



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

October 13, 2009
Hillberg

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

PRESENT: Mayor Richard Leider, Councilmembers Carol Clemett, Steve Eulau, Mike Hillberg, Aaron Sharp, and Tom Stowe.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: Donna Stowe, Susan Kennedy, Mary Spens, and Marji Jochums.

MINUTES: Councilmember Sharp moved to approve the September 8, 2009 minutes as amended. Councilmember Eulau seconded.

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

WARRANTS: Councilmember Sharp moved to approve the October 13, 2009 warrants, numbers 8167 through 8195 in the amount of \$22,962.39 with the special instructions to hold Warrant #8181 written to King County in payment of striping the arterial until Clerk-Treasurer Spens can determine how this work was authorized and how the Town can control future work of this sort. Councilmember Eulau seconded.

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

TREASURER'S REPORT: Councilmember Stowe reported that he has completed his review of the 2nd Quarter Treasurer's Reports with supporting documentation and found them accurate and complete. He has signed them to indicate his approval.

CLERK'S REPORT:

ZONING CODE AMENDMENT: Clerk-Treasurer Spens reported that the Planning Commission has completed their work on proposed changes to the Zoning Code. These changes modify the definitions of remodel and reconstruction and revise the variance requirements for work on non-conforming structures. She asked the Council when they wish to review the proposed amendments. It was the consensus of the Council to review the amendments during a public hearing in November and to ask a member of the Planning Commission to attend that meeting.

PLANNING COMMISSION VACANCY: Clerk-Treasurer Spens reported that Planning Commissioner Jake Donoghue's term expires on 12/31/2009 and that he does not intend to ask to be reappointed. Deputy Clerk Kulp already plans to run an announcement in the newsletter.

MARSHAL'S REPORT: Mayor Leider reported that he spoke with Town Marshal Walter Scott about the Council's concerns about Blockwatch and the fact that Blockwatch was not

used after a recent burglary in the Village. He said that Town Marshal Scott chose not to use Blockwatch because the affected resident didn't realize the burglary had occurred until several days after the fact and asked that details of the crime not be shared. After some additional discussion, the Council decided that it would be helpful to have Town Marshal Scott share his ideas about how best to use Blockwatch and other ideas for notifying residents of unusual activity in the Village.

WATER REPORT: Water Supervisor Bob Durr reported that he has determined that the Water Department needs to plan for another pump replacement in about 8 years and would like the Water Department to begin building reserves to save the \$30,000 needed over the next six years. Mr. Durr explained that if we purchase the pump in six years, we can order it and have it ready to use when the current pump fails rather than having to switch to Bellevue water for 3 or more months while we wait for the replacement pump to arrive.

Councilmember Sharp asked if these pumps have a shelf life or if sitting unused for an amount of time will affect the gaskets, seals, etc. Councilmember Eulau suggested that the Water Department may want to decide to replace the pump before it fails on a "planned-obsolence" basis.

Water Supervisor Durr remarked that he and the Water Superintendent are studying whether there are ways to "see" a pump failure coming other than just waiting for failure to occur.

WABA REPORT: Nothing to report.

EMERGENCY PREPAREDNESS: Councilmember Eulau reported that he recently read that Seattle will use salt on their streets this year if there is a repeat of last year's icy roads. He added that new studies show the salt may not be as environmentally harmful as originally thought. He noted that salt may not be a viable option for Beaux Arts though, since we do not have the needed equipment to spray it, so he will plan to purchase sand before winter weather begins and find places around the Village to store it.

Councilmember Eulau reported that the Town's CEMP is still in review with the State. Councilmember Clemett commented that David Dempster is very interested in putting together a group to respond to neighbors' emergency needs.

STORMWATER SYSTEM UPDATE: Councilmember Sharp reported that the materials received from Axis for the Stormwater Survey are complete and it is okay to pay them the outstanding charges.

PUBLIC HEARING: PROPOSED RIGHT-OF-WAY-USE ORDINANCE: Mayor Leider opened the public hearing at 7:40pm and recapped the Council's work on this topic so far. He then asked for comments from the public on the current draft.

Bob Durr commented that he is still puzzled as to the need for this ordinance or at least one of this scope. He added that the tradition in Beaux Arts has been to self-regulate, and he hates to see that tradition eroding with more and more rules. He said he wonders how much of this proposed ordinance relates to safety versus the desire of some to achieve a certain "look" or

avoid what some may have done that we wish hadn't been done and that he wonders if there is a way to use guidelines rather than ordinances. Mr. Durr also commented that he thinks retaining stormwater on one's property is an important goal.

Donna Stowe remarked that the ordinance as written is too complicated and that it would be simpler to just use the fact that the Town owns the rights of way. If the Town doesn't want improvements in the right of way, it should just tell adjacent owners to remove the improvements. She added that disturbing the ground has impacts beyond those that are visible, particularly on groundwater and the recharge area for the Town's aquifer.

As there were no additional comments, Mayor Leider closed the public hearing at 8:00pm and asked for a motion from the Council before beginning the Council's discussion.

MOTION: Councilmember Eulau move to pass Ordinance No. 368 adopting regulations for the uses and development of non-paved portions of the Town ROWs. Councilmember Hillberg seconded.

On discussion, Councilmember Sharp recapped the reasons this ordinance is before the Council, including:

- Preserving the right of way for stormwater absorption.
- Preserving the character of the Town.
- Protecting trails and green spaces.

He added that a number of residents expressed concerns about the increasing number of pavers in the right of way and the loss of shrubs and trees. He remarked that while the Town can say no to improvements in the right of way, the review of each request requires an inordinate amount of Council time and energy as does monitoring the ongoing maintenance of such improvements. He also remarked that with a turnover of about 40% of the households in Beaux Arts over that last five years, many of the Town's traditions may not be known to a large number of our residents.

Councilmember Hillberg stated that he agrees with limited governing but in this instance, the Council has found that the existing level of encroachments into Town rights of way has created an expectation that it is okay for others to encroach as well.

Councilmember Stowe mentioned that he is concerned about the complexity of the ordinance as well as wording issues within the ordinance. He feels the Council needs to review the entire document line-by-line to correct those issues.

Mayor Leider remarked that not only have a lot of households turned over but also many of the older homes are being replaced as they age and that the combined effect of these changes is added pressure by homeowners to use more of the right of way adjacent to their property.

After spending considerable time discussing the details of the ordinance, Mayor Leider commented that trying to re-write the ordinance during the meeting was futile and that the discussion tonight should focus on what the ordinance is intended to accomplish. He also suggested that the Council consider the following options:

1. Continue the discussion tonight recognizing that the Council still has a big agenda to

- tackle before adjourning.
2. Suspend further discussion tonight and hold a working session next week to iron out the details.
 3. Remand the draft back to Councilmember Hillberg and Clemett to rework the draft based on input from others.

It was the consensus of the Council to hold a working session sometime in the next week at a date and time to be determined based on availability. Mayor Leider offered to hold the session at his home and to coordinate the date. Clerk-Treasurer Spens will post a notice announcing the date, time and location at least 24 hours in advance.

NEW MOTION: Councilmember Eulau moved to table his motion. Councilmember Sharp seconded.

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

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE 2009 BUDGET: Mayor Leider opened the public hearing at 8:47pm. Clerk-Treasurer Spens explained that the amendments are needed because the cost of the emergency pump repairs exceeded the expenditures authorized for the Water Department in the original 2009 Budget. As there were no comments from the public, Mayor Leider closed the hearing at 8:48pm.

MOTION: Councilmember Eulau moved to pass Ordinance No. 368 amending the 2009 Budget. Councilmember Hillberg seconded.

On discussion, Councilmember Hillberg asked how much the budget is changing. Clerk-Treasurer Spens answered about \$20,000.

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

PUBLIC HEARING: PRELIMINARY 2010 BUDGET: Mayor Leider opened the public hearing at 8:55pm and explained that tonight's discussion is very preliminary and is intended to generate input from Councilmembers that will be used to prepare a proposed budget for review in November. He added that it is a very conservative by design and that because of the economic climate we face, in which revenues will be greatly curtailed from recent years, we are probably looking at a deficit budget, even after cutting out any extras. He asked Councilmembers to consider "what is the least you can live with" when developing their budget estimates. As there were no comments from the public, Mayor Leider closed the public hearing at 9:10pm.

PUBLIC HEARING: 2010 – 2015 TRANSPORTATION IMPROVEMENT PLAN: Mayor Leider opened the public hearing at 9:12pm. Councilmember Sharp reviewed the projects listed on the TIP form. Councilmember Hillberg asked if we are on pace to repave all of our streets on a schedule. Councilmember Sharp answered yes. Mayor Leider added that we probably need to start adding 108th Ave SE to our repaving plans. As there were no comments from the public, Mayor Leider closed the public hearing at 9:15pm.

MOTION: Councilmember Clemett moved to pass Ordinance No. 369 adopting a Six-Year

Comprehensive Street Program for the years 2010 through 2015, inclusive. Councilmember Eulau seconded.

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

WATER RATE STUDY: Councilmember Stowe distributed sheets comparing the water rates charged by various jurisdictions in the area and noted that Beaux Arts is charging less than every other jurisdiction. He then explained that the Water Department must increase rates to build up the reserves needed to pay for anticipated maintenance expenditures over the next 6 to 10 years. He compared the current fee structure to one scenario as follows:

	<u>Current Fees</u>	<u>Revised Fees</u>
Base fee	\$45 for 1 st 1400 cf	\$60 for 1 st 1000 cf
Overages	\$1.30 per 100 cf over 1400cf	\$1.50/100 cf from 1001 – 1700 cf \$3.00/100 cf over 1700 cf

He said that when examining this scenario, Beaux Arts' water bills would be higher than Bellevue in winter months, but less in summer months.

Councilmember Sharp asked why houses that use only the minimum should pay \$6.00/100 cf when the step rates are much lower. He suggested that the step fees for water use in excess of the minimum should be closer to the base rates.

Councilmember Hillberg stated that he'd like some time to review numbers and their impact on various usage volumes before making any decisions. Councilmembers Clemett and Sharp agreed.

Mayor Leider suggested that Councilmember Stowe distill several proposals for the Council's review in November and include an examination of how much various water volumes would cost customers. Water Supervisor Bob Durr suggested that new water rates can be phased in over several years also since we are looking at building reserves over a seven to eight-year period.

BELLEVUE PROPOSAL TO IMPROVE 108TH AVENUE SE: Mayor Leider reported that he sent a letter to Bellevue Mayor Degginger letting Bellevue know that Beaux Arts is not interested in de-annexing the 108th Ave right of way but we may be interested in participating in a project along that corridor. He added that his letter spelled out the concerns of the residents who live along that corridor and that he has unofficial confirmation that the Bellevue City Council has seen the letter.

SOUND TRANSIT: Mayor Leider asked the Council to consider whether we want to invite a Sound Transit representative to an upcoming Council meeting.

VIDEO SURVEILLANCE CAMERAS: Town Marshal Scott asked the Council to consider installing video surveillance cameras as a way to reduce the incidence of break-ins in Beaux Arts. Mayor Leider asked Clerk-Treasurer Spens to determine if we can use Criminal Justice funds to help pay for such equipment.

MAYOR AND COUNCILMEMBER REPORTS:

FALL CLEAN UP: Councilmember Clemett reported that she plans to use the \$2000 remaining in her budget to pay for the Fall Clean Up.

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

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

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer