



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

December 8, 2009
Stowe

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: Tim McGrath, Mary Spens, Susan Kennedy, and Donna Stowe.

MINUTES: Councilmember Sharp moved to approve the November 10, 2009 minutes as amended. Councilmember Hillberg seconded.

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

WARRANTS: Councilmember Eulau moved to approve the December 8, 2009 warrants, numbers 8219 through 8245 in the amount of \$52,990.09. Councilmember Sharp seconded.

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

CLERK'S REPORT:

PENDING KING COUNTY INVOICE FOR ARTERIAL STRIPING: Clerk-Treasurer Spens reported that after discussing the situation with County staff and Mayor Leider, she has countered the County's original \$1,010 invoice with an offer of \$500 instead and is waiting to hear back from King County Transportation.

AUDIT: Clerk-Treasurer Spens reported that the State auditors have completed the Town's audit for 2007 through 2008 and found four items that they have reported to management for review. She explained that "management items" are not considered violations but may be areas where internal controls could be strengthened and listed the items as:

1. **Open Public Meetings Act:** When the Council holds an Executive Session, which it does rarely and usually in conjunction with staff performance discussions, the Mayor must announce how long the Executive Session is expected to last and when the regular Council session will re-convene.
2. **Year-End Financial Statement Review:** After the Clerk-Treasurer prepares the Annual Report but before submitting it to the State Auditors' Office, management should review it to be sure there are no errors. The Clerk-Treasurer has been preparing and submitting this report without management review, because it is merely a re-statement of the financial information contained in the Quarterly Treasurer's reports that Council reviews and approves already.
3. **Fire Hydrant Costs:** Based on a recent court decision, the Town will now have to charge the cost of maintaining our fire hydrants to the General Fund rather than the Water Fund.

To complete this task, we will have to assess just how much money this change really entails.

4. **Internal Controls over Budgeting:** It has been our practice to wait until the end of the year to pass an ordinance amending the annual budget, when needed. The auditors feel that we should consider amending the budget each time it becomes clear that we will exceed our budget to minimize the risk of failing to amend it before the calendar end of year.

PLANNING COMMISSION AND BOARD OF ADJUSTMENT VACANCIES: Clerk-Treasurer Spens reminded the Council that each of the bodies has had a vacancy for several months and that the vacancies have been advertised in the Town Bulletin at least two times.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: No report.

EMERGENCY PREPAREDNESS: Councilmember Eulau reported that sand was purchased and delivered to key locations throughout the Village and will be used to sand walkways, if needed for icy conditions, to make them safer for pedestrians.

STORMWATER SYSTEM UPDATE: Councilmember Sharp reported that he will review Thalweg's report and drawings regarding the repairs to the 103rd Street Outfall so that the project to make these repairs can proceed.

PUBLIC HEARING: PROPOSED ZONING CODE AMENDMENTS: Mayor Leider asked for a motion from the Council on the proposed ordinance.

MOTION: Councilmember Sharp moved to pass Ordinance No. 372, which sets forth the amended Zoning Code in its entirety, as written. Councilmember Clemett seconded.

Mayor Leider then opened the public hearing at 7:30pm and asked for comments from the public on the current draft. As there were none, he closed the public hearing at 7:32pm.

The Council then began a review of the proposed amendments and encountered several questions that they could not answer directly. It was the consensus of the Council that in the future, the Planning Commission should either prepare a detailed document explaining the proposed changes and the reasons for them or send a representative of the Commission to the Council meeting to be available to answer questions. Mayor Leider asked if the Council wanted to continue their discussion of the ordinance tonight or table further discussion and remand the ordinance back to the Planning Commission for answers to the Council's questions.

Councilmember Sharp stated that he thinks the Planning Commission has studied the needed amendments thoroughly before forwarding the proposed ordinance to the Council for action. He added that he feels the Council should go ahead and pass this ordinance and then ask for

more detailed information on future ordinances. Councilmembers Clemett and Eulau agreed.

Councilmember Stowe enumerated a number of concerns, including whether WABA's two-foot strip needs to be added to the discussion of open space in Section 7, whether we need to amend the requirements for commercial activities in residences, and whether some of the defined terms, e.g. "Roomer" still make sense. Councilmember Sharp remarked that the Council's discussion of this ordinance should probably remain focused on the areas of the code that have been changed and that if there are others areas needing review, the Council should ask the Planning Commission to study those areas further as a separate task.

In the course of completing their review of the proposed ordinance, the Council made several minor changes to the proposed language for clarity and also removed the regulations that govern parking on public property, since those regulations are rightly part of a stand-alone Parking Ordinance No. 274.

AMENDED MOTION: Councilmember Sharp moved to amend the motion to pass Ordinance No. 372, which sets forth the amended Zoning Code in its entirety, from "as written" to "as amended". Councilmember Clemett seconded.

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

PROPOSED ORDINANCE NO. 373 ADOPTING THE 2010 BUDGET: Mayor Leider asked for a motion from the Council on the proposed ordinance.

MOTION: Councilmember Sharp moved to pass Ordinance No. 373 adopting a budget for 2010. Councilmember Clemett seconded.

Mayor Leider then commented that the budget, as set forth in this ordinance, shows the Town operating at a \$40,000 deficit largely because of regional and national economic conditions that are outside the Council's control. He also commented that the 2009 budget was also expected to end in a small deficit, but thanks to some unanticipated revenue and prudent spending by the Council, it looks as though 2009 will end balanced or very close.

Councilmember Eulau asked what is our strategic plan if the current economic conditions continue, i.e. what actions should/would the Council take? Mayor Leider answered that the Council would have to consider cutting spending, which would be difficult for our barebones operating costs, or increasing revenues through a voter increase of more than 1% in the property tax, the imposition of utility taxes, or other tax or fee increases. He added that the Town's ability to increase revenues is very limited.

Mayor Leider pointed out that almost all of our expenses are for necessary services, e.g. fire and police protection. He added that he expressed his displeasure with the continued high increases in the Bellevue Fire contract, but that he doesn't expect his complaint to generate any changes. Susan Kennedy suggested that the Town approach Mercer Island Fire Department to see if they could provide the service for less.

At the conclusion of this discussion, Mayor Leider called for the vote.

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

PROPOSED RESOLUTION NO. 255 SETTING FEES FOR VARIOUS SERVICES AND PERMITS WITHIN THE TOWN:

Clerk-Treasurer Spens remarked that this resolution is needed to set a fee for the newly created Right of Way Permit and to document the increased water rates passed in November.

She added that she also has inserted an Inspection Deposit on building permits. She explained that the charges associated with many of our current building projects exceed the amounts collected as plan review fees and building permit fees, in part because we have not increased our permit fees in several years and that she has to bill permit holders for these overages. She noted that while most permit holders pay the extra charges without comment, some complain about them and then just refuse to pay, which passes the unreimbursed charges on to all taxpayers in Beaux Arts. She commented that by collecting an additional inspection deposit up front, the Town should see fewer unreimbursed charges and that any unexpended balances can be refunded to the permit holder at the completion of the project.

Mayor Leider asked for a motion from the Council on the proposed resolution.

MOTION: Councilmember Sharp moved to adopt Resolution No. 255 setting fees for various services and permits within the Town. Councilmember Hillberg seconded.

On discussion, Clerk-Treasurer Spens suggested that the ROW Permit fee be set at \$50, which is consistent with the Tree Removal Permit fee.

Councilmember Clemett asked if the Town assesses interest or late fees on unpaid permit-charge balances. Clerk-Treasurer Spens answered that we have not to date. It was the consensus of the Council that Clerk-Treasurer Spens check with Town Attorney Stewart about the possibility of adding such charges to unpaid permit balances.

At the conclusion of this discussion, Mayor Leider called for the vote.

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

UPDATE ON BELLEVUE PROPOSAL TO IMPROVE 108TH AVENUE SE: Mayor Leider reported that there was strong interest in serving on the 108th Study Committee and that the committee will include Councilmember Aaron Sharp, Councilmember Tom Stowe, Susan Kennedy, Tim McGrath, Ann Mari Simonsen, and Peter Bowen.

Councilmember Sharp asked Clerk-Treasurer Spens to compile a packet of various documents that will assist committee members in this study, including the Town's Comprehensive Plan, copies of the written and email correspondence between Beaux Arts and Bellevue on the topic, copies of other materials describing the project, etc. He also asked that agendas for the next several months list an update from this committee in place of the current Stormwater Update.

Councilmember Sharp also suggested that the committee should begin meeting as soon as possible and should focus on developing Beaux Arts' vision for our portion of 108th rather than worrying about what Bellevue is planning to do on their portion. He added that it will be our responsibility to make sure that this vision is consistent with the Town's Comprehensive Plan.

Councilmember Stowe asked if the committee should review the right-of-entry letter Bellevue recently sent to Beaux Arts residents adjacent to 108th. Councilmember Sharp commented that he doesn't believe the Town should get involved in that aspect, since the contractor requesting entry has been hired by Bellevue.

Since many of the members of the committee were at the Council meeting, it was decided to set the first meeting date tentatively for December 17th.

MAYOR AND COUNCILMEMBER REPORTS:

FALL CLEAN UP: Councilmember Clemett reported that the Fall Clean Up had great participation and achieved wonderful results.

THANK YOU TO COUNCILMEMBER CLEMETT: Mayor Leider noted that tonight is Councilmember Clemett's last meeting as a member of the Council and thanked her for her service to the Town and its residents.

TRANSPORTATION FUNDING OPPRTUNITY FOR SR-520: Mayor Leider reported that at the most recent Mayors' Meeting, attendees decided to write to Senator Murray and encourage her to work to obtain a TIGER Grant for the SR-520 project. He also reported that it is the consensus of the group that when tolls are imposed on SR-520, they should also be imposed on I-90, both to maximize the collection of funding for the proposed improvements to SR-520 and also to ensure that a significant volume of traffic does not shift from the tolled SR-520 to an untolled I-90.

EXECUTIVE SESSION: At 9:00 pm, Mayor Leider announced that the Council would adjourn to Executive Session to discuss staff performance and would reconvene the regular Council session at 9:20pm.

At 9:20pm, the Council adjourned the Executive Session and reconvened the regular session.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday January 12, 2010 at Steve Eulau's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:25 pm. Councilmember Eulau seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer