



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

September 9, 2008

Eulau

Mayor Rose called the meeting to order at 7:00 pm.

PRESENT: Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Richard Leider, and Bruce Young. (Councilmember Aaron Sharp arrived at 7:05pm)

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Supervisor Bob Durr.

GUESTS: Dan Solaro, Jeff Jochums.

MINUTES: Councilmember Leider moved to approve the July 1, 2008 minutes as written. Councilmember Clemett seconded.

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

WARRANTS: Councilmember Leider moved to approve the July 8, 2008 warrant list for warrant numbers 7711 through 7732 in the amount of \$17,347.71. Councilmember Eulau seconded.

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

Councilmember Leider moved to approve the August 12, 2008 warrant list for warrant numbers 7733 through 7760 in the amount of \$13,409.48. Councilmember Eulau seconded.

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

Councilmember Clemett moved to approve the September 9, 2008 warrant list for warrant numbers 7761 through 7783 in the amount of \$25,760.46. Councilmember Eulau seconded.

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

(Councilmember Sharp arrived.)

CLERK'S REPORT:

FIRE CONTRACT WITH BELLEVUE: Clerk-Treasurer Spens reported that she attended a meeting of the small cities that contract with Bellevue for fire services. She noted the purpose of the meeting was twofold: (1) to explain a correction to the service fees for 2008 in the amount of \$1,468 and (2) to outline service fee increases for 2009 of approximately 9.8%. She added that the 2008 correction resulted from an overstatement of revenues by Bellevue Fire and the 2009 increases reflect increased labor costs.

WOOD CHIPS ON ROW AT END OF 106TH PLACE SE: Clerk-Treasurer Spens reported that received a message from a resident along 106th Place SE expressing concern about a pile

of wood chips left on the ROW over a year ago when a tree was removed from the vicinity. She asked if she should just refer the clean up to Bill Beck. Councilmember Sharp offered to handle working with Bill Beck to resolve the issue. Councilmember Clemett offered to add that street end to the list of possible Fall Clean Up projects and will work with Clean-Up Coordinator Paula Dix to set it up.

FIRST CALL FOR BUDGET 2009 ITEMS: Clerk-Treasurer Spens noted that, in accordance with state statutes governing the budget calendar, it is time for department heads to begin work on their budgets. She outlined that:

- in October the Council will hold its first of two public hearings during which it will review the preliminary budget,
- in November will hold its second public hearing to review a proposed budget and pass an ordinance setting the 2009 property-tax levy, and
- in December will pass a final 2009 Budget ordinance.

She asked that the Council conduct an executive session either in October or November to review payroll and determine appropriate merit increases for the Town Clerks so that these items can be added to the budget in a timely manner.

CODE ENFORCEMENT: Clerk-Treasurer Spens reported that she recently sent a letter to a resident about a potential code violation and received a response indicating that the resident did not feel she had the authority to address the issue. It was the consensus of the Council that the matter be referred to the Town Building Official for further action.

ROW USE GUIDELINES: Clerk-Treasurer Spens reported that the Planning Commission has reviewed the list of ROW Guidelines, made some revisions to the list, and would like feedback from the Council on whether those changes are consistent with the Council's intent. After some discussion, it was the consensus of the Council to invite a representative of the Commission to attend the October meeting so they can discuss the entire issue before the Planning Commission moves forward.

MARSHAL'S REPORT: No report.

WATER REPORT: Water Supervisor Bob Durr reported that Bill Beck has repaired the last fire hydrant with a 4" service line in the vicinity of 103rd and SE 28th. He added that there are still some 4" service lines in the water distribution system, but they loop into 6" service lines at the larger diameter hydrants. He noted that he and Bill Beck continue to examine the distribution system looking for a valve that is not identified on system plans.

WABA REPORT: No report.

EMERGENCY PREPAREDNESS: Councilmember Eulau reported that he is still looking for one more team leaders for the emergency-preparedness district in 106th PI SE. He said that leaders and their helpers will gather for an ice-cream social on October 5th to begin planning work.

Councilmember Eulau also reported that Beaux Arts is not in compliance with the state's

requirement that we have a Comprehensive Emergency Management Plan (CEMP). He stated that Mike Ryan with Bellevue Emergency Management has arranged a training session on October 24, 2008 for all entities needing help to develop these plans. The trainer will be Dave Hall, Washington State Emergency Planning Program Coordinator, who will bring examples of CEMPs from cities of varying sizes that meet the state's criteria. Councilmember Eulau stated that he cannot attend on that date, so Clerk-Treasurer Spens will attend the session to collect materials and take notes for him.

STORMWATER SYSTEM: Councilmember Sharp reported that Thalweg, the consultant reviewing the Town's existing stormwater system, would like to make a 15 to 20 minute presentation at the October Council meeting outlining their findings and recommendations. He added that Beaux Arts is fortunate to have narrow roads and heavy forest, which reduce the runoff capture area and maximize absorption of runoff. He also stated that the recommendations will focus on revisions to the building code, fixing "externalities" where runoff moves from Town property outside of our boundaries or onto private property (e.g. Pit Park, the Taugher driveway), and system upgrades.

JOCHUM BUILDING PROJECT: Jeff Jochums appeared before the Council to express concern about a laundry list of corrections that he recently received from the Town's building official. He explained that one of the biggest corrections is the location of his driveway on the Town ROW bordering his property, which he now understands he must ask to Council for permission to install. It was the consensus of the Council that Mr. Jochums prepare a written request outlining the situation so that the Council can address the request at the October Council meeting. Mr. Jochums will prepare materials and distribute them to Councilmembers and Clerk-Treasurer Spens in the next week.

PUBLIC HEARING: ORDINANCE NO. 359 ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR 2009-2014: Mayor Rose opened the public hearing at 8:10pm and asked for comments from the public. As there were none, he closed the public hearing at 8:11pm.

MOTION: Councilmember Eulau moved to pass Ordinance No. 359 adopting a Six-Year Transportation Improvement Program for 2009-2014. Councilmember Sharp seconded.

On discussion, Councilmember Sharp reminded the Council's that this year's proposed project was delayed because of the sharp increase in the cost of asphalt and to accommodate proposals for Centennial Park. He explained that the proposed plan lists the same projects as the TIP for 2008-2013 but the project costs have been updated to reflect cost increases.

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

Councilmember Sharp asked the Council for guidance on who is responsible for paving driveway aprons that sit on Town property but only serve to connect a private driveway to the street when that street is overlaid. Councilmember Leider suggested that the Town should pay for feathering an asphalt overlay into the driveway apron but not for a full overlay of the apron. He added that the owner of the driveway should be given the opportunity to

contact the contractor doing the overlay to arrange for additional work at the owner's expense, if they desire.

RESOLUTION NO. 244 SETTING FORTH A POLICY STATEMENT REGARDING TOLLING ON THE SR-520 AND I-90 FLOATING BRIDGES: Mayor Rose reminded the Council that at the June meeting he raised the topic of tolls on SR-520 and the negative impact of imposing tolls on SR-520 but not on I-90. He stated that at that time, the Council favored setting forth a written policy of its support for tolling both floating bridges to mitigate the negative impact. Resolution No. 244 follows a similar policy adopted recently by the City of Clyde Hill and sets forth that policy. If adopted, it will be shared with members of the 520 Tolling Implementation Committee, the Governor's office, our state legislators, and other local cities.

During a line-by-line review of the resolution, it was the consensus of the Council to amend Section 2. to delete the phrase "and as early as 2010". It was also the consensus of the Council to insert a new section as follow: "Section 7. All construction funded by these tolls should utilize sound mitigation measures, including quiet pavement, to the extent possible."

MOTION: Councilmember Clemett moved to adopt Resolution No. 244 as amended. Councilmember Leider seconded.

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

NO-WAKE ZONE AND BUOYS: Mayor Rose asked Clerk-Treasurer Spens to describe the proposed changes to our current no-wake zone and supporting regulations. Clerk-Treasurer Spens noted that the basic ordinance remains unchanged, but the no-wake zone would be moved back toward the shoreline so that it sits 300 feet from the longest dock, or about 450 feet from the shoreline. She added that a vessel speed limit of 7 knots (8mph) would be added to our No Wake requirement. Both of these changes will make our regulations consistent with those among the other jurisdictions bordering Lake Washington.

It was the consensus of the Council that before passing this ordinance, the Council wants to know if the King County Marine Patrol supports placing the buoy line at 450 feet from shore, how many lighted and unlighted buoys we would need, when we can implement the change, and if enforcement of the no-wake zone will improve with these changes. Clerk-Treasurer Spens will contact Sgt. Knauss of the KC Marine Patrol to discuss these questions and report the answers at the October Council meeting.

RESOLUTION NO. 245 INTERLOCAL AGREEMENT WITH KING COUNTY FOR CDBG FUNDING: Clerk-Treasurer Spens explained that, even though we have no projects eligible for funding through the CDBG program, Beaux Arts has participated with a consortium of King County communities because it increases the dollar value of funds available to other communities in King County. She added that our participation in this program is of benefit to us, because much of the funding is administered through ARCH.

MOTION: Councilmember Leider moved to adopt Resolution No. 245 authorizing the Mayor to execute an Interlocal Agreement with King County for CDBG Funding.

Councilmember Sharp seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

UPDATE ON IMPLEMENTATION OF THE NEW TREE ORDINANCE NO. 358:

Mayor Rose stated that he asked for this item on the agenda to get some feedback on the new ordinance. He asked if any permits had been requested or if residents had sought information about the ordinance.

Clerk-Treasurer Spens reported that no permits had been requested yet, but that she had discovered one challenge with the ordinance as written. The long title for the ordinance includes the phrase “private residential property” even though that phrase was amended in the body of the ordinance. She noted that this does not change the application of the ordinance but may lead to some confusion among private property owners.

Councilmember Clemett pointed out that the definition for Tree Unit is not complete and that it should establish that one tree unit equals 12 inches of tree diameter. She added that an example in the definition to illustrate the calculation would be helpful.

Councilmember Young pointed out a correction to the definition of Qualified Professional.

After some discussion, it was the consensus of the Council to proceed with correcting these errors as soon as possible. Clerk-Treasurer Spens will ask Town Attorney Stewart if these changes can be made without a public hearing at the Planning Commission since the errors are not substantive, but constitute scrivener’s errors. Councilmember Clemett will draft a memo of bullet points for the Planning Commission outlining the reasons for these minor changes.

Councilmember Young commented that the Town needs to hire a Town Arborist, and he would like to offer the position to Tina Cohen since she has done high quality work for the Town recently. It was the consensus of the Council that Councilmember Young should offer the position to Ms. Cohen or to another arborist of his choosing if she declines.

MAYOR AND COUNCILMEMBER REPORTS:

SECRET PROPERTY PROPOSAL: Mayor Rose commented that he received a letter from Peter Bowen suggesting that the Town purchase the Secret property and use it as a Town Hall and park area. He asked the Council for comments. Councilmember Leider offered that while the suggestion is intriguing, he thinks the Council has too many other high-priority needs to fund and should not commit to purchasing a \$900,000 piece of property. It was the consensus of the Council that Mayor Rose should write to Mr. Bowen thanking him for the suggestion and explaining why the Council would not be pursuing it.

CENTENNIAL PARK UPDATE: Councilmember Clemett reported that the owner adjacent to the area where Centennial Park is planned does not want the Town to install a basketball court on the unused street end in front of his property. She added that the residents who were primarily interested in that aspect of the park plans have either moved out of Town or plan to in the near future. She asked the Council if they feel she should move forward with modified

plans to improve this area.

Councilmember Sharp suggested that plans for the park be scaled back to what was originally planned with a small sport court on the property. He said that there is still support for a park in the upper Village.

FUTURE CLEAN UP PROJECTS: Councilmember Clemett asked the Council to give some thought to suggestions about projects along the Town ROWs.

TREASURER'S REPORT: Councilmember Leider reported that he had completed his review of the Treasurer's Reports for the Second Quarter of 2008 and has approved them.

BARF REGATTA: Councilmember Sharp reported that the recent Regatta sponsored by BARF was a well attended success.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be October 7th (a week earlier than usual) at Rick Leider's house.

ADJOURN: Councilmember Clemett moved to adjourn the meeting at 9:30 pm. Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer