



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

January 13, 2009
Clemett

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

PRESENT: Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Mike Hillberg, and Aaron Sharp. Councilmember Richard Leider arrived late.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Town Marshal Walter Scott.

GUESTS: Bernard vandeKamp, Sue Comis, East Link Section Manager for Sound Transit Light Rail.

MINUTES: Councilmember Sharp moved to approve the December 9, 2008 minutes as written. Councilmember Clemett seconded.

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

WARRANTS: Councilmember Eulau moved to approve the December 31, 2008 warrants, numbers 7872 through 7931 (including numbers 7872 through 7898 and 7926 through 7931 voided for printing errors), in the amount of \$14,658.28. Councilmember Sharp seconded.

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

Councilmember Sharp moved to approve the January warrants, numbers 7932 through 7940, in the amount of \$11,839.04. Councilmember Clemett seconded.

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

CLERK'S REPORT:

Ask MRSC ITEM ABOUT MAYOR'S TIE-BREAKING VOTE: Clerk-Treasurer Spens reported that a recent issue of *Ask MRSC* included an item stating that the Mayor "*has tie-breaking authority with respect to matters other than the passage of any ordinance . . .*" and noted that this is an important point of order for the Mayor and Council to keep in mind.

UPDATE ON STREAMLINED SALES TAX: Clerk-Treasurer Spens reported that the Town received approx. \$1,400 additional revenue as a result of the new destination-based sales tax. She added that this amount represents an almost 8% increase in sales-tax revenue realized by the Town for the 3rd Quarter of 2008. She also reported that she has included items in the last two newsletters letting residents know of the change in the sales-tax rules and that using their ZIP+4 zip code will help ensure that Beaux Arts receives all of the sales tax monies to which it is entitled. It was the consensus of the Council that Ms. Spens develop a map showing the ZIP+4 zip codes for the various areas of Beaux Arts and include it on the Town website and in the Green Book.

NEW COPIER PURCHASE: Clerk-Treasurer Spens reported that the 2009 budget includes \$5,000 for purchasing a new copier and that she has found a Xerox Multifunction machine for \$2,000 that performs the needed tasks and occupies far less space than the old machine.

BATES HEDGE: Clerk-Treasurer Spens asked Councilmember Sharp to look at the laurel hedge at the corner of SE 29th Street and 106th Pl SE. Branches on the hedge were weighed down by recent snows and are drooping into the roadway along SE 29th Street, which limits visibility for drivers and disrupts pedestrian access on the ROW. Councilmember Sharp asked Clerk-Treasurer Spens to send him the hedge dimensions that former Mayor Wells and the adjacent property owner, Peggie Bates, agreed on last spring when the hedge was last trimmed. He will call Ms. Bates to discuss trimming the hedge back from the roadway.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: No report.

EMERGENCY PREPAREDNESS: Mayor Rose asked Councilmember Eulau to save his report until later in the meeting so that the Council can hear about Sound Transit stations.

PROPOSED LOCATIONS OF BELLEVUE STATIONS FOR SOUND TRANSIT'S LIGHT-RAIL PROJECT: Mayor Rose introduced Sue Comis, Segment Manager for the Seattle to Downtown Bellevue portion of the East Link project for Sound Transit and invited her to make a presentation explaining the various proposals for station locations and the pros and cons of each.

Ms. Comis began by distributing materials that describe the various line / station configurations and locations. She then reviewed these materials with the Council explaining the decisions and design process for each. She also reported that preliminary engineering will be complete in 2010 and that the East Link line is fully funded out to the Overlake Transit Center.

Ms. Comis and the Council then discussed pedestrian safety design and the impact of the various alternatives on whether Beaux Arts' residents could easily use light rail. Ms. Comis commented that a preferred alternative for line and station locations will be selected on April 23rd. During this discussion, Councilmember Leider arrived at 7:45 pm.

At the conclusion of this discussion, Mayor Rose asked if the Council agrees that the Town should express an opinion about regional issues that directly affect us, particularly when those issues offer a benefit to our citizens. It was the consensus of the Council that they wish to formally support a station at the South Bellevue Park and Ride to give Beaux Arts residents the best access to the new light-rail system.

Councilmembers Sharp and Hillberg will work on a draft resolution that states the Council's

position and present it for action at the February Council meeting.

STORMWATER SYSTEM REPORT: Councilmember Sharp opened the discussion by noting that Thalweg's summary report lists actions that they recommend the Town take to improve our existing stormwater system but that the full report will be more helpful in developing ordinances and other policies needed to support the Council's intent.

Councilmember Sharp asked the Council to look at Page 7 of the Summary Report, which lists four actions needed. He stated that item #2 is already in the 2009 Budget. After additional discussion, it was the consensus of the Council that Councilmembers Sharp and Leider develop a preliminary scope of work for handling the other three items in the list and how best to fund these improvements. They expect to be able to bring this preliminary scope to the Council for further discussion at the March Council meeting.

Councilmember Leider noted that there are a number of financing mechanisms the Town can consider: have new construction bear the cost of improvements, share the cost of improvements among all residents, etc. Mayor Rose noted that the Council can create a Stormwater Utility or a Local Improvement District to generate the revenue needed to complete these improvements. He added that the Council may wish to find a way to pay for comprehensive improvements over time.

Councilmember Clemett asked that they consider tree impacts and new construction as part of their work.

Mayor Rose asked if completing items #1 and #2 will satisfy state and Federal laws that regulate stormwater runoff. Councilmember Sharp answered that he believes Beaux Arts is already in compliance because of our narrow streets and abundance of trees and other plants but that we may not be doing our best to protect Lake Washington. He explained that to accomplish that we may need to better manage increases in runoff that result from new home construction and that, in the current budget climate, we may not be able to afford to do it all.

CONFIRMATION OF APPOINTMENTS TO THE PLANNING COMMISSION AND BOARD OF ADJUSTMENT: Mayor Rose stated that he has appointed Dick Stratton to serve on the Planning Commission replacing Dennis Casey, who has completed his term, and asked that the Council confirm this appointment.

MOTION: Councilmember Leider moved to confirm the appointment of Dick Stratton to the Planning Commission for a six-year term ending in 2014. Councilmember Sharp seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Mayor Rose stated that he has reappointed Peggie Bates to serve on the Board of Adjustment as her term expired on December 31, 2008. He asked that the Council confirm this appointment.

MOTION: Councilmember Leider moved to confirm the re-appointment of Peggie Bates to the Board of Adjustment for a four-year term ending in 2012. Councilmember Sharp

seconded.

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

STARTEGIES FOR DEALING WITH SNOWY / ICY ROADWAYS: Mayor Rose commented that this item is on the agenda for several reasons:

1. The recent snow storms created problems for drivers and pedestrians trying to navigate our roads, particularly those with a slope. Councilmember Clemett has suggested that the Town consider purchasing bags of sand to keep on hand for the next snow event.
2. Councilmember Eulau activated the Town's emergency response team and has a report on the outcome.
3. At the last Mayors Meeting, the other Points Cities reported that they all own or have access to snow-plowing equipment, which they deployed during and after the snow.

He added that the issue became very apparent to him when Bellevue plowed their streets right up to our boundary in stark contrast to our lack of plowing.

Councilmember Sharp commented that City of Bellevue was plowing their streets but leaving the plowed two-foot-high piles of snow in front of driveways, blocking the driveways so people couldn't move their cars. He also noted that the condition of Bellevue streets wasn't significantly better. He stated that he isn't sure that plowing would make sense for Beaux Arts.

Councilmember Leider commented that this storm was not typical for our area and that while he was able to get around without any problems (thanks to a four-wheel drive vehicle), he noticed many neighbors who were not so fortunate and needed a little help. He suggested that the emergency response teams be utilized to check on neighbors and coordinate assistance with doctor's appointments, groceries, etc. during severe weather.

Councilmember Clemett commented that her hill was especially icy so she used cat litter to sand paths along the sides of the streets so that pedestrians could walk more safely. She explained that she is suggesting that the Town purchase sand and store it, because the local hardware stores had sold out of sand bags before she could purchase any. She added that her thought was to make sand bags available to residents who could use it, as needed. She added that her husband has suggested the Town might consider purchasing a small used bobcat for \$8,000 to \$10,000 that could be used to plow our roads when too much snow falls, as well as for big jobs during Town clean ups, etc.

Councilmember Hillberg noted that the last time the area got this much snow was about 11 years ago. He suggested that perhaps the Block Captains could store the sand bags so that they were distributed throughout the Village and readily available. Mayor Rose echoed that the emergency response teams could probably handle spreading some of the sand in their assigned area as well.

PROPOSED RESOLUTION NO. 246 AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL AGREEMENT FOR ARBORIST SERVICES WITH TINA COHEN:

Clerk-Treasurer Spens remarked that the proposed agreement is based on the template we use for similar agreements, such as Town Planner Mona Green's contract, with

one exception: there is a new paragraph “Limited Liability” clarifying that the Town Arborist’s role in the review of tree-removal permits does not include any indication or assessment of the health of the trees involved. Mayor Rose called for a motion.

MOTION: Councilmember Clemett moved to adopted Resolution No. 246 authorizing the Mayor to execute a contract with Tina Cohen for Arborist Services. Councilmember Leider seconded.

On discussion, Councilmember Hillberg commented that he discussed the proposed contract with former Councilmember Young and is comfortable with Mr. Young’s recommendation to execute the contract.

Councilmember Leider asked that the wording of “Terms and Terminations of Agreement” be altered so that it is clear that the Town may terminate the agreement at any time with 30 days written notice, not just after the first year has completed. He also suggested that the agreement should automatically terminate after one year unless the Town actively seeks to extend the contract not vice versa. Mayor Rose and Clerk-Treasurer Spens will work to remedy these items.

MOTION TO AMEND: Councilmember Leider moved to amend the motion to adopt Resolution No. 246 authorizing the Mayor to execute the agreement *pending changes to the paragraph regarding contract termination*. Councilmember Sharp seconded.

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

Vote on the amended motion: 5 For, 0 Against, 0 Abstain. Motion carried.

MAYOR AND COUNCILMEMBER REPORTS:

PATH CLEAN-UP COMMITTEE: Councilmember Clemett reported that she would like to form a committee to study the various open ROWs in Town and develop long-term plans for cleaning them up, keeping them tidy, and adding to the plantings as needed. She explained that her interest was piqued by the recent cleanup of the 104th Ave ROW.

Councilmember Leider asked about the committee’s vision and objective for accomplishing this task. Councilmember Clemett answered that the vision would differ for each ROW depending in large part on what the adjacent neighbors want. She added that some ROWs have become overgrown through neglect, while others are actively maintained by neighbors, so she thinks improving the neglected ROWs might encourage more active maintenance.

It was the consensus of the Council that Councilmember Clemett should prepare a scope of work for this proposed committee to review with the Council before proceeding.

EMERGENCY PREPAREDNESS ACTIVATION: Councilmember Eulau reported that the Emergency Preparedness teams were activated as soon as the forecast for high winds and snow was known. Team members located radios, distributed receivers, identified frequencies for the upper, middle, and lower Village and a command frequency. He added that the radios

worked very well and everyone who participated were enthusiastic and supportive.

COTTAGE HOUSING STUDY: Councilmember Leider reported that he has volunteered to study the potential for cottage housing in Beaux Arts, including forming a committee to address such questions as who, what, where, when, etc. and write an ordinance.

ROW TREES: Councilmember Hillberg reported that he received information about a damaged tree on the ROW next to the Gulick property on SE 27th St. He added that it turned out to be a very large camellia that was damaged during the storm and that he met with former Councilmember Young for some direction.

VARIANCE ISSUES: Mayor Rose reported that other Points Cities are grappling with the question of how long a variance lasts, i.e. does it run with the land in perpetuity, is it granted for a specific project and expires if the project is abandoned, etc. He stated that the question has come up because several large projects have been abandoned in those cities due to changes in the economy and that this is something we should also consider.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday February 10, 2009 at Steve Eulau's house.

ADJOURN: Councilmember Clemett moved to adjourn the meeting at 10:00 pm.
Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer