



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

October 12, 2010  
Leber

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

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

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Water Supervisor Bob Durr, Town Marshal Walter Scott.

**GUESTS:** Forrest Kulp, WABA.

**MINUTES:** Councilmember Sharp moved to approve the September 14, 2010 minutes, as amended. Councilmember Stowe seconded.

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

Councilmember Stowe moved to approve the September 30, 2010 minutes, as written.

Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 2 Abstain (Eulau, Leber). Motion carried.

Mayor Leber asked Clerk-Treasurer Spens to prepare a list of action items from each Council meeting and distribute it as a reminder to members of the Council immediately following each meeting. The list should summarize items for which action is needed, who will be handling it, and the time frame for completing each task.

**WARRANTS:** Councilmember Hillberg moved to approve the October 12, 2010 warrants, numbers 8480 through 8507 in the amount of \$21,266.24. Councilmember Sharp seconded.

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

Councilmember Sharp commented that he would like to be able to review costs related to the Building Department to assure that Council that the change in contract personnel made a few years back are accomplishing the intended result, i.e. are the costs to permit holders being controlled appropriately and are we covering the costs of the Building Department fully.

Clerk-Treasurer Spens will look at ways to present recent Permit Activity reports and Permit logs so that Councilmember Sharp can review this data and report to the Council.

**CLERK'S REPORT:**

**PROPOSED CELL TOWER NEAR BAV:** Clerk-Treasurer Spens reported that she forwarded a copy of the proposal for erecting a cell tower on the Bellevue Christian Church property to Water Supervisor Bob Durr for his review and comments. In response, Mr. Durr wrote "*It is within our wellhead protection area, which is to protect the ground water from contamination,*

*but the only possible problem would come from leaking batteries and it appears that adequate provisions have been made to prevent this from happening.”*

Councilmember Stowe expressed concerns about the impact this 135-foot tall tower might have if it fell during an earthquake. It could damage property in Beaux Arts and create a roadblock that would prevent emergency-response vehicles from entering Beaux Arts along 108<sup>th</sup> if they came from the north. It was the consensus of the Council not to pursue the topic.

**PARKING ISSUE ONE SE 28<sup>th</sup> ST:**

Clerk-Treasurer Spens reminded the Council that last month Councilmember Sharp asked the Council for feedback on the placement and effectiveness of two new no-parking signs places on SE 28<sup>th</sup> St west of 104<sup>th</sup> Ave SE. On discussion, the following ideas were discussed:

- Consider all other alternatives before eliminating more of the very limited parking in BAV.
- Move the No Parking signs closer together or add another sign in between the two already in place. The signs are confusing in part because they are so far apart and because of the arrows on them.
- Install signs that read “No Parking on Pavement”.
- Use landscaping to prevent parking on the ROW where appropriate.

Councilmember Sharp will consider these suggestions and handle an adjustment.

**MARSHAL’S REPORT:** Town Marshall Scott reported that Beaux Arts has had no major events in the last 60 days, although a car was vandalized while parked in the North Beach Lot last week. He noted that occurrences seem to be holding steady at two to three burglaries per year. He encouraged the Council to consider funding projects to install security cameras and speed-control signs in the 2011 Budget.

**WATER REPORT:** Water Supervisor Bob Durr reported that the water-tank cleaning is not yet complete. He recommended that the Council approve a 2 to 3% increase in Street/Water Superintendent Beck’s stipend for 2011, because Mr. Beck has not received an increase since 2008. He will provide input on other capital projects for the Water Department soon.

**WABA REPORT:** No report.

**108<sup>th</sup> COMMITTEE REPORT:** Nothing to report.

**PRELIMINARY 2011 BUDGET:** Mayor Leider opened the public hearing at 7:50pm. Councilmember Leber opened the discussion by stating that the worksheets present a very preliminary outline of the budget for next year, including estimates of revenues and expenditures based on the limited input received to date from other sources. He commented that a 1% increase in property taxes, the maximum allowed by state statute, will be wiped out by the loss in state-shared revenue if either of the liquor-related initiatives passes. He also noted that increases in the cost of services provided by the Bellevue Fire Department are due mainly to liabilities for LEOFF I medical expenses and are expected to continue to increase at a similar pace until 2013.

Mayor Leider commented that the preliminary revenues appear to be conservative but

otherwise revenues and expenditures do not appear to change much. He suggested that the Council review the worksheets line-by-line within each fund, providing new information where available and suggesting changes as needed. Clerk-Treasurer Spens recorded these changes on her copy of the worksheets.

One topic that emerged during the discussion of including security cameras in the budget was the issue of privacy concerns. Town Marshall Scott and Councilmember Eulau did a telephone survey a few months ago that suggests some residents do have concerns. The Council will consider including the cost to purchase and install the cameras in the budget, but will assess the extent and nature of these concerns before expending any funds.

Mayor Leider asked for comments from the public. As there were none, he closed the public hearing at 8:25pm. Clerk-Treasurer Spens will update the worksheets as discussed tonight and email revised copies to the Council within the week. She reminded the Council that:

- the second budget-related public hearing will be conducted during the November meeting,
- that during this hearing the Council will also pass an ordinance setting the 2011 property-tax levy,
- the Council should consider holding an Executive Session to discuss personnel performance as part of this meeting, and
- the final budget will not be passed until the December Council meeting.

**PROPOSED RESOLUTION NO.264 SETTING FEES FOR SERVICES AND**

**PERMITS IN BEAUX ARTS:** Clerk-Treasurer Spens explained that when the Council passed the new Building Code ordinance last month, the ordinance created a new grading permit and identified certain other fees associated with building-department activities, e.g. investigation fees, penalties, etc.. The fee for the grading permit and the handling of the other fees must be set by resolution. Resolution No. 264 includes these fees.

Clerk-Treasurer Spens also noted that Town Planner Mona Green has suggested that the Town establish fees for Substantial Development Permits, SDP Exemptions, and SEPA reviews. The Town has not imposed these fees, primarily because they typically apply only to WABA, and has instead billed WABA for the actual costs incurred by the Town associated with these activities, e.g. the Town Planner's time in reviewing and writing staff reports related to these activities, the cost of publishing hearing notices, etc. It was the consensus of the Council to continue the current practice for these permits, i.e. not charging a permit fee but billing for actual costs incurred by the Town.

**MOTION:** Councilmember Sharp moved to adopt Resolution No. 264 setting fees for various services and permits within the Town of Beaux Arts Village. Councilmember Hillberg seconded.

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

**REVIEW OF TOWN TREE ORDINANCE:** Clerk-Treasurer Spens reported that Carol Clemett will not be at tonight's meeting because she is ill. Mayor Leider opened the discussion by stating that, even without Ms. Clemett, he would like to spend some time discussing the process of reviewing and possibly revising the current ordinance and a timeline for accomplishing this work. He added the observation that he was surprised by the number of

issues applicants report having with the Tree Ordinance and that he and the Council need to do a better job of reaching out to the community.

Mayor Leider invited Forrest Kulp to comment on the ordinance. Mr. Kulp stated that his comments are made on behalf of WABA and that WABA's valuable work in assessing and monitoring the health of the trees on the beach property is unprecedented. WABA has developed an inventory of the woodlands on their property with the help of two arborists. That inventory identified several hazardous trees, but when WABA applied for a permit to remove the hazardous tree, the Town arborist decided the trees were not hazardous. Rather than fight that decision, WABA is moving forward to remove these trees under the 20% rule, but the WABA Board feels that the overturning of these hazardous requests does a disservice to everyone in Town. The Town's Tree Ordinance has built-in flexibility but the Town Arborist is too inflexible in administering it.

Mayor Leider asked the Council how they wish to proceed on this issue.

- In general, members of the Council want to keep the ordinance but agree it needs revision.
- This is a land-use ordinance, so the Planning Commission must review it in a public hearing before the Council can take any action to amend it. However, members of the Council agree that they need to spend a fair amount of time upfront determining just what changes are needed before sending anything to the Planning Commission for review.
- The Council should also evaluate whether the ordinance truly accomplishes something positive for BAV and hasn't just created a bureaucracy.
- The Council agrees that they need to discuss Ms. Clemett's findings with her in detail and will do so in November provided she is available.

Mayor Leider will review the comments that specifically relate to the Town Arborist's performance and determine how best to handle them.

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

**CASH PERFORMANCE:** Councilmember Leber stated that he would like to see if the Town can get a better rate of return on our cash holdings, including other options for savings instruments. He will need a list of approved public depositories to complete this task.

**FRANCHISE REVIEW:** Councilmember Stowe reported that he continues his review of the Town's franchise agreements. He is working with Municipal Research and Service Center and has learned that even if a franchise agreement has expired, the Town may be able to ask a utility to move hardware from the ROW at the utility's expense. He added that we may want to execute an Interlocal Agreement with the City of Bellevue to memorialize each city's "Good Neighbor" expectations.

Councilmember Stowe also noted that because the Town is smaller than five square miles in area and has no commercial activity, we may be exempt from the Federal rules requiring us to allow cell-tower installations within our boundaries.

**TOWN CLEAN-UP:** Councilmember Hillberg reported that the Fall Town Clean-up will be held on October 23<sup>rd</sup> with dumpsters in the usual places.

**COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM (CEMP):**

Councilmember Eulau asked Clerk-Treasurer Spens for another copy of the State's comments on our draft CEMP so that he can start on revisions.

**105<sup>th</sup> PAVING PROJECT:** Councilmember Sharp reported that the 105<sup>th</sup> Overlay project will move forward depending on the weather.

**KING CONSERVATION DISTRICT (KCD) GRANT APPLICATION:** Councilmember Sharp reported that he is meeting with representatives of KCD to show them the project for which we requested grant funding, though he doesn't expect them to approve the project.

**BUILDING DEPARTMENT FEES RELATIVE TO PERMITS:** Councilmember Sharp reminded the Council that the Town switched to our current contract building official a couple of years ago in response to permit-management costs that were excessively high. He would like to review some recent permits to make sure that costs are being controlled. Clerk-Treasurer Spens will provide him with Permit Activity Reports to assist in this review.

**MAYORS' MEETING:** Mayor Leider reported that the primary topic of discussion at the last Mayors' Meeting was budget concerns and that Medina and others are anticipating huge deficits for next year. He said that he believes that Beaux Arts is able to run so efficiently and avoid much of the budget-deficit problem because we have no Town Hall to operate and maintain and because much of the Town's work is handled by volunteers rather than paid staff.

**COUNCIL MEETING TAPES:** Mayor Leider would like the issue of whether to continue taping Council meetings to be on the November Agenda for discussion.

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

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 9:40 pm.

Councilmember Leber seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer