



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

January 11, 2011
Stowe

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: Julia Morse.

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

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

WARRANTS: Councilmember Hillberg moved to approve the December 31, 2010 warrants, numbers 8559 through 8578, (warrant no. 8559 was voided for a printing error) in the amount of \$12,855.63. Councilmember Sharp seconded.

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

Councilmember Stowe moved to approve the January 11, 2011 warrants, numbers 8579 through 8591 in the amount of \$32,766.23. Councilmember Sharp seconded.

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

CLERK'S REPORT:

KING COUNTY MARINE PATROL (KCMP): Clerk-Treasurer Spens reported on her chat with Sgt. Knauss of the KCMP about their perspective on boater compliance with the Town's new No-Wake Zone. Sgt. Knauss wanted the Council to know that the Marin Patrol officers feel that boater compliance has improved significantly since the Town's no-wake buoys were moved into a more standard location relative to the shoreline. He also asked that the Council share their thoughts about KCMP performance, including any concerns they or other resident boaters may have, with him directly or through Town Marshal Walter Scott.

Discussion among the Council was positive, and at least one Councilmember commented that KCMP seemed to have a more visible presence in our area. Councilmember Sharp will send Mayor Leider a list of specific so that Mayor Leider can write a thank-you note to Sgt. Knauss.

MARSHAL'S REPORT: Nothing to report.

WATER REPORT: Nothing to report

WABA REPORT: The WABA Annual Meeting and Winter Dinner will be held at the end of January.

108th COMMITTEE REPORT: Councilmembers Sharp and Stowe will begin working on a Scope of Work for the design and construction of improvements to the 108th Ave ROW.

Councilmember Sharp again asked Bellevue's Project Engineer Steve Costa for CAD drawings to assist in the design, but has not yet received them.

Councilmember Stowe noted that the ADA ramp on the sideway by Pitt Park is regularly blocked by parked cars, which also block access to the path on WABA property that leads into 107th Ave SE. He will ask Bellevue to place a "No Parking" at this location.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 380 AMENDING THE 2011-2016 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP): Clerk-Treasurer Spens explained that one of the steps needed to meet the criteria for the WSTIB grant is that our current TIP accurately reflect the estimated cost of the 108th ROW Improvement project. She has taken the original TIP passed last July, and revised it to be consistent with the cost figures set out in the WSTIB grant documents. This ordinance will replace Ordinance 375.

Mayor Leider asked for a motion to pass the proposed ordinance.

MOTION: Councilmember Stowe moved to pass Ordinance No. 380 amending the 2011 – 2016 Six-Year Transportation Improvement Program. Councilmember Sharp seconded.

The Council briefly discussed the TIP as presented tonight. Councilmember Sharp noted and corrected errors in the fifth project shown in the plan. The corrected version will be included as an attachment to the ordinance and will be forwarded to Greg Armstrong with WSTIB along with other grant-related documents.

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

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

PUBLIC HEARING: PROPOSED ORDINANCE NO. 381 CREATING THE OFFICE OF HEARING EXAMINER: Mayor Leider opened the discussion by highlighting Clerk-Treasurer Spens' note that the Council cannot take action on this ordinance until amendments to all other ordinances that refer to the "Board of Adjustment" as ready to enact concurrently. He asked the Council if they wish to proceed with the public hearing tonight or wait until amendments to the Zoning Code, Tree Code, and any other affected ordinances are ready for Council action. The consensus of the Council was to continue the discussion since there were possible amendments to the ordinance to be discussed.

Mayor Leider commented that Councilmember Stowe had prepared a number of suggestions for changing the ordinance as written and asked him to give a brief synopsis. Councilmember

Stowe stated that the bulk of his changes were intended to add process language for all actions that the Hearing Examiner may be taking.

During this discussion, several Councilmembers commented that they would like the language of the ordinance to remain as simple and straightforward as possible. They would also like to see Councilmember Stowe's suggestions embedded in the "clean version" of the ordinance (that was reviewed by the Planning Commission) along with his qualitative comments explaining why the suggested changes should be made.

The Council will then review the commented version at the February meeting and forward the proposed revisions to Town Attorney Stewart for editing so that the revised ordinance will be ready to enact as soon as the other affected ordinances are also ready to be amended.

MOTION: Councilmember Stowe moved to direct the Planning Commission to determine which ordinances under their jurisdiction use the term "Board of Adjustment" and prepare the needed amendments to replace that term with "Hearing Examiner". Councilmember Sharp seconded.

On discussion, the Council clarified that they would like the Planning Commission to begin this work at their January meeting and complete it, including a public hearing, by their February meeting so that the Council can take action at a public hearing in March. The Council recognized that while this seems to be an ambitious timetable, it should be simple for the Planning Commission to complete the work with Town Planner Green's help, since the amendments are limited to replacing references to the Board of Adjustment only and not establishing new regulations for the Hearing Examiner.

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

PROPOSED RESOLUTION NO. 267 AUTHORIZING A CONTRACT WITH CODE PUBLISHING:

MOTION: Councilmember Stowe moved to adopt Resolution No. 267 authorizing the Mayor to execute a Contractor Services Agreement for providing legal publishing services with Code Publishing Company. Councilmember Hillberg seconded.

The Council briefly discussed the form of a Municipal Code and the advantages of having one completed. Clerk-Treasurer Spens explained that the Municipal Code is a simpler format for presenting the regulations of the Town that makes it easier for lay users to read and understand. It also makes it easier for the Council to amend legislation going forward. She pointed out that the ordinances as enacted remain the controlling legislation but the code format enhances their clarity and usability.

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

SOUND TRANSIT: Mayor Leider opened the discussion by commenting Beaux Arts and its residents will be impacted by aspects of Sound Transit's East Link Project, including construction noise and detour traffic, train noise, and other related issues. He asked how the

Council wishes to remain involved and visible in the process and discussions that determine how these impacts will be mitigated.

During the discussion, the Council discussed the following ideas:

- Establishing a direct relationship with Sound Transit to improve Beaux Arts' ability to communicate with Sound Transit and work with them to mitigate impacts. This could include writing a letter to Sound Transit (with a copy to Bellevue) identifying the Town's concerns and requesting advance notice about decision points.
- Obtaining sufficient project detail to identify the potential impacts on Beaux Arts, including safety issues.
- Determining what mitigation is needed / available / desirable and negotiating a letter of agreement to memorialize whatever agreement is achieved.

Councilmember Leber has been attending Sound Transit meetings, including Open Houses, regularly. He also reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) that Sound Transit released in November 2010. Council discussion about details presented in this study and derived from other sources ensued, including traffic counts on 108th and Bellevue Way, whether traffic signals might be used to control cut-through traffic on 108th, and how lane closures during construction on Bellevue Way are likely to be handled.

Councilmember Leber stated that the SDEIS presents the "worst case" scenarios in rough draft and that as the project moves forward and Sound Transit decides on a route, they will release more detailed plans, probably in 2012.

Mayor Leider asked how the Council wishes to proceed: continue to just monitor the project or become more active? Designate someone on the Council or from the community as a point person or hire a lobbyist, as the larger cities have done? The Council agreed that someone on Council should act as a point person to monitor project developments as they become available, keep the Council informed about them, and suggest ways to be proactive to the situation. Since Councilmember Leber has been monitoring the project already, he offered to be the Council's conduit and to begin reporting developments to the Council so that the Council, as a body, can decide when and how they need to participate, intervene, comment, etc. He will also prepare periodic notices for the newsletter to help residents remain informed and involved as well.

REVIEW OF TOWN TREE ORDINANCE: Mayor Leider recapped his meeting with Town Arborist Tina Cohen at which he notified her that the Town will be looking for her replacement. He added that he has a couple of names of potential replacements, would like to add a couple more to his list, and hopes to find a replacement in 30 to 60 days. Ms. Cohen will remain available to the Town, if needed, until a replacement is on board. The intent is to find someone who is qualified to perform the Arborist duties but also understands how to balance concerns about tree health with concerns for residents, their safety and their ability to make reasonable use of their property.

The Council revisited the Ms. Clemett's report outlining possible issues with the current ordinance and concluded that many of them could be the result of the hard-line approach to enforcement taken by Ms. Cohen. The Council feels that many of the so-called ambiguities in

this ordinance are really attempts to keep the ordinance flexible and responsive to the wide range of situations involving trees in Beaux Arts. It also feels that this flexibility was fully intended by the Tree Committee that worked so hard to produce the ordinance, and they would like to preserve that flexibility, if possible.

The consensus wants to delay further review and discussion of changes to this ordinance until the new Town Arborist has an opportunity to work with it and report his/her findings to the Council, a period of at least five or six months.

Julia Morse asked for a copy of Ms. Clemett's report. Clerk-Treasurer Spens will forward it to her by email.

EXECUTIVE SESSION: At 9:25pm, Mayor Leider reported that the Council would suspend the regular session for a period of ten minutes to discuss a potential police-enforcement action. At 9:35, the Council reconvened its regular session.

MAYOR AND COUNCILMEMBER REPORTS:

REPAIR TO STORMWATER OUTFALL ON 102ND SE: Councilmember Sharp reported that he is getting bids to repairs to the stormwater outfall on 102nd Ave SE. He is also working on the proposal for a video survey of the stormwater lines on 104th Ave SE between SE 29th and SE 29th Street.

ROW USE BY HEAVY TRUCKS: Councilmember Stowe reported that he plans to have something for the Council to discuss at the February meeting about this topic.

FRANCHISE REVIEW: Councilmember Stowe reported that he is looking for an attorney to continue the review of the Town's franchise agreements and to help determine what the Town's next steps should be.

PARENT-TEACHER-STUDENT ASSOCIATION REQUEST: Councilmember Hillberg reported that the Enatai PTSA is working to develop a document summarizing the values of the community and would like feedback. He would like the Council to review their draft in February, if it is available.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday February 8, 2011 at Steve Eulau'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