



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

March 9, 2010
Leber

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

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

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: King County Councilwoman Jane Hague, Susan Kennedy, Warren Klink, Linda Mui, Tim McGrath, and Town Marshal Walter Scott.

MINUTES: Councilmember Hillberg moved to approve the February 9, 2010 minutes as amended. Councilmember Sharp seconded.

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

WARRANTS: Councilmember Sharp moved to approve the March 9, 2010 warrants, numbers 8303 through 8324 in the amount of \$14,323.12. Councilmember Hillberg seconded.

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

VISIT WITH KING COUNTY COUNCILWOMAN JANE HAGUE: Mayor Leider suggested that the agenda be adjusted slightly to allow Councilwoman Hague to meet with the Council before proceeding with the remaining agenda.

Councilwoman Hague opened the discussion by stating that she likes to visit each of the nine cities and towns in her district to let everyone know of the regional issues facing King County, particularly those that will impact those cities and that she appreciates the hard work each councilmember does on behalf of the citizens of Beaux Arts. She then commented that the biggest issue facing King County is the budget shortfall and that she is please to report that newly elected King County Executive Dow Constantine has pledged to address overspending and reducing the cost of county government as the prior method of addressing that shortfall. She noted that the county executive wants to reduce the county's increases in spending from their current level of about 5% per year to the rate of inflation and that he plans to do so primarily by reviewing labor contracts for cost reductions and eliminating unneeded services. She added that the county executive is also asking for a 1% across-the-board reduction in spending while preserving the county's AAA bond rating and preserving transit services.

Councilwoman Hague commented that the next big issue remains transportation, particularly SR-520, which is a success story on the Eastside but remains unsettled on the Seattle side. She explained that a number of Eastside cities and businesses are urging the Stage Legislature to start the project on the Eastside and let the Seattle side settle their concerns. She added that

there will be tolling in one direction on SR-520 but no final decision has been made regarding tolling on I-90. She also commented that I-90 is still the focus for Link Light rail and the I-405 is scheduled to get HOT lanes, which can be used by carpools for free and single-occupant vehicles for a toll.

Councilwoman Hague then addressed the County's desire to stop providing Animal Control services though it will retain the responsibility for responding to reports of dangerous animals. She commented that animal welfare and sheltering will either be taken over by non-profits or by a consortium of cities.

Mayor Leider asked Councilwoman Hague what are the major concerns in other cities in her district. She answered that other cities have concerns about the general economy, county services, and government "living within its means" just as the citizens must do during tough economic times. She added that she plans to hold Town Hall meetings to discuss these very issues and here public comments about property taxes, county services, etc. to here firsthand the concerns of her constituents and to implement reforms based on those concerns.

Councilmember Sharp asked about Shoreline Management funding and asked if there are any issues at the County level that could affect Beaux Arts, adding that the Town has received a grant from the state to complete the work but isn't sure the grant will cover all of our expenses. Councilwoman Hague answered that the County's work on Shoreline Management is just beginning this year and that they will have personnel available to assist Beaux Arts, if needed.

Mayor Leider asked what issues should be of concern to the Town in the near future. Councilwoman Hague answered that she is hearing of increases in utility rates, particularly as a result of cost overruns in the tunneling work for Brightwater and legal problems at the end of the contract.

Councilmember Stowe asked about the purchase of the Burlington Northern right-of-way. Councilwoman Hague answered that the Port of Seattle purchased from BNSF and will keep the Snohomish County portion for moving freight. The Port plans to sell other portions to King County, Sound Transit, City of Redmond, PSE, and Cascade Water Alliance for various uses. The primary use of the County's purchase will be determined by the funds used, e.g. if transportation dollars are used, transportation will be the primary purpose, but if conservation futures are used, trails and similar uses will be the primary purpose.

Councilmember Eulau asked about Link Light Rail and using the South Bellevue Park & Ride as was the original plan supported by Bellevue and Beaux Arts, since now Bellevue seems to be supporting use of the BNSF right-of-way along I-405 for Link Light Rail. Councilwoman Hague noted that the decision seems to be in flux again and urged the Council to remind Claudia Balducci, Fred Butler, and the County Council that a station in the BNSF does not serve Beaux Arts residents while a South Bellevue Park & Ride station would.

CLERK'S REPORT:

BLOCKWATCH CONCERNS: Clerk-Treasurer Spens reported that Councilmember Sharp wants to discuss a recent incident and determine if Blockwatch worked as expected. Councilmember Sharp reviewed the relevant facts concerning an incident at Chinook School

and a garage invasion in Clyde Hill. He stated that when he learned of the incidents he sent his concerns to Town Marshal Walter Scott for Blockwatch distribution, which was handled via email. He added that he later contacted one of his neighbors to ensure that the neighbor had been notified and is satisfied that using email for a mid-level Blockwatch alert worked well. He also thanked Deputy Clerk Kulp for distilling the notice to the necessary facts prior to the email distribution.

Councilmember Sharp suggested that the Blockwatch phone tree needs to be tested for a high-level alert. Mayor Leider commented that Town Marshal Scott is working on a plan for such a test. He also noted that Town Marshal Scott contacts his phone captains annually to make sure they are still active.

WHATMORE PROPERTY AND ACCESS ISSUES: Clerk-Treasurer Spens reported that Town Planner Green's report was included in Council packets for review. Mayor Leider commented that the report is thorough and clear. He added that he wonders what should be of concern to the Council and what might the Town be obligated to do or provide. He also wondered are there any actions the Town is or is not taking that will impact us later. After some additional discussion, it was the consensus of the Council that Mayor Leider should contact Town Attorney Stewart to discuss Town Planner Green's report and determine whether the Town should hire a land-use attorney to study the matter further.

SECURITY CAMERAS: Clerk-Treasurer Spens reported that she received a request from Town Marshal Scott regarding the possible installation of security cameras at the entrances to Beaux Arts and whether Criminal Justice funds can be used to pay for them. She commented that she has been trying to connect with State Auditor Beth Mauch, the supervising auditor on our last audit, but hasn't been successful yet. She added that she hopes to have an answer by next month's meeting.

CELL PHONE AND WIRELESS SERVICE TOWERS: Clerk-Treasurer Spens reported that she wasn't clear, at the conclusion of the February meeting, just what additional information the Council wanted her to collect to continue this discussion. It was the consensus of the Council that it would be helpful to have anecdotal information from other nearby small cities about cost/benefit comparisons, lease values, siting restrictions, and any other pertinent facts relating to wireless-service antennas.

MARSHAL'S REPORT: Town Marshal Scott reported that he had no criminal activity to report other than that a resident had all four tires on his truck punctured while it was parked in his driveway.

He then asked the Council about his recommendation for security cameras at the three entrances to the Town. The cameras would record vehicle and license information for all vehicles entering and exiting Beaux Arts 24/7 and would serve as a "virtual gate" for residents. He added that funding is key to the decision about whether to move forward with a design.

Mayor Leider asked the Council if they would be willing to consider funding this project from Town funds if we learn that Criminal Justice funds may NOT be used. It was the consensus of the Council to gather enough information to determine the costs and benefits of security

cameras and to begin collecting feedback from residents on the concept of monitored entry and exit. Mayor Lieder added that it would be useful to have information about the incremental costs of adding more cameras, e.g. on paths that serve as ingress/egress points.

Councilmember Sharp suggested that we learn about the costs to maintain the equipment also.

Town Marshal Scott asked if we have a Prosecuting Attorney and Public Defender for Beaux Arts. Clerk-Treasurer Spens answered that, because our caseload is minimal to non-existent, she is working on finding someone willing to provide those services without charging a large monthly retainer and that Town Attorney Stewart will be providing some names to contact shortly. Town Marshal Scott noted that he expects a greater marine-patrol presence enforcing our no-wake zone this summer, so we should expect to see the number of citations issued and court appearances to increase as a result.

Town Marshal Scott stated that he is mindful of the Town's cost concerns, particularly relating to Police Services and noted that King County's marine-patrol costs increased about 9% last year. Councilmember Sharp wondered if we should be talking to Mercer Island Marine Patrol for their services. Town Marshal Scott reminded the Council that when he spoke with Bellevue Police about providing us with police services, the cost was about the same as King County for land-based policing, though he cannot comment about cost comparisons for marine services. He commented that he hadn't considered talking to Mercer Island about providing police services, either land or marine.

Mayor Leider asked if Town Marshal Scott needs direction from the Council. Town Marshal Scott answered not at this time.

Mayor Leider added that he personally feels that enforcement should be on a zero-tolerance basis within our no-wake zone. Councilmember Sharp added that if King County feels there is still any confusion about where our no-wake zone is located, they should let the Council know now. After some discussion, it was the consensus of the Council that the work done last year by former Councilmember Clemett in establishing the location of the no-wake zone was comprehensive and that issuing citations for violating the no-wake zone will do more to eliminate confusion than any other action by the Council.

WATER REPORT: No report.

WABA REPORT: No report.

EMERGENCY PREPAREDNESS: Councilmember Hillberg asked if there are abbreviated to-do lists that Councilmembers should have. Councilmember Eulau answered that there are no abbreviated lists and that it would be premature to release the full report to Councilmembers until the state has completed their review. Councilmember Eulau asked Clerk-Treasurer Spens to check with the State of the status of their review of our Comprehensive Emergency Management Plan.

108th COMMITTEE REPORT: Councilmember Sharp began by thanking everyone who participated on the committee and at the committee meetings. He distributed copies of the report prepared by Committee-member Tim McGrath and noted that Mr. McGrath did the bulk

of the work in getting the plan on paper in a comprehensive and clear format. He then asked Mr. McGrath to review the plan in its current form.

Mr. McGrath noted that there are three sections: an Executive summary, Detailed Design Elements, and Appendices. He explained that:

- the Executive Summary describes the character of the community and ties the vision for 108th Ave SE to the Town's Comprehensive Plan,
- the Detailed Design Elements expands upon the Executive Summary and paints a picture of how the Executive Summary was developed, and
- the Appendices support the first two sections by providing additional detail and supporting research. He noted that Warren Klink's sketch of simple improvements showing a walking path and plantings in the ROW should be included in the appendices.

Councilmember Sharp commented that he contacted Steve Costa with the City of Bellevue to halt the borings that were planned for our ROW as directed last month by the Council. He noted that he has received traffic counts from Bellevue and a copy of the survey from David Evans (who performed this survey at the request of Bellevue). He stated that there are some corrections to be made to the survey as presented, and he has forwarded those corrections to Bellevue. He added that none of the Beaux Arts neighbors allowed the surveyors to perform work on their private property while all of the Bellevue properties owners allowed this work and pointed out that the benefit to Bellevue includes tree-count information, structures, driveways, etc. He also noted that Bellevue's stormwater system on their side appears to need upgrades and that he has received emails from residents in support of bike lanes, which the committee's report doesn't fully reflect. He concluded by saying that he would like Mayor Leider to communicate the design elements and vision to Bellevue via Mayor Davidson.

Mayor Leider asked what the Council feels is the appropriate approach at this point and is the committee's report enough to communicate our vision to Bellevue. Councilmember Sharp stated that he thinks there are three possible outcomes of tonight's discussion:

1. Do nothing.
2. Forward the document as presented by the committee to Bellevue.
3. Modify the document and then transmit it to Bellevue.

Mayor Leider asked if Town residents have had sufficient opportunity to comment on the committee's report. Councilmember Hillberg stated that he doesn't want to forward the document to Bellevue only to learn that some of our own residents are unhappy with the document. He added that he would rather provide an additional opportunity for comment before sending the report rather than get after-the-fact complaints about it. Mayor Leider noted that he feels there must be a distinction between the development of the plan, which is virtually complete, and providing an opportunity to comment on it.

Councilmember Stowe stated that the committee's viewpoint throughout its development of this plan was from the Town's perspective and that Bellevue's plans for its portion of 108th were not considered. He added that the committee reviewed safety data for pedestrians, vehicles, bicycles, etc. that use the corridor and found that there was no evidence of safety issues in the area. He wondered if having an open house for the Town will be confusing since

we don't have any information about Bellevue's plans. Mayor Leider answered that he doesn't intend for the Town's open house to address Bellevue's plans, only this Beaux Arts document, prior to him sending it to Bellevue as a definitive statement of our position.

Councilmember Hillberg restated his concern about the opportunity for public input noting that even though all the committee meetings were open to the public, he thinks there should be a meeting or open house that is specifically held to hear public comment on this report and that it should be well publicized. Some members of the audience stated that residents who were concerned about the committee's work should have attended committee meetings. Others asked the Council to frame the discussion before opening it to the public. Mayor Leider reiterated that the open house would not be for the purpose of making changes to this report but for gauging public support and noted that if, for example, there are a significant number of residents who support a bike lane, it would be good to know that before we communicate our position to Bellevue.

Councilmember Stowe commented that perhaps we need to postpone our discussion with Bellevue. Mayor Leider answered not necessarily provided we indicate that the report is still a draft and may change slightly. Councilmember Hillberg stated that if we are presenting this document on behalf of the entire town, we should be sure that the majority of our residents support it.

Mayor Leider asked for the Council's final comments.

Councilmember Sharp stated that he believes the document is ready to be sent by Mayor Leider to Bellevue Mayor Davidson soon.

Councilmember Eulau agreed but asked that Mayor Leider make it clear that additional public input is pending.

Councilmember Leber mentioned that he has concerns about speed limits and meeting the requirements of the Americans with Disabilities Act (ADA) but that he agrees with Councilmember Eulau's statement.

Councilmember Stowe commented that it should be clear that Beaux Arts is capable of implementing this plan on our own but if Bellevue wishes to integrate it into their project, we can discuss that option.

Councilmember Hillberg stated that he remains uncomfortable with sending the vision report to Bellevue if the whole town hasn't had ample opportunity to review and comment on it.

Susan Kennedy stated that she thinks Town residents should see and discuss the plan before it goes to Bellevue and that Beaux Arts should fully own and maintain any improvements without Bellevue's involvement so that our ownership is clear, not ambiguous.

Tim McGrath noted that the plan document sets forth the how and why of the Town's plans and the Council needs to add the where and when and address funding.

Mayor Leider agreed that communicating our vision to Bellevue is a good idea, particularly since this vision is a radical departure from Bellevue's original ideas for this section of 108th. He offered to draft a letter to Steve Costa presenting the draft plan in the spirit of cooperation but with the caveat that the plan remains a work in progress and is not yet funded but added that he wants Council input on the letter before it is sent.

He then asked for ideas on gathering public input. After some discussion, it was decided that Susan Kennedy will organize an open house for public review the document as currently written and that the open house will include a sign-in list and an opportunity to provide written comment either at the open house or directly to the Council.

PROPOSED RESOLUTION NO. 259 ARCH INTERLOCAL AGREEMENT: Clerk-Treasurer Spens explained that the documents included for Council review set forth the reasons why ARCH needs a new Interlocal Agreement with its member cities and that these reasons are primarily for improved efficiency and a bit of housekeeping. She added that Town Attorney Stewart did not receive the first email in which she transmitted the agreement for his review so if the Council wishes to authorize the Mayor's signature, it will be pending the Town Attorney's final review. It was the consensus of the Council to table a decision on this resolution until the Town Attorney can complete his review.

PARKING ORDINANCE NO. 274: It was the consensus of the Council to table this discussion until April because of the late hour.

BOARD OF ADJUSTMENT: The Council held a very general discussion about replacing the Board of Adjustment with a professional Hearing Examiner, including the added cost to variance applicants, the improved consistency in decisions, improvements in documentation and process, and the difficulty of finding persons to serve on the Board. It was the consensus of the Council that they need more information about the costs and experiences associated with such a change in order to determine whether to pursue this option.

MAYOR AND COUNCILMEMBER REPORTS:

BELLEVUE COUNCIL MEETING: Councilmember Leber reported that he attended the recent meeting of the Bellevue Council where they discussed changing their support of Link Light Rail from the South Bellevue Park & Ride to the I-405 corridor. He added that some of the Council's discussion centered on accusations that members of the Council may have violated the Open Public Meetings Act. He also noted that Sound Transit is likely to put the light-rail line where they want it.

TREE PROTECTION: Councilmember Hillberg reported that he met with Town Arborist Tina Cohen and a representative from the Department of Natural Resources regarding the benefits to the Town of a Tree City designation. He stated that he learned the designation is more about trees on public property versus private and that it gives the Town eligibility for grant money. He also distributed a pamphlet entitled "Tree Protection on Construction and Development Sites".

TOWN CLEAN-UP: Councilmember Hillberg reported that he met with Carol Clemett regarding organizing the Town Clean-Up and that he is looking at the weekend of May 8th.

STRATEGIC PLANNING SESSION: Mayor Leider reported that he still believes this is an important activity for the Council and asked that Clerk-Treasurer Spens email everyone on the Council to collect available dates. He will review those dates and try to set up a meeting date and time based on the responses.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday April 13, 2010 at Rick Leider's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 10:20 pm. Councilmember Hillberg seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer