

**TOWN OF YARROW POINT
COUNCIL SPECIAL MEETING MINUTES
March 29, 2017
6:00 PM**

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

PRESENT:

- Mayor:** Dicker Cahill
- Councilmembers:** Mary Elmore
David Feller
Steve Bush
Andy Valaas
Carl Scandella
- Staff:** Anastasiya Warhol – Town Clerk-Treasurer
Austen Wilcox – Town Deputy Clerk
Mona Green – Town Planner
Stacia Schroeder – Town Engineer
Wayne Stewart – Town Attorney
- Guests:** Attorney Michael C. Walter

EXECUTIVE SESSION:

Attorney Stewart explained that the Council will enter an Executive Session to discuss current litigation for approximately one hour. Mayor Pro-Tem Carl Scandella will preside; Mayor Cahill is recused.

The Council entered the Executive Session at 6:04 PM

The Council concluded the Executive Session at 6:50 PM

The Council recessed until 7:00 PM.

Mayor Pro-Tem Scandella called the regular meeting to order at 7:01 PM.

REGULAR BUSINESS:

MOTION: Councilmember Valaas moved to add the settlement agreement between John Adams, BDR, and Town of Yarrow Point to the agenda. Councilmember Feller seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion Carried.

AB 17 – 10 Land Use Settlement Agreement

MOTION: Councilmember Valaas moved to approve the negotiated settlement agreement between John Adams, BDR, and the Town of Yarrow Point as presented by legal counsel and authorized Mayor Pro-Tem Scandella to enter into agreement on behalf of the Town. Councilmember Elmore seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion Carried.

AB 17 – 11 Land Use Issues & Moratorium, Ordinance No. 675, for Adoption

The Town’s legal representative, Attorney Mike Walter, provided some observations on the interpretations of the Town’s Land Use code. Based on documents reviewed, he suggested that YPMC 17.16 be revised due to some inconsistencies. Mr. Walter recommends a moratorium to be set in place for a period of time to allow for a thoughtful and deliberative planning and revision process. Attorney Walter explained that moratoriums are legally defensible and are a very common tool used in municipalities because they are authorized by multiple statutes. Neglecting to address inconsistencies in the code will result in confusion and significant liability to the Town.

In considering potential implications to both the Town’s current and future residents, the Council expressed intent to begin the planning process immediately. They also agreed that while a moratorium may temporarily delay the intake of case-specific permits, the benefit of addressing unclear language is critical for successful and smooth planning and permitting in the future.

Town Planner Mona Green explained the process of a code language revision. The Planning Commission will begin the work on any zoning code revisions.

MOTION: Councilmember Valaas moved to adopt *Ordinance No. 675*, establishing a six-month moratorium on the acceptance of applications for certain permits and subdivisions and short plats, and declaring an emergency in order to provide an immediate effective date. Councilmember Feller seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion Carried.

Planning Commissioner Trevor Dash noted that he is eager to participate in the code revision process. Mr. Dash also noted that he sees the potential for litigation with a moratorium set in place.

AB 17-12 NE 41st Street Paving, Accept low responsible bidder or Reject all bids

Town Engineer Schroeder gave a recap stating that residents along 41st street were notified of the street paving project. Ms. Schroeder provided feedback from the engineer at City of Medina who provided background of their experience working with the lowest bidder on a similar project. Ms. Schroeder was provided a positive reference from City of Medina of the lowest bidder for the 41st Street project. In short, in qualifying the low responsible bidder, the Town Engineer relied on data derived from the following sources:

1. Mandatory bidder checklist
2. References
3. Site visit with contractor
4. Supplemental email questions

MOTION: Councilmember Feller moved to accept Rainier Paving LLC as the low responsible bidder and authorized the Mayor to enter into agreement with the contractor for the completion of the 41st Street paving project. Councilmember Elmore seconded the motion.

VOTE: 5 For, 0 Against, 0 Abstain. Motion Carried.

ADJOURNMENT

MOTION: Councilmember Valaas moved to adjourn the meeting at 8:42pm. Councilmember Feller seconded the motion.

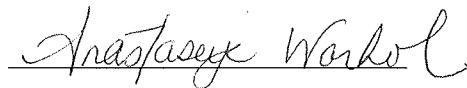
VOTE: 5 For, 0 Against, 0 Abstain. Motion Carried.

APPROVED:



Dicker Cahill, Mayor

ATTEST:



Anastasiya Warhol, Clerk-Treasurer

