



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

December 14, 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 Supervisor Bob Durr.

GUESTS: None.

MINUTES: Councilmember Leber moved to approve the November 9, 2010 minutes, as amended. Councilmember Stowe seconded.

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

WARRANTS: Councilmember Hillberg moved to approve the December 14, 2010 warrants, numbers 8534 through 8558 in the amount of \$32,766.23. Councilmember Sharp seconded.

The Council discussed the invoice from The Watershed Group and how their progress report meshes with Town Planner Mona Green's. Councilmember Sharp outlined his discussion with Ms. Green about changes to her Shoreline Management Program (SMP) Update Report that will help the Council better track the progress of this project and better manage the limited budget funds available to complete it. One concern is that the Project Coordination element appears to be fully expended but the Council needs to know if there will be additional coordination and costs in some of the SMP tasks that remain to be tackled. On the other hand, it seems that overall spending on this project relative to the final product is at the rate "allowed" by the spending plan set forth in our grant. It was noted that Governor Gregoire has suspended the promulgation of new regulations, so if the cities are mandated to do SMP work without state funding, all affected jurisdictions will complain loudly.

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

CLERK'S REPORT:

MEETING CALENDAR FOR 2011: Clerk-Treasurer Spens directed the Council's attention to the proposed calendar for Council meetings in 2011 and asked Councilmembers to let her know as soon as possible if they have any conflicts, particularly for their hosting dates.

WSTIB FUNDING: Clerk-Treasurer Spens reported that the Town submitted two grant applications for funding from the Washington Transportation Improvement Board (WSTIB) but only one grant was approved: the WSTIB Small Cities Sidewalk Program. The other application for a grant from the WSTIB Small Cities Pavement Preservation Program was not

approved due to the limited funding available for award.

MARSHAL'S REPORT: Mayor Leider reported on behalf of Town Marshal Walter Scott that he (Town Marshal Scott) has noticed that the number of patrols through Town seem to have fallen off, according to the Sheriff's activity report that both receive. Mayor Leider noted that Town Marshal Scott is concerned about the decline and will follow up with the King County Sheriff's Office to learn if their budget crisis is the reason.

WATER REPORT: Water Supervisor Bob Durr reported that the tank has been cleaned and that the current five-year cleaning cycle continues to be satisfactory. He added that the Town was on Bellevue water for five days.

WABA REPORT: The WABA Board is proposing an increase in the 2011 annual assessment despite having a funds surplus at the end of 2010.

108th COMMITTEE REPORT: Councilmember Stowe reported that the 108th Committee members wish to continue serving on the committee until the 108th Improvement Project is complete. The grant awarded to the Town by WSTIB to accomplish this project totals \$98,920; the Town will contribute \$5,205 in matching funds.

Councilmember Stowe also reported that Bellevue has approved scaled back plans for their project along this corridor. It appears that they intend to complete the work next year and will include work on their water lines along 108th Ave SE from SE 30th Street to Enatai Beach. The Town should review what plans Bellevue has for the sidewalk along the park just north of the Beaux Arts border and how those plans may affect the tie in to our proposed walking path.

Councilmember Sharp commented that he has discussed Bellevue's plans with their Project Engineer Steve Costa to make sure that the impact to Beaux Arts is minimized. Bellevue will be "potholing" near the Beaux Arts boundary and will be requesting permission to place safety signs on our right-of-way; in addition, they will notify their contractor's that parking is not allowed on our right-of-way along the west side of 108th. He added that we may be able to obtain survey data from Bellevue to assist in the preparation of our design plans and we may be able to "piggyback" some of work with Bellevue's to realize cost savings. He will obtain a hard copy of Bellevue's plans as soon as possible.

It was the consensus of the Council that the 108th Committee members should be identified and publicly thanked for their hard work, perhaps at WABA's Winter Dinner in January.

PROPOSED ORDINANCE NO. 379 ADOPTING THE 2011 BUDGET: Mayor Leider asked for a motion to pass the proposed ordinance.

MOTION: Councilmember Eulau moved to pass Ordinance No. 379 adopting the 2011 Budget and setting the salary range for the Clerk-Treasurer of the Town. Councilmember Stowe seconded.

The Council discussed their budget philosophy and decided to pass the budget in basically the form presented tonight with some minor changes in REET funding projections. They will

monitor the budget closely, particularly to make sure that revenues are meeting projections, and if revenues seem to be falling short of these projections as of July 2011, they will reduce proposed spending accordingly.

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

PROPOSED RESOLUTION NO. 265 WSTIB FUEL TAX GRANT DISTRIBUTION

AGREEMENT: Clerk-Treasurer briefly reviewed the process that has led to the awarding of this grant funding and the tasks that must be completed before the design work can proceed:

- The Mayor must execute the WSTIB Fuel Tax Grant Distribution Agreement.
- The Council must amend the Six-Year Transportation Improvement Program that was approved by ordinance in July 2010. The amended TIP will reflect revised cost estimates that are commensurate with those presented in the award of the grant. This item requires a public hearing and will be on the January agenda.

MOTION: Councilmember Stowe moved to adopt Resolution No. 265 authorizing the Mayor to sign the Fuel Tax Grant Agreement with the Washington Transportation Improvement Board to improve the Town's portion of the 108th Ave SE right of way. Councilmember Hillberg seconded.

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

The Council then discussed how to implement the agreement and manage the project to complete it in a short window. As with the SMP Update grant funding, the Council is very aware of the potential pitfalls in accepting grant funding, including ending up "on the hook" to fund the completion of the project if the grant funding from the state disappeared.

PROPOSED RESOLUTION NO. 266 KING CONSERVATION DISTRICT GRANT

AGREEMENT: Councilmember Sharp explained that the Town originally applied for this grant funding from the King Conservation District (KCD) to help offset a portion of the cost to repair the storm-drain outfall at the end of 102nd Ave SE, even though the \$1,600 in available grant funds was small. During the review of our grant application, he learned that such repairs are not an accepted use for these funds, but the Town can use the money to enhance the area around with outfall with native plantings. The \$1,600 grant was awarded to the Town for project enhancements, and the only task to be completed is for the Mayor to execute the KCD grant agreement. As with the WSTIB grant discussed previously, the Council will monitor the project carefully.

MOTION: Councilmember Sharp moved to adopt Resolution No. 266 authorizing the Mayor to sign the Agreement for Award of a King Conservation District Member Jurisdiction Grant. Councilmember Stowe seconded.

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

HAULING PERMIT AND/OR FEE: Mayor Leider commented that Councilmember Stowe has asked the Council to consider whether there is a gap in our ROW Permit process and whether a hauling permit and/or fee would address that gap.

Councilmember Stowe added that his suggestion is prompted by the T-Mobile project that is proposed for construction at Bellevue Christian Church. T-Mobile may use our side of 108th Ave SE (as well as Bellevue's) during delivery of at least one oversize load to the construction site. The impact of the project on Beaux Arts' portion of this street is real, but we currently have no remedy for that impact.

Mayor Leider noted that if Sound Transit's plans for the East Link Light Rail route along Bellevue Way are approved, planned construction closures on Bellevue Way will force detour traffic onto 108th Ave SE posing a significant impact on the Town's portion of 108th Ave SE.

After some discussion, it was decided that the Council's approach to this question should be to first identify key points regarding the important criteria for changes to the ROW Use Ordinance and then to develop the appropriate ordinance language for review with Town Attorney Stewart.

Councilmember Stowe will work to develop draft language for Council review in January.

PROPOSED HEARING EXAMINER ORDINANCE: Clerk-Treasurer Spens summarized the Council's previous discussions of this issue and the Planning Commission's review and recommendations. The Council then discussed the advantages, especially consistent decisions about the granting of variances, and the disadvantages, primarily the increased cost to applicants, of making this switch. At the end of this discussion, it was the consensus of the Council to hold a public hearing in January to hear comments about this proposed legislation and take action.

REVIEW OF TOWN TREE ORDINANCE: Councilmember Stowe commented that he had an opportunity to speak with Carol Clemett about this issue and that she feels that the topic is fully covered in the materials she forwarded to the Council for review.

Mayor Leider recapped his discussion with Town Arborist Tina Cohen and stated that her approach is that she is an absolute advocate of the ordinance and the trees affected by it. In other words, she does not feel there is or should be any room for interpretation or flexibility and that if the ordinance is not amended to include the level of detail she feels necessary, she will continue to interpret it in the strictest terms possible. He concluded that he believes that Ms. Cohen sees herself as an advocate for the trees rather than for the Town and that her services may not be in the Town's best interests. He recommended that she be replaced as soon as possible, and the Council agreed with his assessment and decision by consensus. He will handle the discussion of this decision and will ask Ms. Cohen to continue working for the Town until a replacement can be found, which he hopes will be in February.

The Council's subsequent discussion centered on the following points:

- Many of the problems with the current ordinance are not so much from the ordinance itself as how it is being interpreted and enforced by the Town Arborist.
- The Council needs a better understanding of the aspects of "hazardous tree" situations and whether different arborists apply different standards in determining whether a tree is hazardous. Because structures seem to be the focus of the standard arborist's definition of

hazard, perhaps the Town can clarify that we want to treat parks and active play areas as “structures” for the purposes of the hazardous definition.

Mayor Leider asked the Council to review Ms. Clemett’s report and highlight areas that are of concern. To assist in this work, Clerk-Treasurer will redistribute Ms. Clemett’s email and a clean copy of the current Tree Ordinance.

MAYOR AND COUNCILMEMBER REPORTS:

ROW TREE WORK GUIDELINES: Councilmember Hillberg would like the Council’s help in developing a set of guidelines to use when deciding how best to manage the Town’s trees. For example, Town Arborist Tina Cohen feels that removing limbs from trees puts too much stress on them, but he (Councilmember Hillberg) recognizes that there are times when residents should be allowed some leeway in how they manage Town trees since they act as caretakers for the Town’s ROWs. At the Council’s request, he will begin work on a list of examples from his experiences and bring it to the Council when ready. He wants to be sure that the Town and its residents continue to balance the desire to preserve the Town’s trees with a respect for the safety of the people who live among them.

STORMWATER SYSTEM PROBLEMS ON 104TH SE: Councilmember Sharp reported that there may be a broken or partially plugged drain pipe between catch basins along 104th and also at SE 29th and 108th SE. He will put together a proposal for a video camera survey of these lines for the Council’s consideration next year.

STORM DRAIN CLEANING: Councilmember Sharp asked that the next newsletter include a thank you to residents who have cleared the storm drains near their property and asked that the notice encourage residents to continue cleaning them, as needed, or contact Town Hall if they need help. He added that he does not plan to hire the street sweeper this year unless we experience a big storm that brings down a lot of branches and debris. Residents have done an excellent job of clearing leaves and fir needles from the streets this fall.

SANITARY SEWER PROBLEM AT NORTH END OF BEACH: Councilmember Sharp reported that the clean out for the sanitary sewer at the north end of the Beaux Arts Beach was overflowing recently. He contacted Clerk-Treasurer Spens about the problem, and she called the Bellevue Sewer Utility and asked them to inspect the clean out. He has also asked several residents who regularly walk past the clean out to keep an eye on it and let Clerk-Treasurer Spens if the problem recurs.

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: Councilmember Eulau reported that the Town’s 2009 CEMP has been approved. Changes suggested by Dave Hall, the State coordinator for CEMPs, will be incorporated in the 2014 update of this plan. Once Mayor Leider signs a Letter of Promulgation, the Town will be in full compliance.

FRANCHISE REVIEW: Councilmember Stowe reported that his review of the Town’s franchise agreements is complete and the next step is to work with an attorney to update our franchise agreements.

SOUND TRANSIT EAST LINK LIGHT RAIL: Councilmember Leber reported that Sound

Transit has released the Supplementary EIS for East Link Light Rail and is accepting comments until January 11, 2011. He asked that a notice be put in the newsletter so that residents who wish to comment will be aware of the deadline.

Mayor Leider added that the current preferred alignment along Bellevue Way and 112th SE will impact the Town with issues relating to construction, train noise, and alignment. As mentioned earlier, traffic displaced by construction will be detoured from Bellevue Way to 108th Ave SE for three to six years. He commented that the Town needs to be in touch with Sound Transit about mitigating the heavy use of our streets for so much time and that our request for mitigation needs to be separate from any requests Bellevue may submit to them.

WHATMORE LETTER: Mayor Leider reminded the Council that our letter to the Whatmore pointed out the following problems:

- The cottage behind the Beaux Arts property, which sits within the City of Bellevue, is currently supplied water through the same Beaux Arts water meter as supplies the Beaux Arts property.
- The driveway to the Beaux Arts property sits partially on Town property.
- The driveway to the Bellevue property runs through the Beaux Arts property.

He then reported that the Town received a response from the Whatmore's attorney claiming that the conditions described above existed before the Town's incorporation and are thus grandfathered. Town Attorney Stewart is preparing a letter addressing this response.

SR-520 TOLLING: Mayor Leider reported that tolling on SR-520 is expected to begin in March 2011, but that tolling will not include I-90, because WSDOT studies show that the impact of "cut over" traffic moving to I-90 to avoid the tolls will be negligible. He commented that tolling will be automated and that some suggest that tolls for cars that are not registered with the Good to Go system will be charged significantly higher tolls than registered ones. He asked that the next newsletter include information about how to find more information about the proposed tolls and the Good to Go system.

MAYORS' MEETING: Mayor Leider reported that at the last Mayors' Meeting he learned that Mercer Island has some many Public Records requests that they have two full-time employees working only on fulfilling the requests and that they have exhausted their budget.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday January 11, 2011 at Tom Stowe's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:50 pm.

Councilmember Hillberg seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer