

**TOWN OF YARROW POINT  
COUNCIL REGULAR MEETING MINUTES**

**July 11, 2017**

**7:00PM**

The following is a summary of the proceedings and is *not* a verbatim transcript.

**CALL TO ORDER:**

Mayor Dicker Cahill called the meeting to order at 6:55 PM

**PRESENT:**

**Mayor:** Dicker Cahill

**Councilmembers:** Mary Elmore  
David Feller – Excused absence  
Steve Bush – Excused absence  
Andy Valaas  
Carl Scandella

**Staff:** Anastasiya Warhol – Town Clerk Treasurer  
Austen Wilcox – Town Deputy Clerk  
Kyle Kolling – Police Lieutenant Clyde Hill Police  
Stacia Schroeder – Town Engineer

**Guests:** Art Whittlesey - Resident  
Mary Morrow - Resident  
Shirley Rutledge - Resident  
Elizabeth Newstrum - Resident  
Jennifer Whittier - Resident  
Joan McBride - 48<sup>th</sup> District State Representative

**MOTION:** Councilmember Valaas moved to amend the agenda to add discussion item “Employee Handbook Benefits” under Regular Business. Councilmember Scandella seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion carried.

**APPEARANCES:**

Shirley Rutledge, 4226 92<sup>nd</sup> Ave NE, thanked the Council for performing the undergrounding and walkway installations along 92<sup>nd</sup> Avenue. Shirley believes the improvements have increased safety for the community.

Art Whittlesey, resident at address 9240 NE 37<sup>th</sup> Pl, purchased a water district lot, address 9231 NE 38<sup>th</sup> St, located behind his current residence. Mr. Whittlesey stated that

his intention is to build on this lot and recommended the Council carefully consider the revised language of the zoning code under “Buildable Lots” and its potential effects to his future plans for lot development.

Mary Morrow, resident at address 8939 NE 36<sup>th</sup> St, stated that she understands the current tree cutting guidelines and asked what type of protection residents have for tree planting. Mayor Cahill explained the Town does not currently have a tree code. The property owner does have the right to trim on their side only. The Town strongly encourages neighborly discussion on goals for tree maintenance. Councilmember Scandella shared that tree regulation-based subjects have come up to the Council in the past, however, it has been decided to give property owners control over the decision to remove trees on their private property.

Elizabeth Newstrum, resident at address 4428 92<sup>nd</sup> Ave NE, has concerns about rapid tree cutting at the north end of the town and the potential risk it has to Eagles. Ms. Newstrum presented her understandings of Town zoning and referenced a letter she wrote to the Town. Mayor Cahill suggested to bring up her concerns with a sub-committee the Town could arrange for.

Joan McBride, 48<sup>th</sup> District State Representative, gave a legislative update on a recent legislative session involving two bills that dealt with public record and related harassment based requests. The first bill related to the improvement of technology upgrades while the second bill dealt with public records requests, specifically the limitation of “bot” requests. Ms. McBride worked on five additional bills including healthcare for homeless students, affordable housing and accessible parking for the disabled. McCleary funding for education was passed including the Operating budget, Capital budget and Transportation budget. Ms. McBride reminded Council to provide her with the Town’s legislative agenda. Mayor Cahill requested that Ms. McBride raise the request for increased Lid maintenance to her legislatures. Ms. McBride suggested writing letters and that she would do what she can to help.

Councilmember Valaas stated that he does not want to see the Town lose the control of the management of cellular towers within the Town.

**MINUTES:**

***MOTION:*** Councilmember Elmore moved to approve the regular minutes of June 13, 2017 as presented. Councilmember Scandella seconded the motion.

***VOTE:*** 2 For, 0 Against, 1 Abstain. Motion carried.

## **CONSENT CALENDAR:**

**MOTION:** Councilmember Scandella moved to approve the Consent Calendar as presented including the Payment Approval Report dated 7/08/2017 approving payments as shown totaling \$37,946.53 plus payroll, benefits, and tax expenses of \$27,084.35 as shown on the attached payroll and benefits reports for a grand total of **\$65,030.88**. Councilmember Elmore seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion Carried.

The following items were also approved as part of the Consent Calendar:

- Payment Approval Report; June
- Payroll, Tax, & Benefits Registers; June
- Town Planner Invoice; June
- Town Engineer Invoice; June
- Building Official Invoice; June
- John M. Joplin Invoice; May - June
- Jennifer Whittier Appointment to Planning Commission

## **STAFF REPORTS:**

Clerk-Treasurer Warhol reiterated the Town is undergoing an audit for years 2015-2016. This audit will focus particularly on the 92<sup>nd</sup> Avenue undergrounding/walkway project and payroll amongst standard routine auditing. The estimated cost for the audit is \$17,500.00. The Town may wish to move to a three-year audit cycle which could reduce the cost.

Engineer Schroeder reported on two items;

- A telecommunications project along 95<sup>th</sup> undergoing a design phase
- A 41<sup>st</sup> Street paving repair section located at the top of the street and a 1 1/2" overlay that should take place at the end of July or early August

Lieutenant Kolling reported on vehicle prowlers who were found and arrested that made a series of car robberies in Yarrow Point and neighboring jurisdictions. Mayor Cahill questioned a street light pole that was hit and out of position. Lieutenant Kolling said the pole will get removed and stored away so that it is not an eye sore and that a new light pole has also been ordered. Council inquired about speed limit signs in the roundabout and their provenance. Mayor Cahill will investigate the matter.

**REGULAR BUSINESS:**

**AB 17-27 AB 17 – 27 YPMC 17.16.040 – Setback Requirements, Public Hearing, Ordinance No. 679, for Adoption**

Clerk-Treasurer Warhol stated the Town is proposing to add both **eaves** and **gutters** as things that must be enclosed by the setback lines in YPMC 17.16.040. The language has been approved by the Planning Commission.

The Planning Commission had reviewed the language and recommends it to the Council for review in a Public Hearing.

The Mayor opened the Public Hearing at 7:56 PM

Elizabeth Newstrum, resident at address 4428 92<sup>nd</sup> Ave NE, assumed eaves and gutters were already included in the code. Ms. Newstrum believes the Town should have control over permeable and impermeable surfaces. Further, Ms. Newstrum questions whether impermeable surfaces can be more permeable. Ms. Newstrum suggests allowing more room in the setbacks to make them more permeable and recommends the Planning Commission study current setback requirements to determine if it's feasible to make setbacks larger.

The Mayor closed the Public Hearing at 8:02 PM

**MOTION:** Councilmember Valaas moved to approve adopt *Ordinance No. 679* thereby amending Yarrow Point Municipal Code 17.16.040 adding **eaves** and **gutters** to the required setback areas. Councilmember Scandella seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion carried.

**AB 17-2 6-year Capital Improvement Plan, Public Hearing, Ordinance No. 680, for Adoption**

Town Engineer Schroeder noted that the TIP is set for six years and shared with neighboring jurisdictions and WSDOT so that projects can be planned collectively and potentially performed at the same time. The CIP takes into account underground conversions and stormwater projects for the next six years. The Council discussed projects and costs associated with the CIP and TIP.

The Mayor opened the Public Hearing at 8:26 PM

Jennifer Whittier, resident at address 9001 NE 41<sup>st</sup> St, asked if there is a cost to recover potential damages done to streets from construction projects. Mayor Cahill explained the Town has a "Heavy Truck Fee" which is a 1% fee based off of the project valuation that is charged for all building permits and put into a fund to be used for repairing streets. Ms. Whittier also asked who is responsible for maintaining the stormwater drain catch basins. Ms. Schroeder explained that if it is located in the public ROW it is the Town's

responsibility to maintain but if it is on private property then it is up to the homeowner to maintain.

The Mayor closed the Public Hearing at 8:33 PM

Notation of corrections:

TIP Section 1: T-6:

-Change "From 92<sup>nd</sup> Ave NE to 4425 Ave NE" to **From 92<sup>nd</sup> Avenue NE – 4000 94<sup>th</sup> Avenue NE**

TIP Section 2: S-1

**-Remove first line referencing 91<sup>st</sup> Ave NE**

TIP Section 2: S-3 & S-4

-Change the "From 92<sup>nd</sup> Ave NE to 94<sup>th</sup> Ave NE"

TIP Section 2: S-4

-Change pipe diameter from 12" to 18"

TIP Section 3: U-4

Change "From 92<sup>nd</sup> Ave NE to 4425 94<sup>th</sup> Ave NE to 94<sup>th</sup> Ave – 4000 94<sup>th</sup> Ave NE

**MOTION:** Councilmember Valaas moved to approve *Ordinance No. 680* adopting a new six-year Capital Improvement Plan for 2018-2023 with the corrections noted. Councilmember Elmore seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion carried.

**AB 17 – 29 Appointment of Mayor Pro-Tem**

Clerk-Treasurer Warhol explained that RCW necessitated the requirement to re-elect a Mayor Pro-Tem every 6 months.

Councilmember Elmore thanked Councilmember Scandella for his work on a recent Town legal matter.

**MOTION:** Councilmember Valaas moved to appoint *Councilmember Scandella*. Councilmember Elmore seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion carried.

**Supplemental AB 6.5 Employee Handbook Benefits – Maternity Leave**

Mayor Cahill explained that the Town's current Employee Handbook does not cover Maternity Leave. The Council discussed the following language:

*“Full time employees are granted six weeks of paid leave to care for a new born child or a new adoption. Leave shall begin on the day of birth of the child or the date of the adoption and shall continue for six uninterrupted weeks. If the employee wishes to take additional time beyond the allotted six weeks they may use accumulated sick leave until expired and then may use accumulated vacation time. In no event shall an employee be allowed more than a total time of 12 weeks to care for a new born child.”*

**MOTION:** Councilmember Valaas moved to amend the Yarrow Point Employee Handbook as noted. Councilmember Elmore seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion carried.

Mayor Cahill stated that a good Samaritan mowed the lawn on the Lid but it cannot be endorsed as the Lid is public property. Mayor Cahill explained WSDOT’s current maintenance schedule and that it does not meet the standards of the Town and other nearby jurisdictions. Mayor Cahill stated that the Town and nearby jurisdictions are currently working with WSDOT to settle a contract that provides increased Lid maintenance funding to the jurisdictions.

Councilmember Elmore asked if the Town will be providing the maintenance of the Lid. Mayor Cahill explained that the Town will likely need to contribute to it.

Councilmember Valaas reported that he has been a Council liaison to the Planning Commission and provided an update on the zoning code language revision for buildable lots.

Mayor Cahill specified some other nearby jurisdictions’ codes regarding tree preservation and stressed the difficulty to finding a happy medium. The Council will direct the Planning Commission to research the code section.

The Council and Mayor welcomed newly appointed Planning Commissioner, Jennifer Whittier.

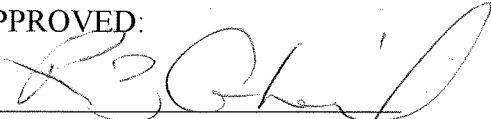
Clerk-Treasurer Warhol stated that a volunteer intern is finishing up the permit digitization process of permits and will dispose of them at a paper shredding company. The project will be finished up in late July.

**ADJOURNMENT:**

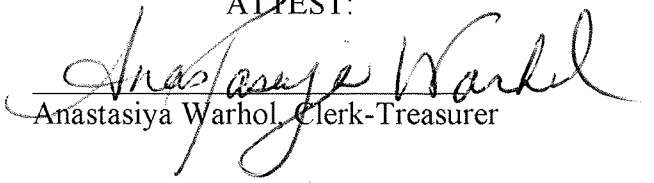
**MOTION:** Councilmember Valaas moved to adjourn the meeting at 9:04 pm. Councilmember Elmore seconded the motion.

**VOTE:** 3 For, 0 Against, 0 Abstain. Motion carried.

APPROVED:

  
Dicker Cahill, Mayor

ATTEST:

  
Anastasiya Warhol, Clerk-Treasurer