



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

February 13, 2018

Dix

Mayor Gillem called the meeting to order at 7pm.

**PRESENT:** Mayor Gillem, Councilmembers Paula Dix, Aletha Howes, Hans Juhle, and Tom Stowe.

**EXCUSED:** None. (The Council has one vacancy.)

**STAFF:** Clerk/Treasurer Sue Ann Spens.

**GUESTS:** WABA President Susan Bogert.

**MINUTES:** Councilmember Stowe moved to approve the January 9, 2018 minutes, as amended. Councilmember Howes seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**CLAIMS:** Clerk/Treasurer Spens explained that there was an error in the January Claims Register, which has been corrected in the version before the Council tonight. She asked them to approve this corrected Claims Register in addition to approving the February 13, 2018 Claims Register.

**MOTION:** Councilmember Stowe moved to approve the corrected January 9, 2018 Claims Register for check numbers 14832 through 14841 in the amount of \$15,307.40.

Councilmember Dix seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Stowe moved to approve the February Claims Register for check numbers 14842 through 14867 in the amount of \$15,692.90. Councilmember Dix seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **CLERK'S REPORT:**

**COMPLAINTS ABOUT BUILDING PROJECT:** Clerk/Treasurer Spens outlined an ongoing series of complaints about the project at 10020 SE 27th Street coming from a couple of neighbors. She explained that the complaints are about noise, work hours, and other minor squabbles and assured the Council that the Building Official and Deputy Clerk Kulp are addressing each and every one that comes in. She added that often there is no basis for the complaint, but the property owner and the project contractor continue working to accommodate the concerns (often going beyond the complainant's request in the interest of neighborhood peace).

She then explained that many of the complaints fall into one of the following categories:

1. They are so short-lived as to be unenforceable, because the Building Official cannot confirm that the alleged behavior took place.

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2. They are unverified by any other resident in the vicinity.
3. They are so general as to be unclear what the problem really is and whether there is, in fact, a code violation of any sort.

She then explained that the reason she raised the issue is that each time the Town receives a complaint, we have to ask the Building Official to investigate and pay for her time to do so. The Town's Fees Resolution states: *3.15 Investigation Fee: Fees charged to the Town for services rendered to a resident, other person, or firm will be passed on to that resident, other person, or firm based on the actual cost to the Town unless related to an active building permit, in which case the fees charged will be accumulated against the permit as described below.* She noted that she and Deputy Clerk Kulp have interpreted that to include passing on charges incurred as the result of a complaint either to:

- The permit holder, if the complaint is determined to be valid, OR
- The complainant, if the complaint is determined to be invalid, though we haven't actually followed through on the latter yet.

The aim of such action is to reduce the number of unfounded complaints lodged by disgruntled neighbors.

After explaining the challenge and the current process, she asked the Council for advice on what more she and Deputy Clerk Kulp can do to quiet the number of frivolous complaints being lodged against this project. After some discussion, Councilmembers agreed that charges for "frivolous" complaints, i.e. those that do not appear to be valid should, at some point, be passed on to the complaining party in the hope that the unfounded complaints will cease. They asked her to review the current Complaint Form and make sure it includes verbiage explaining who carries the burden of paying for complaint investigations. They also suggested that the Building Department NOT investigate complaints until the person lodging the complaint files a written Complaint Form, unless the issue of concern is related to safety.

**KENYON DISEND ATTORNEYS:** Clerk/Treasurer Spens reminded Council that to control our legal costs with the change in representation we choose to advance a \$5,000 retainer to Kenyon Disend for David Linehan's services and have his time charged against that retainer over the course of the year. She noted that we have been billed twice for Mr. Linehan's time and asked if the Council wants to see copies of these invoices and a running total of the amount spent to date with her future Clerk's Reports. It was the consensus of the Council that this will provide the Council with a means for controlling legal costs.

**WEBSITE/EMAIL:** Clerk/Treasurer Spens continues to work on both of these projects and will inform the Council of her progress. Per the Council's feedback, the new website will keep a rolling twelve-months of minutes, reports, etc. available on the site with a reminder that anyone needing older information can contact her.

**MARSHAL'S REPORT:** Mayor Gillem reported that Town Marshal Jeff Jochums is working to document processes and procedures for the Town Marshall as he learns the job.

**WATER REPORT:** No report.

**WABA REPORT:** WABA President Susan Bogert reported that:

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- The Summer Picnic is scheduled for July 28<sup>th</sup>.
- The Center Lawn was damaged by a teen resident who drove a car beyond the chain and onto the muddy grass. WABA expects the damage to repair itself by the time summer arrives.
- The Board has approved its budget for the coming year with a dues increase of \$100 per year and elected officers/trustees.
- The Board has discussed Jeff Kendall's letter concerning the docks. The Dock Committee has responded directly to Mr. Kendall, and the Board has emailed membership explaining their response.
- Annexation Issues: About 15 years ago, the Town annexed property from Bellevue on behalf of three Beaux Arts residents whose property straddled the Beaux Arts/Bellevue boundary line. When the annexation work was completed, WABA was to handle deed exchanges to move the WABA strip from the middle of these properties to the outer edge. For some reason, the deed exchanges never happened. Ms. Bogert has confirmed that the Town's portion of this work is complete, and she is working to determine how best to complete WABA's portion.

**APPEARANCES:** None.

**PROPOSED RESOLUTION NO. 304 APPROVING THE ARCH BUDGET AND WORK PROGRAM FOR 2018:** Clerk/Treasurer Spens explained that the Town participates in ARCH, A Regional Coalition for housing, as a means of satisfying the Growth Management Act's requirement to provide for affordable housing. Councilmember Juhle asked if this is the most effective means of meeting this requirement and offered to do more research into the matter for a future Council meeting.

**MOTION:** Councilmember Dix moved to adopt Resolution No. 304 approving the ARCH Administrative Budget and Work Program for 2018. Councilmember Stowe seconded. Vote: 3 For, 1 Against (Juhle), 0 Abstain. Motion carried.

**PROPOSED RESOLUTION NO. 305. RATIFYING THE WRIA 8 PLAN UPDATE:** Clerk/Treasurer Spens reminded the Council that they have been asked to ratify the 10-year update to the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan by March 31, 2018. Resolution No. 305 is based on verbiage suggested by Jason Mulvihill-Kuntz with WRIA8.

**MOTION:** Councilmember Stowe moved to adopt Resolution No. 305 ratifying the 2017 Update to the Lake Washington / Cedar / Sammamish watershed or Water Resource Inventory Area (WRIA) 8 Chinook Salmon Conservation Plan. Councilmember Juhle seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**2017 BUDGET PERFORMANCE:** Mayor Gillem reviewed the final budget worksheets with Councilmembers, giving a brief overview and summary of the results, emphasizing that we ended the year under budget in all funds.

Clerk/Treasurer Spens outlined a suggested change that would move expenditures for right-

of-way (ROW) maintenance and tree removals from the Street Fund into the General Fund. She explained that these charges are more related to keeping the Town's green spaces looking tidy than they are the safe operation of our roads. She added that costs associated with maintaining ROW hardscape, e.g. gravel in unplanted areas, retaining walls, etc. would remain in the Street Fund as will the costs associated with street overlays, culvert repairs, and similar road-related capital repairs. It was the consensus of the Council that this change makes sense.

**NEIGHBORHOOD TRAFFIC MITIGATION:** Mayor Gillem reported that he met with City of Bellevue staff to introduce himself, gain a more detailed overview of the history of the current Bellevue Way project, and keep our dialog with them open. He anticipates that future meetings will be on an adhoc basis until issues develop that need his attention. He also reported that we are still working out the kinks with our new traffic-counting equipment.

**COUNCIL DUTIES:** The Council continued discussing how to divide their duties and will take one more month to review needs and identify areas where each member best fits. Mayor Gillem will update the Organization Chart as assignments are determined.

**MAYOR AND COUNCILMEMBER REPORTS:**

**EMERGENCY PREPAREDNESS:** Councilmember Dix reported that two groups have met for their guided discussions about emergency preparedness. She gave a brief update at the Winter Dinner about progress in this area.

**STORM WATER GRANT:** Councilmember Stowe reported that we may get another request for additional information about our proposed Storm Water System Upgrades.

**STREET STRIPING AND SIGNS:** Councilmember Stowe reported that striping along 104th/105th and the new stop signs along the arterial are waiting for dry weather.

**SOUND CITIES ASSOCIATION:** Councilmember Stowe encouraged other Councilmembers to consider attending SCA meetings. He has found them to be informative, but he doesn't have the time to attend every month and would welcome help from others.

**POINTS CITIES MAYORS MEETING:** Mayor Gillem stated that he attended the January Points Mayors meeting. There were two things of particular concern to the group:

1. The City of Tacoma is trying to annex a portion of Ruston against Ruston's wishes; current law requires both cities and the property owner to agree to the annexation. The state legislature is considering changing current law so that only the property owner and the entity wishing to annex the property need to agree. This potential change is of concern to all small cities and towns that border larger cities.
2. The legislature is considering regulations that would force towns with populations greater than 1,000 to form voting districts and elect councilmembers from those districts rather than at-large.

**PROPERTY TAXES:** Clerk/Treasurer Spens reported that she has prepared materials for the next newsletter explaining the breakdown of property taxes paid by residents, particularly how much the Town receives versus other state and local entities.

**PLANNING COMMISSION APPOINTMENTS:** Mayor Gillem reported that one of the recent appointees to the Planning Commission is a legal resident of the United States but is not an official US citizen. There was a question as to whether he can serve on the Planning Commission. After consultation with MRSC and the Town Attorney, it was determined that the answer lies in a gray area, but that there is little risk to allowing him to serve on the Planning Commission because they are an advisory body only.

**NEXT MEETING:** The next regular Council meeting is scheduled for 7:00 pm on Tuesday March 13, 2018 at Mayor Gillem's home.

**ADJOURN:** Councilmember Stowe moved to adjourn the meeting at 9:25 pm.

Councilmember Howes seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer