper reported that Town staff is putting together a bid solicitation for the sport court project. Bid documents will be distributed next week. The Council could still decide not to

proceed with entering into a contract, but previous Councilmembers authorized the Town to go forward, he said.

Councilmember Lisa Mushel said the Town has spent a large amount of money for preparing sport court plans and options. Due to this considerable investment, the Council thought it best to solicit bids and discover what prices are available. The Town may be able to take advantage of the economic climate. Mrs. Mushel said when the sport court project was conceived, the Council thought it would be a \$25,000 project, but the current cost estimate is over \$80,000. The Park Board wanted to provide a gathering place for children, Mrs. Mushel stated. The idea was in response to a request from the community, and at the time the idea came forward, the project seemed feasible.

Mrs. Pietromonaco suggested the Town sell a bond. Mayor Cooper said the Town's bonding capability is good, because it does not have a great deal of debt. Councilmember Bruce Jones said the Town may need the funds for other priorities. The sport court is the most obvious item to cut from the budget, Mr. Dillon said. He said he is in favor of putting capital projects on hold.

MINUTES:

MOTION: Councilmember Lisa Mushel made a motion to approve the minutes of the regular Town Council meeting March 9, 2010, as presented. Councilmember Roger Myklebust seconded the motion.

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

CONSENT CALENDAR:

Councilmember Mushel said she would like a clarification on the King County jail contract. Attorney Wayne Stewart responded that it would extend the length of time municipalities will be able to use the jail. King County currently provides the only facility for prisoners with medical issues, Town Clerk McMillon said. A new jail accepting special needs prisoners will be constructed in Des Moines, and it is likely this facility will be less expensive. However, as a general philosophy, Clyde Hill Police want to have as many options as possible for jailing.

Clyde Hill Police Officer Eric Anderson said the police must take offenders to the King County Jail. The other option is to take the offender to a hospital and post a police guard outside the door. Councilmember Jones asked if each city contracts with the jail separately, and Ms. McMillon responded in the affirmative. In response to a question from Mr. Stewart, Officer Anderson said the police usually use facilities in Kirkland or Issaquah for booking at the time of arrest. The King County jail is a last resort.

MOTION: Councilmember Roger Myklebust motioned to approve the Consent Calendar as presented including the payment approval report dated April 7, 2010 approving payments as shown totaling \$152,034.10. Councilmember Bruce Jones seconded the motion.

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

STAFF REPORTS:

Officer Eric Anderson, Clyde Hill Police – Mr. Anderson reported that March was a quiet month. Four case reports were pulled. A general traffic violation occurred, and the motorist was warned. A possible case of credit fraud is under investigation. Police apprehended an individual for a burglary that occurred earlier. The offender went to the county jail for committing a felony. Recently a motorist driving 60 to 70 miles per hour crashed a Ferrari at the 4600 block of 92nd Avenue. The car went airborne, flipped once, and barely missed a large tree and a telephone pole. Surprisingly, no one was injured.

Councilmember Jones asked what a security check is. Mr. Anderson explained that this could be when someone is out of town. Sometimes officers will notice items of concern while on patrol, like an open garage door, and will notify residents. Councilmember Mushel asked if the Clyde Hill Police still offer the service of checking on a home when someone is on vacation, and Mr. Anderson responded in the affirmative.

Sara McMillon, Town Clerk – Ms. McMillon reported that King County is proposing a new contract for animal sheltering, control and licensing. Under the new agreement, cities would pay for the service based on population. With the new formula, the cost to Yarrow Point would be minimal. The county would be split into districts with one dedicated animal control officer.

Councilmember Mushel said the Kent animal shelter has a high euthanasia rate and is overflowing with animals. The Seattle Humane Society is not experiencing these difficulties. Originally, King County Executive Dow Constantine was in favor of privatization, but now is proposing this new contract. Mr. Stewart said he agrees that the county has been unresponsive to complaints unless they involve a vicious animal. He said he does not foresee that the service will improve under the new contract. Animal control is not a big issue for Yarrow Point. Ms. McMillon said a dog recently bit Public Works Coordinator Istvan Lovas. While infrequent, incidents do occur.

Mayor Cooper reported that the City of Bellevue is considering a subregional model. Ms. McMillon said the county is seeking a letter of interest from municipalities so a more accurate cost estimate can be prepared. The Council agreed that the Town should send a letter of interest, but investigate other options.

Stacia Schroeder, Town Engineer – Mrs. Schroeder reported that early next week the bid solicitation for the sport court project will be distributed. In response to a question earlier from Councilmember Dillon, Mayor Cooper said the new park space created by the SR520 lid at Yarrow Point will not contain any active uses. There isn't enough room on the lid for a sport court. Mayor Cooper continued that the Town would like to develop Morningside Park for some use, but that plan may not involve a sport court. Councilmember Dillon said a master plan for Morningside might be more of a benefit than the sport court.

Mona Green, Town Planner – Mrs. Green reported that the planning commission will hold a public hearing Monday on an ordinance providing some rules and regulations for the care of trees located on public property. The Town has submitted an application to the Department of Natural Resources for a grant of \$10,000 to perform a tree inventory. The

inventory would document trees existing on public roads and in Morningside Park. Cataloging the trees would be a good start to a Morningside Park Master Plan.

The Town is working with the SR520 Bridge Replacement project team on planning for what will happen on the new lids, Mrs. Green said. A series of contracts will be presented dealing with the way the Town reviews the plans. The Washington State Department of Transportation has agreed to pay the cost of consultant time. The schedule for completion of the project is aggressive. Statements of qualifications are due next month. After two decades of planning, the bridge is scheduled to open in 2014. The Town's existing site for cell towers will be relocated as part of the SR520 project. During the construction, the towers will be moved to a temporary facility.

REGULAR BUSINESS:

AB 10-011 – Discussion of Town Budget and Finances – Methods for Addressing Fiscal Conditions – Quarterly Budget Review

Mayor Cooper reported that Town staff has been investigating the need to reduce expenditures in the Town Budget. One of the ways proposed to save \$105,000 in the 2010 Budget is delaying an overlay planned for NE 41st Street and investing in a smaller right of way restoration project. The project would include restriping, new traffic signs and street signs, lighting of the Town fountain, selectively putting in sod in areas on 92nd Avenue and replacing an area of washed out gravel at a total cost of \$39,000.

Fiscal Coordinator John Joplin said the Town is not required to revise the budget to reflect this change, but must include the new project in a revised Transportation Improvement Plan (TIP). Councilmember Myklebust asked if the right of way improvements are a part of the overlay project, and Mrs. Schroeder responded that they would be a completely separate project. She explained that the TIP is a state requirement. The Town adopts a new TIP each year, usually in June. Overlay projects are ranked in importance based on analytical factors. The overlay on NE 41st Street is the first priority.

Mrs. Schroeder said the Town has historically delayed needed overlay projects. If the overlays are delayed, maintenance measures like crack sealing must be pursued. Some significant cracks are developing on the Town's roadways. Storm drains need to be elevated. For this right of way restoration project, striping will be repainted on 92nd Avenue and 95th Avenue. All of the street signs in the Town will be replaced with reflective, highly visible signs. Regulatory signs that are faded will be upgraded. Mrs. Schroeder said 20 to 30 percent of these regulatory signs are not in compliance with traffic standards.

Most of the street signs in the Town are not reflective, which is a safety hazard, Mayor Cooper continued. Some signs are brushed aluminum with black lettering and cost \$90 each, Mrs. Schroeder said. The new signs cost \$35 each, and there is a savings when ordering in bulk. In response to a question from Mrs. Mushel, Mrs. Schroeder said there is no striping on 95th, only reflective buttons.

Councilmember Bruce Jones asked at what point the overlay on 41st would have to be done. Town Engineer Schroeder said a ratings system is used. This street has not yet

reached the critical rating, but is in very poor condition. In response to a question from Mr. Jones, Mayor Cooper said the Town's general fund is the area of greatest concern.

The Council discussed which portions of the new right of way restoration project are critical needs. Mrs. Schroeder said the signage, striping and crack sealing must be done. Sod replacement on 47th would improve the appearance of the area, but is not an essential improvement. Councilmembers did not think the sod would be watered properly. Lighting the fountain may not seem necessary, Mrs. Schroeder said, but from a risk management standpoint, a lighted fountain is safer for motorists. Striping is usually done every two years, but the Town has not restriped its roads for ten years, Mrs. Schroeder said. Eventually the overlays must be performed.

Councilmember Jones and Dillon were in favor of replacing street signs and traffic signs in the Town. They also stated that the sod portion of the project should be removed. Councilmember Myklebust said he is favor of performing all of the items planned. Councilmember Mushel said she is favor of the road maintenance portions, but is unsure if the street sign replacement is needed. Emergency personnel need to be able to read street signs to respond, Mr. Stewart said. Councilmembers came to the consensus that the sod portion is unnecessary. Next month the Council will consider a revised TIP.

Fiscal Coordinator Joplin addressed the Council concerning other ways the Budget can be reduced. Yarrow Point is faring well during the economic crises compared with other municipalities. In general, the Town's expenses are growing faster than its revenue. Town staff took the approach of thinking about what the Town absolutely must spend money on. The Town's greatest expense is police and fire protection.

The Town has increased spending for office supplies and furniture by 50%, Mr. Joplin said. Staff is suggesting that a monthly budget be set for these categories and for meetings and training. Councilmember Jones asked if shifting costs to the community development fund will be an effective measure. Currently the community development fund has a surplus, Mr. Joplin said. Only costs associated with community development will be shifted to that fund. The surplus may be eliminated, but if community development costs exceed revenue, fees can be increased.

Mayor Cooper said up until a few years ago the community development fund did not exist, and was a part of the general fund. The Town created a separate fund to assist in tracking expenses and revenues. The funds could be combined again, he said. Mr. Jones said he thinks it is a good idea to separate them. Separation helps to ensure that fees charged are reflective of costs, Mr. Joplin said.

One change that would save \$19,000 is freezing staff salaries and eliminating the summer internship program, Mr. Joplin continued. Councilmember Myklebust said he would not be in favor of freezing salaries. Mr. Joplin said he proposes to eliminate the contribution to Clyde Hill Elementary for playground equipment. These funds carry over into each year's budget, and there is no projected date for when the funds would be spent.

Due to a Supreme Court ruling, municipalities will now be required to pay for the repair and maintenance of fire hydrants, Mr. Joplin said, and he proposes to increase the utility tax rate to pay for the increased cost. Town Attorney Stewart said negotiations

concerning this issue are ongoing. It appears that the City of Bellevue may take care of the issue internally.

Mr. Joplin said he is proposing to eliminate the Town's contribution to the Wetherill Nature Preserve. The preserve is able to raise money through donations. Hunts Point matches Yarrow Point's contribution, so staff will need to discuss the proposition with Hunts Point. Transferring the contribution to A Regional Coalition for Housing to the community development fund is valid, he said.

Councilmember Mushel complimented staff on the budget reduction ideas. Many other agencies are making tough decisions on drastic measures, but these suggestions seem painless. Mr. Joplin said the utility tax rate can be increased to 6% with a vote of the Council. Other municipalities adjust the utility tax rate periodically to match what is in the Budget, Mayor Cooper said. Mr. Joplin said the Town can revisit the utility tax rate on an annual basis.

Councilmember Mushel said the Town should move forward with reductions before increasing tax rates. However, an increase of 1% probably will not have a noticeable financial impact on residents. Mr. Joplin said residents in Yarrow Point enjoy one of the lowest property tax rates in the state, with the exception of Hunts Point.

Councilmember Dillon stated that a police force for all of the Points communities would eliminate inefficiency. Two separate police forces doing the same job in such close proximity does not seem to make sense. Mr. Joplin said Yarrow Point pays more per capita for police services than nearly any other municipality.

Mayor Cooper said the Town can consider forming a storm water utility. Funds will take time to accumulate, but with an identifiable, reliable revenue stream, it is easier for the Town to pursue loans or other funding.

AB 10-012 – First Reading of Ordinance No. 610 – Amends Title 12 of the Municipal Code – Streets, Sidewalks & Public Places

Town Attorney Wayne Stewart said the revision to Title 12 is part of a bigger project to revise the Town Code. Revisions eliminate obsolete language. Some of the proposed changes are the result of staff input. The offense of damaging or littering streets was changed to a civil infraction, he said. The historical street names can still be printed on street signs, but will now not be permitted as legal addresses.

One revision recommended by Building Official Steve Wilcox deals with construction parking. Ongoing complaints from citizens involve construction parking, especially when there are multiple projects in one location. Emergency vehicles need egress. As always, a parking plan will be required. The cost of a penalty will be shifted from the individual to the permit applicant. A stop work order can be issued. Councilmember Myklebust questioned the legality. The Town could tow the vehicles. Town Attorney Stewart said the Town should not penalize the average worker, but should penalize the party who is ultimately responsible for supervision of the workers. Citing the owner makes enforcement more feasible and likely.

Mr. Stewart recommended the Council perform a first reading and send suggested amendments. The Ordinance can be approved next month.

OTHER REPORTS:

Mayor Cooper reported that he and Town Clerk McMillon recently attended an Association of Washington Cities training on the role of the Mayor and Clerk in a small government agency. He said he learned that a policy and procedures document is essential for every municipality. Yarrow Point has not yet developed or officially adopted policies and procedures. At the session, he was cautioned strongly against allowing members of staff or officials to use personal e-mail accounts for Town business. Recently email addresses were set up for the Council. Eventually everyone will have a Town email address and a copy of all messages will be stored on the Town's server.

ADJOURNMENT:

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

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

APPROVED:

David Cooper, Mayor

ATTEST:

Sara McMillon, Clerk-Treasurer