



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

July 19, 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, Water Supervisor Bob Durr.

GUESTS: Susan Kennedy, Donna Stowe, Bernard van de Kamp (WABA), Cindy Davis-Crerand, Ray Crerand.

MINUTES: Councilmember Hillberg moved to approve the June 14, 2011 minutes, as amended. Councilmember Sharp seconded.

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

WARRANTS: Councilmember Eulau moved to approve the July 19, 2011 warrants, numbers 8720 through 8745 in the amount of \$18,929.49. Councilmember Sharp seconded.

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

CLERK'S REPORT:

DAMAGE TO BAV ROADWAY BY CITY OF BELLEVUE: Clerk-Treasurer Spens reported that reflectors on our roadway were damaged by a contractor working to resurface a street for the City of Bellevue. The damage has been repaired.

2Q2011 TREASURER'S REPORT: Clerk-Treasurer Spens reported that the 2Q2011 Treasurer's Report was submitted to Councilmember Leber for review. Councilmember Leber reported that he has completed his review of the report and found them 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 completed the working proof of our municipal code and returned it to her with a list of questions. She will review the questions with Town Attorney Stewart to determine if Council action is needed prior to publishing.

MARSHAL'S REPORT: No report.

WATER REPORT: Water Dept Supervisor Durr reported that Bill Beck has completed the fire-hydrant valve checks and that an exterior examination of the water tank and tower will be completed in September. He does not anticipate any unusual expenditures associated with this work.

WABA REPORT: No report.

108th PROJECT REPORT: Councilmember Stowe reported that 100% Plans for the project are due later this week. He then gave a brief review of recent issues related to this project:

- City of Bellevue (COB) has consented to our request to connect to their stormdrain system, which eliminates our need for an infiltration trench on our side of 108th Ave SE. The drain line will cross under 108th Ave SE at the point where SE 27th St. would intersect if it did.
- BAV's construction work for this connection and the path will be completed under a single contract. He will be reviewing the plans, when available, with Councilmember Sharp and Mayor Leider and submitting comments to Gray & Osborne. The plans will then be forwarded to WSTIB for final review and approval. If all proceeds according to schedule, the project can be put out for bids in August and work could start in September.
- If work on this project is delayed by the weather, WSTIB has advised that the project can be delayed to the Spring of 2012 without penalty.
- The 108th Committee is beginning work on planting plans.
- Depending on the final design, BAV may need to pay to replace a portion of the 108th Ave SE road surface at an estimated cost of \$9000 to \$18000. It is very likely that WSTIB will increase our grant by 95% of the final cost for this work.
- BAV is also getting a supplemental bid to replace a cracked concrete panel in the roadway.

Councilmember Sharp commented that the 106th Overlay Project can be delayed until next year if the budget funds are needed for 108th.

PUBLIC HEARING: WABA SHORELINE EXEMPTION FOR DOCK REPAIRS:

Mayor Leider directed the Council's attention to the application materials in their packets and asked if anyone had questions for either WABA Dockmaster Bernard van de Kamp or WABA's permitting consultant Greg Ashley. There were none.

Mayor Leider opened the public hearing at 7:30pm and asked if there were any questions from the public. As there were none, he closed the public hearing at 7:31pm.

MOTION: Councilmember Sharp moved to approve WABA's request for a Shoreline Substantial Development Permit Exemption Letter with the following conditions:

1. All mitigations associated with the Mitigated Determination of Non-Significance issued on June 25, 2010 are incorporated into this approval.
2. A Building Permit from the Town of Beaux Arts Village is required.
3. Prior to issuance of the Building Permit, the Applicant shall submit a copy of the Hydraulic Project Approval from the Washington State Dept of Fish & Wildlife and a copy of the approval letter from the US Army Corps of Engineers.

Councilmember Stowe seconded.

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

Mayor Leider signed the Letter of Exemption; Clerk-Treasurer Spens will forward copies to WABA and the Department of Ecology.

The Council asked Clerk-Treasurer Spens to ask Town Planner Mona Green if the SDP

process can be changed so that the Council doesn't have to hear and act on each of these requests except when required by state statutes.

POSSIBLE CHANGES TO THE TOWN'S ANIMAL CODE: Mayor Leider commented that Cindy Davis-Crerand and Ray Crerand appear before the Council tonight to ask the Council to consider a change in the Town's Animal Code to allow residents to keep chickens. He added that this presentation was prompted by an exchange of letters between the Town and the Crerand's after they began keeping chickens on their property in Beaux Arts.

Cindy Davis-Crerand began by explaining that the rooster, which was the primary reason for the neighbor complaints, is no longer on their property. She then distributed photos and materials outlining regulations in neighboring cities that allow the keeping of chickens on private property with various controls and restrictions. She also commented that Beaux Arts could show its support for sustainable practices by allowing the keeping of chickens and added that most of the people she spoke with about this change seemed to support it.

Clerk-Treasurer Spens noted that she received one letter from a resident expressing concern about the potential for chicken coops to attract more predators to the Village.

After hearing the presentation, the Council made the following comments:

- Neighbors in the immediate vicinity may be concerned about the smell, and the larger community with attracting more predators, e.g. coyotes and raccoons, to Beaux Arts.
- If chickens are allowed, how many people will decide to keep them? And if several neighbors decide to keep them, will the smells, etc. become a significant nuisance?
- If allowed, does this mean the animal code should be amended to allow the keeping of other creatures that are currently banned?
- Any rules developed should include a means for mitigating neighbor complaints and concerns.

It was the consensus of the Council that they wish to give the question full consideration but they need more information to make a decision. They asked the Crerands to develop a bullet-point list of the issues the Council should consider in reviewing this topic and drafting proposed ordinance language.

The Council also asked Clerk-Treasurer Spens to forward any additional comments she may get about this proposal directly to the Crerands so that their list can address residents' concerns.

PUBLIC HEARING: ORDINANCE NO. 386 ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR 2012-2017

INCLUSIVE: Councilmember Sharp presented the proposed TIP Plan and commented that there is one possible revision needed if the 106th Overlay is delayed to accommodate the funding needs of the 108th Ave SE Project.

Councilmember Stowe commented that WSTIB has grant funding for overlay projects and offered to coordinate the development of a grant proposal. He suggested changing the start date for Project #1 - 107th Ave SE Overlay from 2013 to 2012, which would make it eligible

for inclusion in the grant application. It was the consensus of the Council to make this revision, and Clerk-Treasurer Spens will amend Exhibit A. accordingly.

Mayor Leider opened the public hearing at 7:58pm and asked if there were any questions from the public. As there were none, he closed the public hearing at 8:00pm.

MOTION: Councilmember Eulau moved to pass Ordinance No. 386 adopting a Six-Year Comprehensive Street Program for the years 2012 through 2017, inclusive. Councilmember Stowe seconded.

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

2011 YEAR-TO-DATE BUDGET REVIEW: Mayor Leider opened the discussion by noting that the general attitude in other cities regarding budgets is gloomy. He then asked Councilmember Leber to comment on BAV's situation.

Councilmember Leber gave the Council a brief review of our year-to-date actual revenues and expenditures and noted that there are no big challenges at this time. The Council then discussed various line items and budgeted funding for specific Councilmember's responsibilities followed.

Looking forward to the remainder of 2011, the Council discussed the possible need for additional funds for the 108th Ave SE Project, in light of tonight's discussion, and the possibility of revisiting the idea of security cameras after the 3rd Quarter YTD figures are known.

PROPOSED RESOLUTION NO. 270 AFFIRMING A POLICY OF PROTECTING PARTICIPANTS IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS: Clerk-Treasurer Spens reminded the Council that during last month's discussion of an Interlocal Agreement with King County for the Community Development Block Grant program, she was asked to confirm whether the Town had a written policy protecting participants in non-violent civil rights demonstrations from the use of excessive force by law enforcement agencies. She reviewed the question with Town Attorney Stewart, who was unable to confirm that such a written policy exists and who helped her draft the proposed resolution to remedy that lack. She added that the resolution is written to underscore the fact that the policy it sets forth is not new but is affirmed by the resolution.

MOTION: Councilmember Eulau moved to adopt Resolution No. 270 affirming a policy of protecting participants in non-violent civil rights demonstrations from the use of excessive force by law enforcement agencies. Councilmember Sharp seconded.

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

MAYOR AND COUNCILMEMBER REPORTS:

SHORELINE MANAGEMENT PLAN: Councilmember Hillberg reported that he recently attended one of the Planning Commission's public meetings for the Shoreline Management Program updates and is optimistic about the Town's current draft plan and the process for completing it. He added that the main thing he learned is that our SMP needs to convince the Department of Ecology that the Town has plans in place to ensure no loss of ecological

function along our shoreline for the next 20 years.

PATH ROWS: Councilmember Hillberg reported that he was approached by a resident with concerns about the current ROW ordinance and its prohibitions against placing any improvements in these areas. He would like to develop a simpler process for residents to develop simple planting plans for these and get them approved. Currently residents may not make any improvements to these ROWs without specific Council approval.

SOUND TRANSIT: Councilmember Leber reported that Sound Transit has issued its Final EIS for the East Link Light Rail Project as well as an executive summary of the EIS. He has copies available for review if anyone is interested.

He added that the COB Council was recently informed that no Federal funds will be approved for the project if Alignment B7 is chosen, because of the extra costs associated with it. Bellevue is working on a funding package for a downtown tunnel and appears to be ready to publicly support the Bellevue Way alignment. He added that Beaux Arts needs to remain vigilant about the potential problems to our area, particularly during construction, including:

- increased noise,
- the locations of stops, e.g. the South Bellevue Park & Ride, and whether they will serve our residents, and
- the volume of cut-through traffic that results from traffic disruptions on Bellevue Way and how it will be mitigated.

106th AVE OVERLAY Councilmember Sharp reported that the 106th Ave Overlay is ready to contract in mid to late August, but he will hold off on releasing the project until he learns more about possible funding needs of the 108th Ave Project..

ROW PRUNING FOR FALL: Councilmember Sharp asked that the newsletter contain a message to residents stressing the need for them to trim hedges and shrubs back from the roadway and traffic signs for visibility and safety. This trimming should be completed through the Fall in anticipation of shorter days and lessened visibility.

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: Councilmember Eulau reported that in response to Mayor Leider's request last month, Clerk-Treasurer Spens prepared a CEMP binder. Mr. Eulau will review the binder and determine if it is ready to duplicate for the Mayor and Council.

HEARING EXAMINER: Mayor Leider reported that he has executed a contract with Sound Law Center for Hearing Examiner services and asked that the next newsletter include Thank Yous to the former Board of Adjustment members for their service to the Town.

WHATMORE ISSUE: Mayor Leider reported that he recently sent another letter to the Whatmore estate reiterating the Town's outstanding concerns about access and water-supply issues to this property.

RECORDS STORAGE: Mayor Leider reminded the Council that the estimated cost for converting part of the water shed for records storage using volunteer labor should be about

\$5,000. He asked the Council to authorize him to spend this amount.

MOTION: Councilmember Sharp moved to authorize Mayor Leider to spend an amount not to exceed \$6000 for upgrading the water shed for records storage, adding that the extra dollar amount is to cover contingencies. Councilmember Stowe seconded.

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

FIRE-SERVICES CONTRACT: Mayor Leider reported that negotiations with Bellevue for a new Fire Contract continue with the focus on developing a cost-allocation model. He explained the allocation models under consideration and added that our cost is likely to be reduced no matter which allocation model is chosen. He added that the group's objective is to achieve agreement in principle in September.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday September 13, 2011 at Steve Eulau's house. The Council will not hold a meeting in August.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:15 pm. Councilmember Hillberg seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer