

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
May 11, 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 7:03 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
Di Alexander – Clyde Hill Police

Guests: Cheryl Pietromonaco – 3445 92nd Ave. NE, Yarrow Point
Steve Rutledge – 4441 94th Ave. NE, Yarrow Point
David Bostic – 12201 Avondale Rd. NE, Redmond
Doug Waddell – 9028 NE 41st St., Yarrow Point
Kelly Almeleh – 4025 94th Ave. NE, Yarrow Point

APPEARANCES:

None.

MINUTES:

MOTION: Councilmember Roger Myklebust made a motion to approve the minutes of the regular Town Council meeting April 13, 2010, as presented. Councilmember Bruce Jones seconded the motion.

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

CONSENT CALENDAR:

Fiscal Coordinator John Joplin distributed an amendment. The payment to Cashmere Bank for a loan was inadvertently omitted. Councilmember Lisa Mushel asked if after this evening's meeting, the Town will have refunded all necessary construction deposits. Mr. Joplin responded that this was a first effort. Any deposits that are not claimed will be sent to the State of Washington.

Councilmember Mushel asked about the status of the implementation of cost reduction measures. Mr. Joplin said a report would be provided next month. The Council discussed the expense of the Town newsletter. If the newsletter were to be distributed only electronically, the Town could save on the cost of printing. Mrs. Mushel noted that some residents would undoubtedly not want to transition to viewing a digital newsletter only. Hard copies could be made available at Town Hall.

Councilmember Bruce Jones said the Town paid one of its larger expenses this month. Mr. Joplin agreed that one of the reasons why the Town's payables were so large is the Town paid the first half of its cost for the fire protection contract with the City of Bellevue. The Town is paying more money out of the Community Development Fund than it is collecting, Mr. Joplin noted. Funds likely will be sufficient.

MOTION: Councilmember Roger Myklebust motioned to approve the Consent Calendar as presented including the payment approval report dated May 11, 2010 approving payments as shown totaling \$212,214.26. Councilmember Carl Scandella seconded the motion.

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

STAFF REPORTS:

Officer Di Alexander, Clyde Hill Police – Officer Alexander noted that a resident discovered a residential burglary in progress when he returned from walking his dog. The offender was caught on Bellevue Way after some investigation. The burglar knew the family and knew that the owner of the house would be on vacation. Officer Alexander also discussed a major car accident in Yarrow Point with the Council. The driver was cited for driving under the influence and reckless driving.

Sara McMillon, Town Clerk – Ms. McMillon discussed options for animal care and control with the Council. King County is proposing a new contract that incorporates full cost recovery. The County's agreement in principle proposes that cities share in the cost based 50/50 on use and population. Currently cities provide no direct payment for services because the County collects and keeps all pet license fees. King County proposes to improve conditions at its shelter and to increase the responsiveness of animal control personnel. Staff members from Bellevue, Redmond and Kirkland have been meeting to develop a potential subregional model for animal services. As of the present development of this model is still in process and is not an option, she said.

Yarrow Point could decide to administer its own pet licensing program. Ms. McMillon said the Town's accounting software provider offers an animal licensing module. The City of Medina provides this service to its citizens. Ms. McMillon reported that City of Clyde Hill officials have stated that the Clyde Hill Police are not interested in providing animal control services through the policing contract with Yarrow Point. Public Works Coordinator Istvan Lovas has expressed an interest in receiving animal control training. With the Town providing licensing and control in house, a Request for Proposals for the sheltering component could be issued.

At next month's meeting, the Council will consider a proposed agreement with King County for animal services, Ms. McMillon said. Councilmembers can decide to sign this agreement for a six-month term or a 2.5 year term, or decide not to sign the agreement. The State does not mandate that municipalities provide animal services to residents.

John Joplin, Fiscal Coordinator – Mr. Joplin reported that Yarrow Point is receiving about \$5,000 per year from a King County Parks expansion levy. The Town can use the money for virtually anything related to Parks, Mr. Joplin said. Councilmember Tim Dillon suggested the money could be used for a plan for Morningside Park, or could be used to construct a boardwalk connecting Yarrow Point to Kirkland. Plans for Morningside have been drawn up in the past, Mayor Cooper said, but nothing has moved forward.

Mr. Dillon asked what money could be used for if it was not expended on a sport court. These funds could be used for any project defined in the Town's Capital Improvement Plan or Transportation Improvement Plan, Mr. Joplin responded. A sport court would be an important amenity for children living on the Point, Mr. Dillon said. Councilmember Jones said he would like to have a study session on Morningside Park. The Council should become more familiar with the history, he said.

REGULAR BUSINESS:

AB 10-013 – Ordinance Amending Title 15 of the Municipal Code – Buildings and Construction

Building Official Steve Wilcox addressed the Council concerning the proposed ordinance amending Title 15 of Yarrow Point municipal code. The update is directly related to the State's adoption of a new building code. Municipalities must implement the new regulations by July 1. Changes could have been controversial in nature, Mr. Wilcox said, but they are not. The Town will not require automatic fire sprinklers in homes, but will recommend them. The City of Bellevue also decided not to require the fire sprinklers. The State did not indicate there was any reason to make fire sprinklers a necessity, because it allowed individual municipalities to make the decision, Mr. Wilcox said.

Mr. Wilcox said he has been working closely with Bellevue Fire. Bellevue Fire is currently revising its standards, which apply to Yarrow Point. However, Bellevue did not include considerations specific to Yarrow Point, and someday the Town may need to draft standards of its own.

Councilmember Lisa Mushel asked about an exemption for sound attenuation purposes. Mr. Wilcox responded that he added this language. Sometimes new air conditioning units are placed on the outside of buildings that violate State sound regulations. Occasionally a sound deflecting wall is constructed, but the wall may be too high, placed in the setback area or be made of combustible material and placed too close to the electrical unit. Mr. Wilcox said the Town may want to require a sound test before permits are final. If someone chooses to install a sound attenuation device it should be put in properly.

Mayor Cooper encouraged the Council to send any questions or suggestions they may have.

AB 10-014 – Bids for Construction of Town Sport Court

Town Engineer Stacia Schroeder read a summary she wrote:

“The Town of Yarrow Point began research and design efforts for a Sport Court nearly two years ago in mid-2008. Several citizens expressed interest in creating a gathering place for community residents and as the discussion progressed, a public sport court appeared to fit the request. In December 2008, the Town entered into a contract with JGM Landscape Architects, Inc. to prepare a design/build package for bidding in early spring 2009. ADA access to the court provided challenges during the initial design period. The original project, bid twice in 2009, received only one official bid which exceeded the engineer’s estimate. Late in 2009 the Town Council approved the 2010 Budget including \$110,000 for the sport court project. A simplified sport court package was re-bid in April 2010.

At the conclusion of a successful storm water project, the Town of Yarrow Point received four bids for the Sport Court. The engineer’s construction estimate (based on the enclosed plans) was \$85,038. After verification, bids received ranged from \$93,622.84 to \$134,661.31. Tiger Construction and Excavation, Inc. submitted the low bid. The remaining bids received are shown on the enclosed Bid Comparison Chart. Pacific Ace, LLC and Construction International, Inc. came in at roughly 25.6% and 31.4% higher than the low bid, respectively.

The total project cost includes not only construction, but design, permitting, bidding, building permit and site development permit fees, special inspections and construction administration. Cumulative totals of these 2010 costs spent-to-date as well as those anticipated to finish the project are shown on the enclosed Budget/ Schedule Projection (05/05/10). Including a 10% contingency, the final cost for the Sport Court is budgeted to be \$130,523. Under the current schedule, project completion would occur around July 31, 2010.”

Mrs. Schroeder said Town staff is looking for authorization to enter into a contract with Tiger Excavation to construct a sport court. In response to a question from the Council, Mayor Cooper said the Town has spent roughly \$30,000 so far on preparing this project for bid. In response to a question from Councilmember Myklebust, Mrs. Schroeder said Tiger has included payment and performance bonds in the bid.

Councilmember Dillon said many people would strongly like the Town to build the sport court, but many people are concerned about the cost. Some people do not think it is prudent to spend money on a sport court considering the current economic climate, but the court would fill a need, he said. Many children have to go to other areas to find a place to practice basketball or lacrosse. Mr. Dillon asked if the sport court could be used for a variety of different activities. Town Engineer Schroeder said that the court would have a basketball hoop with a glass backboard. The other end of the court would have a rebounder system that could be used for practicing lacrosse.

Mr. Dillon asked if there are any other needs that the Town should be spending the money on. Mayor Cooper said the Town is dipping into its reserves every day. Councilmember Mushel said it would be difficult to ask voters for more money for other needed projects if the Town spends money on a sport court. The Town has an obligation to spend the public's money wisely. Mayor Cooper added that it would be difficult to justify spending money on a sport court if the Town is dipping into its reserve funds. Councilmember Myklebust noted that capital funds and operating funds are two different areas. Capital funds cannot be used for operational costs. Capital expenditures include projects to improve the storm water system, roads and other infrastructure, Mr. Joplin said. The sport court is one of many capital projects the Town has planned for in its Capital Improvement and Transportation Improvement plans, Councilmember Jones said.

Mr. Joplin said if the sport court is constructed, the money will not be available for storm water or street improvements. When the sport court was originally envisioned a few years ago, the cost was estimated to be \$25,000. That cost is now up to \$130,000. Mayor Cooper said this is not an easy decision to make. The project was conceived at a time when financial conditions were favorable, but now the Town is looking at a tight budget. A sport court appears to be a discretionary item. Mr. Myklebust asked if the Council can table this item, and Mrs. Schroeder said Tiger's bid is valid for 60 days.

David Bostic, a Tiger Excavation representative, said the bid is low because of the economy. In a year, the cost may be 25% higher. Councilmember Mushel said in a different economy, the sport court project would be exciting. She said she does not think now is the right time. Councilmember Dillon also said this is a difficult decision and would like to table the item.

MOTION: Councilmember Tim Dillon motioned to table AB 10-014, Bids for Construction of Town Sport Court. Councilmember Roger Myklebust seconded the motion.

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

Resident Cheryl Pietromonaco asked what the Council's decision would be if the vote was taken today. Mayor Cooper explained that the Council has voted not to make a decision on the sport court bid this evening. The Council would like to build the sport court, but is unsure if the money would be well spent. A campaign to raise private donations might be an option, Mr. Dillon said.

Park Board member Doug Waddell addressed the Council. He said the Park Board polled residents, and one of the top priorities was providing a gathering place and a facility

where children can play. The Town provides very few park amenities aside from Road End Beach. Mr. Waddell said the price of the sport court will only increase with time. The sport court is an investment in the Town's future and is something that residents both need and want. He encouraged Councilmembers to talk to residents. Mrs. Pietromonaco said she doubts that very many residents are aware that the Town is close to insolvency.

Councilmember Dillon said the Council will pause for 30 days to gather input from friends and neighbors. Councilmember Jones said the Town should also reassess its financial situation. Mayor Cooper said the Town is spending more than it is taking in. Mr. Dillon asked what other projects the Town could undertake with the money it would save by postponing the Sport Court project. This is foremost, he said. Former Councilmember Steve Rutledge said if the sport court project was not done, the Town would still have to increase taxes or obtain additional funding by other means to perform capital improvements. The money saved would not be enough.

Mr. Rutledge said the Town has already invested \$30,000 in the project. This money is likely wasted if the project does not move forward now. Mayor Cooper said the plans for the sport court will still be valid in the future. Mr. Rutledge said conditions will change. Park Board member Kelly Almeleh said there is value in building a project on which time and money has already been spent.

Mrs. Pietromonaco asked about the stability of the Town's finances. Mayor Cooper responded that if the Town attempted to move forward with the projects that are a part of the Transportation Improvement Plan and the Capital Improvement Plan, and paid for these projects without loans or grants, the Town would become insolvent. These projects must be delayed until additional funding can be located. Mr. Joplin said if the Town constructs the sport court, the Town will have \$200,000 left in capital funds at the end of the year.

Mrs. Schroeder said the Town is in the position of prioritizing capital projects such as storm water transmission line and street improvements. Grant funding may be available. Last year the Town distributed a survey about parks projects. The results of this survey will be presented at the June Council meeting, Mayor Cooper said.

The Council discussed the feasibility of pursuing private donations. Mrs. Pietromonaco asked about maintenance costs. Mrs. Mushel said she thinks the maintenance cost will not be great.

AB 10-015 – Ordinance Adopting New Six Year Transportation Improvement Program

Mayor Cooper explained that the Town adopts a new Six Year Transportation Improvement Program (TIP) every year. The Council can review the plan this evening and approve it after a public hearing next month. Mrs. Schroeder added that the Yarrow Point TIP is sent to the State of Washington and other jurisdictions in the area every July. This insures that improvements in the area are coordinated. Passage of the TIP also is a requirement for grant funding, Mayor Cooper said.

Councilmember Scandella asked if the standards used to determine the condition of a street are appropriate for Yarrow Point. Town Engineer Schroeder responded that the

pavement rating index is universal. A scale of 0 to 100 with 0 as the worst is used. Most of the roads identified on Yarrow's TIP have a rating of 65-75. A rating of 45-50 is considered critical, so the roads have some life left, but each year more and more cracks appear. Cracks accelerate road damage because water can then more easily infiltrate the surface. Crack sealing is an interim measure that is usually performed every other year. An overlay is eventually necessary.

Councilmember Mushel said the Town continually delays projects on the TIP, and has done so for many years. Other priorities come up. Passage of a TIP does not obligate the Town to move forward with the improvements, Mrs. Schroeder explained. The Town does not currently have the funds needed to complete all of the projects listed.

Mrs. Schroeder said this TIP was revised to include crack sealing, grass by the Town Fountain, fountain lighting and the replacement of street signs and traffic signs. These improvements would replace a more costly project that was planned. Councilmembers debated the necessity of grass installation and fountain lighting, but agreed the work would improve the look of the roadway for the Fourth of July Celebration.

AB 10-016 – Ordinance Amending Title 12 of the Municipal Code – Streets, Sidewalks & Public Places

MOTION: Councilmember Lisa Mushel motioned to approve Ordinance 610 as presented. Councilmember Carl Scandella seconded the motion.

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

AB 10-017 – Ordinance Increasing Utility Tax Rate to 6%

Fiscal Coordinator John Joplin addressed the Council. He said of the 281 municipalities, 213 impose utility taxes. The City of Lynwood recently increased utility taxes to 4%. Councilmember Mushel said the Town must follow through on reducing expenses before tax increases are discussed. Councilmember Scandella noted that the average utility tax rate is about 6%.

Mayor Cooper said the Town of Hunts Point charges an impact fee to developers for the damage to roads caused by construction equipment. Yarrow Point can consider charging this type of fee for the wear and tear developers add to the Town's infrastructure.

AB 10-018 – Ordinance Establishing Process for Care, Maintenance, Preservation or Removal of Trees on Public Property

Town Planner Mona Green said a special Tree Committee composed of members of the Park Board and Planning Commission assisted in formulating the Ordinance draft. Planning Commissioners then made revisions. One of the requirements of becoming a Tree City is adopting a tree ordinance, Mayor Cooper said. The idea of taking the steps needed to become a Tree City was conceived at the retreat last year, Mrs. Green said. Since then a number of volunteers have worked to revise the Ordinance, she said.

Staff members at the Department of Natural Resources have reviewed the draft Ordinance, Mrs. Green said, and have provided revisions. Councilmember Myklebust asked how the penalties of the Ordinance would be enforced. Mayor Cooper said the penalty would be a lien on the property.

Councilmember Mushel asked who the Town Arborist would be. The Town has not officially designated a Town Arborist. Mrs. Green said the language will be revised to state that a qualified professional must review a request from a citizen to prune or remove a protected tree. Mrs. Mushel asked why the resident would pay for an evaluation, and then the Town would also pay to evaluate a request. Mrs. Green said the Town Arborist may not concur with the evaluation of the arborist paid by the property owner. The Town would like to limit the amount of complaints. Mrs. Mushel said some property owners may not be able to afford to pay for an arborist's evaluation. A property owner can agree to only use the Town's Arborist, Mrs. Green said. If the tree is hazardous, the Town would cover the entire cost.

Mrs. Mushel said she would like it if residents understood the implications from the beginning of the process. Ms. McMillon suggested that if the Town required a permit, the applicant could be informed of all the implications. Mrs. Mushel responded that she would not be in favor of a permit.

OTHER REPORTS:

The Council discussed the public works position. Councilmembers agreed that Clean Up Day was a success.

ADJOURNMENT:

MOTION: Councilmember Roger Myklebust motioned to adjourn at 9:40 p.m. Councilmember Lisa Mushel seconded the motion.

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

APPROVED:

David Cooper, Mayor

ATTEST:

Sara McMillon, Clerk-Treasurer