



**TOWN OF BEAUX ARTS VILLAGE**  
**TOWN COUNCIL MINUTES**

March 10, 2009  
Hillberg

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 February 10, 2009 minutes as amended. Councilmember Hillberg seconded.

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

**WARRANTS:** Councilmember Leider moved to approve the March 10, 2009 warrants, numbers 7969 through 7996 in the amount of \$17,038.73. Councilmember Sharp seconded.

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

**CLERK'S REPORT:**

**GUILLET FENCE:** Clerk-Treasurer Spens reported that she received a letter from Building Official Crystal Kolke about the fence surrounding the Guillet property at 10507 SE 27<sup>th</sup> St. The Guillets are applying for a permit to tear down and rebuild the house on that property, and in the course of completing their plan review, Building Official Kolke discovered that the corner of their new fence sits on Town ROW. When she asked the Guillets about the fence, they replied in writing that a recent survey of the property revealed a small part of the paved intersection of SE 27<sup>th</sup> Street and 105<sup>th</sup> Ave SE sits on their property. They explained that when this was discovered, they contacted Clerk-Treasurer Spens about what to do and were given permission to place the fence on Town ROW just enough to avoid the paved roadway with the condition that the fence would be removed at the Guillets' expense if the Town so requested.

Clerk-Treasurer Spens reminded the Council of a similar circumstance in which the paved road encroached on private property. In that instance, the Council worked with the property owner to adjust their boundary line so as to trade a portion of the ROW for the paved road and make the property owner whole. She noted that in this instance, the amount of property is much less, so the Council may wish to allow the fence remain as is without a boundary line adjustment and have the Guillets execute a ROW Encroachment Agreement to document the conditional approval. It was the consensus of the Council to do so. Clerk-Treasurer Spens will prepare a simple ROW Encroachment Agreement for the Guillets to sign.

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

**WATER REPORT:** No report.

**WABA REPORT:** No report.

**EMERGENCY PREPAREDNESS:** Councilmember Eulau reported that he has begun preparatory work to complete the Town's Comprehensive Emergency Management Plan (CEMP) as required by state statute. He also reported that he is rethinking his original agreement about sanding streets during a snow storm after reading that storm drains in Seattle are still clogged with sand months after the snow has melted. Councilmember Leider commented that he understood our plan was to use a limited amount of sand to enhance pedestrian safety and that before making a decision not to sand, the Council should consider all of the advantages and disadvantages.

**BUDGET 2008 RECAP:** Councilmember Leider distributed a chart illustrating the Town's actual revenues and expenditures versus budget for 2008. He noted that revenues were stronger than forecast thanks primarily to higher sales-tax and real-estate-excise-tax receipts while expenditures were lower than anticipated mainly because the Street Dept postponed a planned overlay project. He remarked that, thanks to these trends, the Town ended 2008 with a budget surplus of almost \$30,000 instead of the \$24,000 deficit that was forecast.

**STORMWATER SYSTEM UPDATE:** Councilmember Sharp reported that Mayor Rose, Councilmember Leider, two residents, and he met with Alan Black of Thalweg to discuss implementing Thalweg's recommendations for improving the Town's Stormwater System. He commented that based on this meeting, the Town plans to proceed with two projects this year: repairs to the outfall at 102<sup>nd</sup> Ave SE and a survey of the Town's existing facilities.

Councilmember Sharp stated that Tom Stowe has offered to prepare a Request for Proposals (RFP) describing the work needed to complete a survey of the Town's existing stormwater facilities. He explained that the RFP will be submitted to Municipal Research (MRSC) so that firms on the Small Works Roster can prepare proposals to perform the survey and submit them to the Town. He added that he and Mr. Stowe will then review the proposals and bring a recommendation to the Council regarding which firm to award the contract for this work. He estimated that it could take one to three months to receive and evaluate the proposals and then another month to complete the survey. He added that decisions about the remaining projects in Thalweg's report will depend on the survey findings.

Mayor Rose asked when we might have a plan for completing system upgrades, updating ordinances, etc. Councilmember Leider answered that the survey and all associated calculations are critical to making the remaining decisions on this project. He added that if the current system has capacity, fewer capital improvements will be needed than if the system is at or near capacity. He stated that the Council should have enough information in approximately three months to develop a plan. Councilmember Sharp added that any project to upgrade to the stormwater system is likely to span several years.

**PROPOSED RIGHT-OF-WAY-USE ORDINANCE:** Councilmember Sharp noted that he was not able to do much work on this project because he focused on work for the Stormwater Project. He asked if anyone had comments about the draft ordinance.

Councilmember Clemett noted that it is not clear when properties with existing encroachments that would become non-conforming by passage of this ordinance be required to come into compliance. She also noted that the ordinance did not seem tree friendly, and that the alternative to encouraging residents to plant trees on the ROW is for the Town to use budget money to plant trees. Councilmember Hillberg agreed with this comment and wondered if visibility issues were at the heart of this issue.

Councilmember Leider suggested adding an incentive to encourage the planting of trees as an offset to removals.

Councilmember Sharp asked Councilmember to provide their comments to him so that he can compile them in a version to distribute for next month's meeting. He also asked Clerk-Treasurer Spens to send him another electronic copy of the draft ordinance.

Mayor Rose asked if the ordinance must go back to the Planning Commission for review when the Council has completed its work. Councilmember Sharp said it depends on how the revised draft looks at that point.

(Councilmember Leider left the meeting at 8pm.)

**POTENTIAL HOUSING ALTERNATIVES:** Mayor Rose opened the discussion by giving a brief history of prior work on this topic and reminding the Council that when studied before, the idea was dropped when it faced substantial opposition from residents. He stated that he has asked that it be studied again for several reasons, particularly changes in the economic climate and the housing market. He noted that before bringing the idea to the Council this time, he discussed it with Councilmember Leider and they agreed that there may be more support for the topic in light of these changes.

**MOTION:** Councilmember Sharp offered the following motion:

*Whereas, recent changes in land uses are reducing the number of smaller homes in Beaux Arts, and*

*Whereas, access to smaller homes may be a desirable option for current and future residents,*

*Therefore: The Council appoints Councilman Leider to chair a committee to investigate, and if warranted, make recommendations regarding the possibility of amending the zoning code and taking other actions to encourage the construction of a limited amount of higher density housing, limited to "cottage housing" or its equivalent.*

*The Council requests Mr. Leider to present a proposed list of committee members, a proposed work program, and a proposed schedule at the Council's April meeting.*

Councilmember Clemett seconded.

On discussion, Councilmember Hillberg asked for a few more details about why the earlier study was not supported by residents. Mayor Rose summarized that while some residents were enthusiastic about the idea, others were concerned about increased traffic, an increase in the number of people using the beach, and a potential negative impact on property values. He added that he believes there may be more support this time because many of our smaller homes have been replaced by much larger ones, economic pressures and opportunities have changed dramatically, and permitting cottage-style housing would allow for a limited area of higher density housing as mandated by the State Growth Management Act.

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

Tom Stowe indicated an interest in serving on this committee and commented that he has some experience with this topic.

**NO-WAKE ZONE SUPPLIES:** Clerk-Treasurer Spens briefly presented three scenarios for purchasing buoys to mark the new no-wake zone:

*Scenario #1: Purchase seven aluminum buoys at a cost of \$925 each shipped for the two corner buoys (with lights) and \$760 for the five interior ones (without lights). Total cost: \$5650. If we assume a six-year life for the aluminum buoys, the cost per year is about \$950.*

*Scenario #2: Purchase two aluminum buoys with lights for the corners at a cost of \$925 each shipped and five plastic buoys without lights for the interior positions at \$260 each shipped. Total cost: \$3,150. (Expect to replace the plastic buoys twice during the six-year life of the aluminum buoys at a cost of \$1300 per replacement of all five.) If we assume a six-year life for the aluminum buoys and a two-year life for the plastic, the cost per year is \$960.*

*Scenario #3: Purchase seven plastic buoys at a cost of \$425 each shipped for the corner buoys (with lights) and \$260 for the five interior ones (without lights). Total cost: \$2150. If we assume a generous two-year life for the plastic buoys, the cost per year is \$1075.*

Mayor Rose asked which she recommends. Clerk-Treasurer Spens answered Scenario #2 even though it is slightly more than the \$2500 budgeted for this project.

Councilmember Sharp offered another alternative that would keep this purchase within the amount budgeted: Purchase the two aluminum buoys to mark the north and south corners of the no-wake zone and fill in the remaining five positions with the best of the plastic buoys we currently own. Then replace these plastic buoys with aluminum as needed and as our budget allows.

It was the consensus of the Council to purchase the supplies needed to implement this alternative. Clerk-Treasurer Spens will arrange for the purchase of two aluminum buoys with beacons and no-wake wrappers. She will also contact the US Army Corps of Engineers

to learn how to have our no-wake zone added to their navigation charts.

**PROPOSED RESOLUTION NO. 250: AN INTERLOCAL COOPERATION**

**AGREEMENT FOR A PATROL AUTO TASK FORCE:** Clerk-Treasurer Spens explained that the Town has been asked to sign this Interlocal Agreement with the other cities and towns who contract with the King County Sheriff (KCSO) for police services. She stated that Major Germani, our KCSO liaison, has assured her that there are no added fees to the Town for participating in the Agreement and any manpower needed would come from KCSO anyway. She added that the driving force behind the agreement is the sharp increase in auto thefts in south King County.

**MOTION:** Councilmember Clemett moved to adopt Resolution No. 250 authorizing the Mayor to execute an Interlocal Cooperation Agreement between the Town and the named cities and towns for the creation of a Patrol Auto Theft Task Force. Councilmember Hillberg seconded.

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

**MAYOR AND COUNCILMEMBER REPORTS:**

**TOWN CLEAN UP:** Councilmember Clemett reported that the Town Clean Up is scheduled for March 21 and that dumpsters have been ordered.

**TREE WORK:** Councilmember Hillberg reported that he has asked Trees for Life to do some trimming in front of the Moore house. Councilmember Sharp asked if Councilmember Hillberg has the Watch List for trees on Town ROWs. Councilmember Hillberg answered that he has the list and has begun to review it.

**MAYORS' MEETING:** Mayor Rose reported that our policy on tolling for I-90 was a topic of discussion and that several of the other Points Cities have begun discussions with Comcast for a new franchise agreement.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday April 14, 2009 at Rick Leider's house. She noted that this date is immediately after Spring Break for area schools and asked if there were any conflicts. As there were none, the date stands.

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 8:45 pm. Councilmember Clemett seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer