



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

May 11, 2010  
Sharp

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, Water Dept Supervisor Bob Durr, Town Planner Mona Green, Town Marshal Walter Scott.

**GUESTS:** WABA Representative Leslie Leber, Susan Kennedy, Donna Stowe, Tim McGrath, and Linda Mui.

**MINUTES:** Councilmember Stowe moved to approve the April 13, 2010 minutes as amended. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 1 Abstain (Sharp). Motion carried.

**WARRANTS:** Councilmember Eulau moved to approve the May 11, 2010 warrants, numbers 8349 through 8376 in the amount of \$55,025.36. Councilmember Hillberg seconded.

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

**CLERK'S REPORT:**

**MINUTES:** Clerk-Treasurer Spens noted that there was discussion last month about whether the Council minutes gave an accurate reflection of the deliberations and actions of the Council. In particular, there was concern about the omission of certain information that was, in fact, reported in another section of the meetings minutes, since the topic was discussed more than once during the meeting. After providing some brief guidelines for minutes from Robert's Rules of Order reminding, she summarized the guidelines as follows:

- Minutes are not a verbatim transcript of the meeting but a record of the actions contemplated and taken by the Council.
- Minutes should contain little to no conversational discussion.
- Minutes should refrain from attributing specific comments to particular members of the body, except when important to the discussion, e.g. to explain who gave a report, provided additional information, offered to perform follow-up work, etc.

Clerk-Treasurer Spens asked the Council to consider what purpose they want the minutes to serve and how best to accomplish that. After discussing the topic, it was the consensus of the Council that a brief reprise of their deliberations can be useful to persons who are studying the minutes at a later date but that attribution of comments to particular persons should be avoided unless needed for clarity. Mayor Leider suggested the use of bullet points and other organizational techniques to make the minutes easier to read and review. Clerk-Treasurer

Spens will begin making these changes immediately.

There was some discussion about whether we should continue to tape all Council meetings. Clerk-Treasurer Spens commented that the only time taping is required is during a public hearing. The Council chose not to make a decision on whether to discontinue taping (except when required) at this time.

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

**WATER REPORT:** Water Supervisor Bob Durr reported that the meter on the water well is not working properly and will need to be repaired, rebuilt or replaced.

**WABA REPORT:** WABA Representative Leslie Leber reported that the WABA Shoreline Committee held its first public meeting and asked attendees to comment on things they would like and would not like to see at the beach. She noted that there are two more public meetings scheduled at 7pm on May 19<sup>th</sup> and June 15<sup>th</sup>. She also reported that there are new beach moms and beach activities this year.

**108<sup>th</sup> COMMITTEE REPORT:** Councilmember Sharp reported that Bellevue recently held an Open House on proposed improvements to their section of the 108<sup>th</sup> Corridor, that Mayor Leider sent a letter to Bellevue outlining Beaux Arts' vision for our portion of the Corridor, and that this section of 108<sup>th</sup> was cleaned up as part of the Town's Spring Cleanup on May 8<sup>th</sup>.

After some discussion, the Council determined that the next steps for this project include:

- Determining how to fund the implementation of BAV's vision for the 108<sup>th</sup> ROW.
- Prioritizing the elements set forth in the vision document.
- Developing a more cohesive plan with enough detail to complete the first two items in this list, including when to get cost estimates for designing the improvements and from whom, when to schedule repairs to the road surface so that the ROW work can be coordinated with these repairs, etc.

Mayor Leider asked if the committee members present are willing to continue meeting to address these next steps. All are willing to continue meeting to iron out these issues. One suggestion was to consider using volunteers to accomplish some of the work once plans are developed.

**SHORELINE MANAGEMENT PROGRAM (SMP) UPDATE:** Mayor Leider noted that he asked Town Planner Mona Green to give the Council a report on the work that is underway to complete the Town's SMP Update. Planner Green began by stating that six to eight months of work have been completed and by reminding the Council that the deadline mandated by the State Department of Ecology (DOE) is June 2012. She then commented on progress to date for the following project phases:

- Phase I - Public Participation Plan. The plan is complete. There are 40 to 50 parties who have indicated an interest in the project and will be given updates when available.
- Phase II – Shoreline Inventory and Analysis. The inventory is complete. The draft analysis, which gives a snapshot of the current condition of the shoreline to document “no net loss” should be complete by the end of May. The final analysis is due to the DOE in

June. Ms. Green commented that the shoreline jurisdiction extends 200 feet landward from the shoreline. In Beaux Arts, this area includes recreation, a utility (the water well), several single-family residences, and a boat launch as current community uses, and regulations for these uses will need to be included in our SMP.

- Phase III – Draft SMP and Cumulative Impacts Analysis. This analysis begins when Phase II is complete and comprises the work of the second contract year.
- Phases IV Restoration Planning and Phase V Local SMP Adoption Process – These phases comprise the work of the third contract year. WABA’s Water Resource Inventory Area 8 (WRIA8) grant will be used to accomplish the plan developed for Phase IV.

The Council then asked the following questions, which Ms. Green answered as shown:

- What regulations are mandated by the state’s requirements? One example of required regulations is for docks; which must be based on the evolving “best available science” and may establish maximum widths and lengths.
- Is there a risk in WABA proceeding with the development of their shoreline restoration plans before the Town completes its work on the updated SMP? There would be a risk if the Town were not already working with WABA to ensure that their plans do not create any possible conflicts with DOE expectations and regulations.
- Will the Town have to assume the burden of completing any of WABA’s planned work? Absolutely not, though there will be certain projects that trigger the need for a design review, e.g. if WABA plans pier repairs in excess of a certain dollar value, they may have to bring the entire pier into compliance with the updated SMP rules, but the burden for compliance will remain with WABA as the property owner.
- How will the updated SMP affect single-family residences (SFRs) that are within 200 feet of the shoreline? SFRs are allowed (by DOE rules) within the shoreline jurisdiction so there should be no significant effect on these residences in Beaux Arts.

At the conclusion of this discussion, it was the consensus of the Council that, because this topic is of concern to all Beaux Arts residents, the Council would like to receive quarterly reports so that they remain fully aware of the work being performed by Ms. Green and other consultants on the Town’s behalf. Such reports would also allow for improved public access to the information. The quarterly report should include a list of the 5 tasks set forth in the state contract, the percent completion for each task, and the dollars budgeted and spent on each task. It was also the consensus of the Council that they would like to receive the first such report in about two weeks. Town Planner Green will prepare this report and circulate it to Councilmembers.

**WATER CONSERVATION GOALS:** Water Supervisor Bob Durr briefly stated that the state Department of Health requires each water utility to set conservation goals because so many of these utilities have water-supply problems. Even though Beaux Arts does not have a supply problem, we are not treated differently from those who do. He then asked whether the Council prefers to set a system-wide goal or a goal for individual water accounts.

Discussion focused on several points:

- Our water usage is heavily dependent on summer weather. During cool summers, our residents automatically use much less water to maintain trees, shrubs, and landscaping.

- Because of our small size, variations in the usage habits of individuals can quickly impact the total system usage.
- Reduced water usage adversely affects our water sales and thus revenue to the water department, which has a number of critical maintenance needs over the next few years.

At the end of this discussion, it was the consensus of the Council to have Water Supervisor Durr contact the state Department of Health to learn if it is possible for small water utilities, particularly those without supply problems, to be exempted from developing these conservation goals.

**HEARING EXAMINER:** Mayor Leider noted that the reason for having this item on the agenda was to solicit input from residents on the possible switch from a Board of Adjustment to a Hearing Examiner, but since no members of the public remain and no written comments were received, he suggested that the Council proceed to develop ordinance language to send to the Planning Commission for review and recommendations. He also suggested that concurrent with the Planning Commission review, the proposed ordinances, expected costs, and other pertinent information be posted on the website for public review and comment.

It was the consensus of the Council for Clerk-Treasurer Spens to work with Town Attorney Stewart to develop draft ordinance language and send it to the Planning Commission in July, if possible.

**SECURITY CAMERAS:** Town Marshal Scott reviewed previously discussions with the Council about the concept of placing security cameras at the three vehicular entrances to Beaux Arts as a means of deterring property crimes. He noted that the Council's primary concern about the project was learning whether residents have any concerns about the impact of cameras on their privacy or any physical impacts there may be to residents that are nearest the camera installations. He explained that to gauge these concerns, he has developed a survey that would explain the benefits of installing security cameras and collect comments from residents – both positive and negative.

The Council's discussion first focused on how the logistics of the camera installation with the following questions, which Town Marshal Scott answered as shown:

- Would the camera installation expose the Town to added liability? Other jurisdictions with security cameras have not experienced any such problems.
- Who would monitor the security tapes? There are several possibilities. Because the tapes are not monitored constantly, but on an as-needed basis, it is conceivable that some in Beaux Arts could handle monitoring; however, it is more likely that the Town would hire a security firm to handle this monitoring. It is possible that combining the installation and ongoing monitoring into a single project would result in a lower upfront cost to install the system.
- The proposal suggests three vehicle entry points. What about the various paths that enter Beaux Arts? The Town should purchase a system that is scalable, i.e. it can be upgraded and expanded to include additional cameras, etc. Then, depending on the Town's experience with the road cameras, path cameras can be added at a later date if desired.

The Council then discussed how best to conduct the survey: by phone or by written response.

It was the consensus of the Council that Councilmember Eulau, whose area of responsibility is Emergency Management, will work with Town Marshal Scott to work out the details of the survey, including administering it, and to review the survey results for presentation to the Council.

**PROPOSED RESOLUTION NO. 260 MARINE PATROL CONTRACT:** Town Marshal Scott recapped his review of the original contract and the list of items he sent to King County asking for clarification, including the number of daily patrols and the level of enforcement. He noted that it is unclear if King County will revise the contract based on his questions.

Clerk-Treasurer Spens noted that Town Attorney Stewart has reviewed the proposed agreement and agrees with Town Marshal Scott's comments.

Mayor Leider suggested that the Town consider working with the officers who patrol the waterfront rather than focusing too much energy on amending those terms in the contract that may seem ambiguous. Clerk-Treasurer Spens noted that the Council can adopt the resolution pending the resolution of any outstanding concerns. On discussion, the Council decided that, while Town Marshal Scott's questions are valid, it is unlikely that King County will make substantive changes to the current version, and the even if the contract remains unchanged, it is workable as written.

**MOTION:** Councilmember Sharp moved to adopt Resolution No. 260 pending Mayor Leider's satisfaction with the final form of the contract. Councilmember Hillberg seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

#### **MAYOR AND COUNCILMEMBER REPORTS:**

**CITY OF BELLEVUE LETTER ABOUT PROPOSED CLEARWIRE INSTALLATION:** Councilmember Stowe distributed a copy of a letter written by a senior planner in Bellevue's Land Use Division to the firm working on Clearwire's feasibility study for the installation of an antenna in the Enatai area. In the letter, the writer suggests that the Beaux Arts water tower (among other locations listed) may be a more suitable location for a Clearwire antenna than those that have been proposed and discussed in neighborhood meetings in Bellevue. Councilmember Stowe stated that his objection with the letter is that Bellevue is presuming to suggest a location outside of their jurisdiction. Mayor Leider and Councilmember Stowe will work on a letter to City of Bellevue expressing Beaux Arts' concerns about these comments.

**TOWN CLEANUP:** Councilmember Hillberg reported that the Town's Spring Cleanup was well attended and accomplished its goals.

**PATH ROW USE:** Councilmember Hillberg reported that he was approached by a property owner whose driveway encroachment onto the path ROW predates the new ROW Ordinance by many years. He explained that the new owner wanted to remove the asphalt driveway from the ROW and replace it with plantings and lawn and that he informed the owner that only native plantings are allowed on path ROWs. He commented that the new owner was unhappy to hear this and decided not to remove the driveway after all. Councilmember Hillberg expressed his frustration with trying to work through these types of questions without a master

plan for the path ROWs and suggested that the Council consider working to develop one. After discussing the matter in general and the specifics of this situation, the Council agreed that having a vision for these areas would be useful, whether it is developed as a master plan for all of Beaux Arts or is developed with the help of residents who live near these path ROWs.

**WHATMORE:** Mayor Leider reported that he and Councilmember Stowe continue to work on this situation and that their focus this last month was two issues:

1. The driveway that accesses the Whatmore's Bellevue property crosses the water-tower lot, not just the Whatmore's Beaux Arts property.
2. The water service to the cottage on the Bellevue property was jury-rigged by extension from the water service to the Whatmore's Beaux Arts house rather than by application to the Water Department.

Mayor Leider stated that he will be writing to the Whatmore estate to relate the Town's concerns about these issues and to notify the estate executor that the issues must be resolved as follows:

- The Town cannot continue to allow access to the Bellevue property across the water-tower lot, which is Town property, as that property is reserved solely for use by the water utility.
- The illegal connection between the Beaux Arts house and the cottage on Bellevue property must be disconnected immediately.

**ANNUAL REPORT TO THE STATE AUDITOR'S OFFICE:** Clerk-Treasurer Spens reported that the Annual Report to the State Auditor's Office (SAO) is almost complete and reminded the Council that it must be reviewed by either the mayor or a councilmember prior to its submittal to the SAO. Mayor Leider will review the report and sign in recognition of his review before Clerk-Treasurer Spens submits the report.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday June 9, 2010 at Tom Stowe's house.

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 9:45 pm. Councilmember Hillberg seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer