



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

June 14, 2011  
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:** Susan Kennedy, Donna Stowe, Julia Christofferson (WABA).

**MINUTES:** Councilmember Eulau moved to approve the May 10, 2011 minutes, as amended. Councilmember Sharp seconded.

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

**WARRANTS:** Councilmember Hillberg moved to approve the June 14, 2011 warrants, numbers 8696 through 8719 in the amount of \$21,365.43. Councilmember Stowe seconded.

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

Councilmember Sharp asked if BRAVO, the firm that cleaned the storm drain at 104<sup>th</sup> Ave SE and SE 29<sup>th</sup> Street, had provided a report of the condition of the line. If so, he would like a copy of that report. Clerk-Treasurer Spens will contact BRAVO to obtain the report, if available.

**CLERK'S REPORT:**

**PROCEEDS FROM SALE OF JAIL PROPERTY:** Clerk-Treasurer Spens reported that the Town will receive a portion of the proceeds from Bellevue's recent sale of property that had been originally identified as a potential jail site. Beaux Arts share is \$2,522.78 and is the result of our participation in the Jail Advisory Group that was reviewing options for housing inmates in facilities other than the King County Jail in Seattle.

**REIMBURSEMENT FROM WSTIB:** Clerk-Treasurer Spens reminded the Council that we paid our first invoice for work on the 108<sup>th</sup> ROW Improvement Project last month and reported that we have received WSTIB's reimbursement of that invoice. At Mayor Leider's request, future invoices will be paid AFTER the WSTIB reimbursement is received. Councilmember Stowe will continue to coordinate this project and act as liaison for submitting invoices for payment.

**1Q2011 TREASURER'S REPORT:** Clerk-Treasurer Spens reported that the 1Q2011 Treasurer's Report was submitted to Councilmember Leber for review. Councilmember Leber reported that he has completed his review and found the reports to be accurate and complete. He has signed them to indicate approval.

**BEAUX ARTS VILLAGE MUNICIPAL CODE:** Clerk-Treasurer Spens reported that Code Publishing has incorporated the newest ordinances enacted by the Council into the proof copy of our municipal code and that a working proof should be completed by the end of June. When the proof copy is ready, Code Publishing will ask the Town to review it and adopt it by ordinance. If all goes according to schedule, the new code could be published and available for use by the end of August.

**SHORELINE MANAGEMENT PROGRAM (SMP) UPDATE:** Clerk-Treasurer Spens reported that she asked Town Planner Mona Green to prepare a report to the Council recapping activity, accomplishments, and expenditures for the SMP Update Project through 1Q2011. This report was sent directly to the Council by Ms. Green.

**CODE ENFORCEMENT MATTER:** Clerk-Treasurer Spens reported that based on Building Official Kolke's recent experience with a Code Enforcement matter, all future complaints regarding matters outside the direct control of the Building Department will be forwarded to Town Attorney Stewart for review prior to taking any action.

**INTERLOCAL COOPERATION AGREEMENT WITH CITY OF BELLEVUE:** Clerk-Treasurer Spens reported that she has been informed by Town Attorney Stewart that they are not interested in pursuing an agreement of this type at this time.

**COB SEWER CLEANOUT AT THE WABA BOAT LAUNCH:** Clerk-Treasurer Spens reminded the Council that the COB Sewer Utility replaced a cap on this sewer cleanout and asked that they keep an eye on the area for any problems.

**ROOSTER COMPLAINT:** Clerk-Treasurer Spens reminded the Council that she received a complaint about a rooster at the Crerand residence and sent a letter explaining that Town ordinances do not allow the keeping of any animals other than dogs, cats, and small indoor pets (e.g. hamsters, fish, etc.). The Crerands have responded with a letter noting that none of the Town's ordinances specifically address chickens. Mayor Leider will send the Crerands a follow up letter explaining that animals not specifically allowed by Town ordinances are necessarily prohibited and suggesting that if they wish to pursue the matter further they address the Council about the possibility of amending our ordinances.

**JULY COUNCIL MEETING:** Clerk-Treasurer Spens reported that Councilmembers are able to attend a Council meeting on July 19<sup>th</sup> and so the regular July meeting of the Council will be continued from July 12<sup>th</sup> to July 19<sup>th</sup>.

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

**WATER REPORT:** Water Supervisor Bob Durr reported that he has submitted our annual Water Efficiency Report to the Washington State Department of Health. He also reported that the water tower will be inspected for rust this summer.

**WABA REPORT:** No report.

**108<sup>th</sup> PROJECT REPORT:** Councilmember Stowe reported that 80% Plans for the project

are complete. He then listed several issues to be addressed:

- Potholing to locate utilities.
- On-site meetings with the utility companies with facilities in the ROW and COB Sewer.
- Options for draining storm water (including information on curb cuts and radii at SE 30<sup>th</sup> Street).
- Crosswalks at SE 29<sup>th</sup> or SE 28<sup>th</sup> Streets.
- A walkway design that meanders as much as possible within the limited width available. The 108<sup>th</sup> Committee feels strongly about NOT having a straight walkway that looks like a sidewalk.

Councilmember Stowe explained that there are three banks of conduits in our ROW ranging in depth from 24" to 42" over a width of about six feet. Also COB Sewer lines run along the western edge of the ROW near the sloped bank. These improvements could interfere with our ability to develop an infiltration system for storm water and that potholing might be needed to locate all underground utilities. He added that if potholing is completed next week, the final design could be complete and ready to put out to bid by the end of June or the first of July.

Councilmember Stowe also reported that Melissa Floyd with COB contacted him to discuss another possible drainage solution.

Councilmember Sharp expressed concerns about the findings in the geotechnical report not supporting certain elements of the proposed design. He also stated that he believes our contract with Gray & Osborne requires them to work with Bellevue to develop a solution to the drainage problems that works and that the contractor should be given the task of developing that solution rather than the Town doing this work.

**MOTION:** Councilmember Stowe moved to approve an expenditure not to exceed \$8,000 for potholing in the 108<sup>th</sup> ROW with the condition that Councilmembers Stowe and Sharp will review and approve the work prior to authorizing it. Councilmember Hillberg seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED RESOLUTION NO. 269 AUTHORIZING AN AGREEMENT FOR CDBG**

**FUNDING:** Clerk-Treasurer Spens explained that the Department of Housing and Urban Development distributes funds to King County through the Community Development Block Grant (CDBG) program. Beaux Arts has participated in an Interlocal Agreement with King County and for at least 15 years, with the exception of the current three-year agreement. While Beaux Arts does not benefit directly from our participation, the region receives more funds as a result of that participation. Many of these funds are allocated to A Regional Coalition for Housing (ARCH) to develop affordable housing options on the Eastside. The reason Beaux Arts is not party to the current agreement is solely due to a timing issue in the process to approve the agreement for that period and not because Beaux Arts made a conscious decision not to participate.

Upon discussion, several Councilmembers expressed concern about whether the Town has either resolutions or ordinances establishing policies related to protecting participants in non-violent civil-rights demonstrations from the use of excessive force by law-enforcement agencies. Section VII. C. (1) and (2) require that participating jurisdictions have such policies

in place prior to executing the agreement.

**MOTION:** Councilmember Sharp moved to authorize the Mayor to execute an Interlocal Cooperation Agreement with King County for the 2012 – 2104 Community Development Block Grant Program provided the Town has one or more existing resolutions or ordinances that set forth policies to satisfy the requirements of Section VII. C. (1) and (2).

Councilmember Hillberg seconded.

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

Clerk-Treasurer Spens will contact Town Attorney Stewart to confirm whether the required policies exist and, if not, will work with him to develop a resolution or ordinance to establish them.

**WABA CENTENNIAL PLAQUES:** Mayor Leider asked Julia Morse to describe the proposed project. Ms. Morse explained that WABA's History Committee has developed an idea for recognizing homes in Beaux Arts that are of historical note by identifying them with Centennial Plaques. The plaques will be made of cast bronze with raised lettering and 4" by 6" in size. WABA's hope is that the plaques will help acknowledge, celebrate, and maintain interest in these historic homes and their contribution to the character of the Village and placing them in the ROW in front of the historic house will contribute to their visibility.

Ms Morse noted that, because these plaques could be construed as signs, she comes before the Council tonight to obtain the Council's permission to place them in the ROW, as required by the Town's ROW Ordinance. She added that residents will be encouraged to mount the plaques permanently on a fence post, tree or stake near the property line.

After a brief discussion, the Council applauded this idea for recognizing Beaux Arts' historic homes and decided that because these plaques are really decorations rather than signs, they are not regulated by the Town's ROW Ordinance.

**PROPOSED COMMERCIAL ROW-USE ORDINANCE:** Clerk-Treasurer Spens Town Attorney Stewart has not completed the new draft ordinance.

**MAYOR AND COUNCILMEMBER REPORTS:**

**STORMDRAIN WORK:** Councilmember Sharp reported that work on the stormdrain near the 104<sup>th</sup> ROW Path was completed recently.

**STORMDRAIN OUTFALL ON 102<sup>ND</sup>:** Councilmember Sharp reported that he is waiting for a response from the King Conservation District about using the \$1,600 in grant funds for plantings near the recent repair of the stormdrain outfall on 102<sup>nd</sup> Ave SE. He expects that most of the plantings will replace ivy and will help stabilize the bank.

**TOWN CLEAN UP:** Councilmember Hillberg reported the Spring Town Clean Up was a success.

**FALL ELECTION:** Councilmember Eulau announced that he will not seek re-election to Council Position No. 2 this fall.

**EMERGENCY RESPONSE PLAN:** Mayor Leider noted that the Comprehensive Emergency Management Plan was a topic of discussion at the last Mayors' Meeting and that he would like a copy of the CEMP CD and a hard copy of the plan for each Councilmember. Clerk-Treasurer Spens will put together plans.

**HEARING EXAMINER:** Mayor Leider reported that he interviewed Ted Hunter with Sound Law Center and Sue Tanner and Anne Watanabe who provide Hearing Examiner services to the City of Seattle. He recommends that the Town hire Mr. Hunter and asked for the Council's concurrence. The Council concurred with Mayor Leider's decision.

**SHORELINE MANAGEMENT PLAN:** Mayor Leider reported that the Planning Commission is reviewing the draft update of the Town's Shoreline Management Plan. David Dempster has reviewed the draft plan and prepared a detailed list of questions and concerns. In that list, he questions the invasive nature of the State's mandates for these plan and has asked why the Town's plan cannot eliminate much of this excessive detail, leaving more to the Town's discretion. Mayor Leider noted that he is working with Town Planner Mona Green to address Mr. Dempster's points.

**POLICE SERVICES CONTRACT COSTS:** Mayor Leider reported that based on recent discussions at the Mayors' Meetings, the contract fees Beaux Arts pays the King County Sheriff's Office for police services are reasonable.

**FIRE-SERVICES CONTRACT:** Mayor Leider reported that negotiations with Bellevue for a new Fire Contract have just started. The current contract apportions costs among the contract cities based solely on population, while the new contract will probably use some combination of population, assessed value, and usage. He anticipates that our cost will be reduced slightly.

**RECORDS STORAGE:** Mayor Leider reported that he reviewed the estimated turn-key cost for converting part of the water shed for records storage and that he believes the cost can be reduced to \$5,000 by using volunteer labor. He will present a final recommendation in July.

**SPEED BUMPS:** Councilmember Sharp reported that Bellevue will be replacing the temporary speed bumps they have been using on 108<sup>th</sup> Ave SE and has offered to donate them to us if we want them. It was the consensus of the Council that we do not need them.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday July 19, 2011 at Tom Stowe's house.

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 9:15 pm. Councilmember Stowe seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer