



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

February 10, 2009

Eulau

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

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

**EXCUSED:** None.

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

**GUESTS:** Tom Stowe.

**MINUTES:** Councilmember Leider moved to approve the January 13, 2009 minutes as amended. Councilmember Sharp seconded.

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

**WARRANTS:** Councilmember Eulau moved to approve the February 10, 2009 warrants, numbers 7941 through 7968 in the amount of \$11,222.11. Councilmember Leider seconded.

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

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

**ARCH'S PROPOSED BYLAW CHANGES:** Clerk-Treasurer Spens reported that A Regional Coalition for Housing (ARCH) is considering changes to their bylaws that will streamline their activities by converting from a joint board of member cities to a non-profit corporation. She noted that they have distributed a briefing paper and an annotated copy of the proposed changes if any Councilmember wishes to review them. She added that no Council action is needed at this time.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** No report.

**WABA REPORT:** No report.

**EMERGENCY PREPAREDNESS:** Nothing to report.

**STORMWATER SYSTEM UPDATE:** Councilmember Sharp reported that he and Councilmember Leider will meet with Alan Black of Thalweg to discuss how the Town should proceed with implementing recommendations for improvements to the Town's Stormwater System and will develop a presentation and recommendations for the Council based on that meeting. He added that he plans to hold a meeting about this issue at his home

later this month and will notice members of the Council and other interested citizens about the date and time. Tom Stowe indicated that he is interested in attending if he is available.

**PROPOSED RESOLUTION NO. 247 REGARDING SITING ALTERNATIVES FOR THE EAST LINK LIGHT-RAIL PROJECT:** Mayor Rose thanked Councilmember Sharp and Hillberg for putting together this resolution and asked them to comment if they wished.

Councilmember Sharp stated that he and Councilmember Hillberg focused their review on the South Bellevue segments since those directly affect the Town and gave a brief overview of the various segments. He then explained the priorities they used in ranking the segment alternatives.

Councilmember Hillberg commented that he attended the Bellevue meeting where Sound Transit heard public comments about the proposed segments and reported that the comments made were widely varied. He suggested that the Council remain true to their original goal: to focus on the routes that best serve the citizens of Beaux Arts. He added that many South Bellevue residents expressed concern about the potential for increased crime in the neighborhood if light rail comes through but explained that a City of Bellevue study shows no increases in crime are anticipated.

Tom Stowe noted that he is concerned about the impact on the intersection of Bellevue Way and 108<sup>th</sup> Ave SE, particularly if traffic moving through that intersection is slowed considerably.

After additional discussion, it was the consensus of the Council to amend the resolution for clarity and simplicity.

**MOTION:** Councilmember Leider moved to adopt Resolution No. 247 setting forth a policy statement regarding Sound Transit's East Link Light-Rail design package. Councilmember Sharp seconded.

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

Mayor Rose asked Clerk-Treasurer Spens to forward copies of the resolution to Sound Transit and County Councilwoman Jane Hague. He suggested that she check with Bernard vandeKamp for contact information.

**PROPOSED RIGHT-OF-WAY-USE ORDINANCE:** Clerk-Treasurer Spens noted that the version before the Council was written by the Planning Commission and has been reviewed by them at a public hearing. She added that they recommend the Council pass the ordinance.

Councilmember Leider commented that he thinks the ordinance needs to address an intent regarding existing uses and new uses, i.e. will uses that existed prior to enacting this ordinance be allowed to remain or will all property owners be expected to achieve compliance within a certain period. Councilmember Hillberg agreed. Councilmember Clemett suggested that the ordinance should require compliance going forward and provide

the means to bring non-complying properties into compliance over time.

Mayor Rose asked how the ordinance, as written, could cause compliance over time. Councilmember Sharp suggested that the trigger point to complying with this ordinance should be the same as that in the Town's Zoning Code.

Councilmember Leider stated that he has added comments to his copy of the proposed ordinance and is willing to work with Councilmember Sharp to draft suggested changes to convey to the Planning Commission.

Clerk-Treasurer Spens suggested that a joint working session between the Council and the Planning Commission might be more productive in light of the opportunities for questions and answers.

Councilmember Sharp offered to collect comments from other members of the Council and compile a report for the Council's review in March. Clerk-Treasurer Spens will circulate a copy of the Word file to facilitate this work.

**PROPOSED RESOLUTION NO. 248 APPROVING THE ARCH BUDGET AND WORK PROGRAM FOR 2009:** Clerk-Treasurer Spens reminded the Council that the Town is required to review ARCH's annual budget and work program as part of our membership in the group.

**MOTION:** Councilmember Sharp moved to adopt Resolution No. 248 approving the ARCH Budget and Work Program for 2009. Councilmember Leider seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED RESOLUTION NO. 249 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE EASTSIDE TRANSPORTATION PARTNERSHIP(ETP):** Clerk-Treasurer Spens remarked that the Town has participated in ETP since 1995 and that the proposed changes focus on clarifying voting membership and voting rights, establishing consistent membership dues throughout each subarea, and establishing that one use of the dues shall be to hold at least one joint annual meeting to discuss issues that cross subarea boundaries. She added that the term of the agreement is 2009 through 2012.

**MOTION:** Councilmember Leider moved to adopted Resolution No. 249 authorizing the Mayor to execute an agreement for the Eastside Transportation Partnership for 2009-2012. Councilmember Clemett seconded.

**MAYOR AND COUNCILMEMBER REPORTS:**

**COTTAGE HOUSING:** Councilmember Leider reported that he is putting together recommendations to establish a committee to examine this topic again and possibly write an ordinance to allow for such housing in Beaux Arts. Tom Stowe expressed interest in serving on the committee when formed.

Councilmember Clemett commented that she has heard questions from several residents asking why this topic is resurfacing. Mayor Rose answered that changes in the general economy and in the housing market may make this option more palatable to residents than it was when last studied.

**SAND BAGS FOR SNOW:** Councilmember Eulau reported that he is considering the purchase of emergency sand bags to use on streets during snowy weather and that he wants more time to study the issue. He noted that there are clear advantages to distributing any sand bags that we purchase among members of the Town's Emergency Response team but he wants time to consider the impact of the sand after the snow melts. It was the consensus of the Council to let Councilmember Eulau determine when and if to purchase sand bags.

**104<sup>TH</sup> AVE ROW PATH RESTORATION:** Councilmember Clemett reported that she and Paula Dix have organized a work party to continue work on this ROW. She reminded the Council that the cleanup work was completed late last year with the help of a paid landscaping service. She reported that she has met with residents and the Town Arborist to plan the plantings for this ROW. She added that the current plan is to provide space for the path to meander through the ROW and to plant trees and understory to enhance the appearance of the path and to improve privacy for neighbors who border it.

Councilmember Clemett also reported that trees along the Angle Road Path ROW (from Se 29<sup>th</sup> Street to Five Corners) need thinning and that Town Arborist Tina Cohen will assist with this work.

**ROW TREES:** Councilmember Hillberg reported that he has plans for tree trimming on 107<sup>th</sup> Ave SE and that Trees for Life will perform some tree work near the Moore residence on 102<sup>nd</sup> Ave SE. He added that a dead cherry was removed from the 104<sup>th</sup> Path ROW. Councilmember Clemett asked that any wood chips from this work be left at the south end of the 104<sup>th</sup> ROW to be spread along the path surface.

**OTHER ISSUES;** Councilmember Clemett stated that she wanted to discuss a letter from Jeff Jochums to the Council in which he requests a partial refund of the additional fees he paid and alleges negligence on the part of the subcommittee appointed to assist him with re-landscaping the ROW adjacent to property he and his wife were developing. She explained that the document titled "Jochums Planting Plan on the Town Path ROW: Compilation of Communications" dated February 2, 2009 that she distributed to the Town Council recaps the numerous emails and telephone calls that she received and her responses.

Clerk-Treasurer Spens stated that she prepared a memo dated February 8, 2009 responding to a letter Mr. Jochums sent only to Councilmembers in which Mr. Jochums provided suggestions for improving the building process that included complaints about the work of several staff members. She added that her responses explained why the incidents cited in Mr. Jochums' letter were handled as they were.

After some discussion, it was the full consensus of the Council that the work done by the subcommittee was completely consistent with the guidelines given to the committee and that

any suggestion of negligence on the part of the subcommittee or its members is unfounded. Further, it was the consensus of the Council that staff performed their work on this project according to all ordinances, policies, and other guiding principles of the Town. Finally, it was the consensus of the Council that the fees paid by Mr. and Mrs. Jochums to reimburse the Town for costs incurred during the completion of their building project are accurate and appropriate and that no refund will be made.

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

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 9:05 pm.

Councilmember Leider seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer