



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

November 8, 2011  
Leber

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:** Water Dept. Supervisor Bob Durr, Susan Kennedy and Donna Stowe.

**MINUTES:** Councilmember Stowe moved to approve the October 11, 2011 minutes, as amended. Councilmember Hillberg seconded.

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

**WARRANTS:** Councilmember Stowe moved to approve the November 8, 2011 warrants, numbers 8832 through 8853 in the amount of \$173,022.96. Councilmember Hillberg seconded.

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

**CLERK'S REPORT:**

**RESIDENT NAME SIGNS:** Clerk-Treasurer Spens reported that Sylvia Hobbs has volunteered to coordinate the replacement of old resident name signs with signs for new residents. Ms. Hobbs will contact each new family, explain the process for and cost of getting a new sign, and work with Ann Boynton to have the new sign made for each family that wants one. In the meantime, Ms. Spens will work with Bill Beck to remove any signs for families no longer living in Beaux Arts and rearrange the remaining signs to eliminate gaps on the sign posts.

**BEAUX ARTS VILLAGE MUNICIPAL CODE:** Clerk-Treasurer Spens reported that there are two housekeeping items on tonight's agenda related to completion of the Town's municipal code. With the presumed passage of these items, Code Publishing will incorporate them and the recently enacted Commercial ROW Ordinance to produce a final draft for the Council's adoption in December.

**RECORDS STORAGE:** Clerk-Treasurer Spens reported that all of her files have been moved to the storage shed. She plans to have keys made for Deputy Clerk Kulp, Mayor Leider and Councilmember Eulau (as Emergency Response coordinator) and asked if anyone else needs a set. Water Supervisor Bob Durr asked for a set also.

**ANIMAL CONTROL:** Clerk-Treasurer Spens reported that she has received 10 responses to

her request for input regarding changes in the Town's Animal Control Code to allow the keeping of chickens, etc. Of the 10, eight are in favor of allowing chickens but all want to be sure there are some restrictions in place, the most common one being a prohibition against roosters. She will run the request for input again in the December newsletter and will then collect the responses into a summary for the Council's review and discussion at the January Council meeting.

**ARCH ANNUAL VISIT:** Clerk-Treasurer Spens reported that ARCH (A Regional Coalition for Housing) has asked if we would like them to send a representative to one of our upcoming Council meetings to explain their work. It was the consensus of the Council that members are aware and supportive of ARCH's work, so no presentation is needed at this time.

**WABA SHORELINE-RESTORATION PERMIT:** Clerk-Treasurer Spens reported that Joann Bromberg contacted her about a recent bill from the Town for consultant charges related to the Shoreline Substantial Development Permit recently issued to WABA's Shoreline Restoration Project. Ms. Bromberg believes that some of Town Planner Mona Green's work also benefitted the Town's work on its Shoreline Master Program Update, and she is asking the Council to consider reducing or eliminating the charges due based on that overlap. Ms. Spens noted that she spoke with Town Planner Green about the possible overlaps, and Ms. Green assures her that there were none. It was the consensus of the Council that the bill should remain as submitted.

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

**WATER REPORT:** Water Supervisor Bob Durr reported that PSE is replacing a power pole at the pump house.

Councilmember Sharp suggested that heat tape and insulation be added to the exposed portions of the water pipe between the water tower and the new level controls inside the storage shed to prevent freezing. Water Supervisor Durr responded that Bill Beck will be moving the exposed section into the shed in the next week.

**WABA REPORT:** Nothing to report.

**108<sup>th</sup> PROJECT REPORT:** Councilmember Stowe reported that project construction is now complete, including a punchlist of corrections and a final report from Gray & Osborne. We can expect one more set of bills from Gray & Osborne and Trinity Contractors for this final work. After 40 days has elapsed, Gray & Osborne will confirmed that all conditions for the release of the retainage have been met and will provide up with a written recommendation to pay Trinity Contractors the retainage amount.

Several comments were made passing on compliments about the project and the enhanced utility of the walking path. Several Councilmembers asked that the newsletter include a thank you to the 108<sup>th</sup> Committee members for their hard work in bringing this project to fruition.

Councilmember Stowe noted that we are still considering putting up BAV entrance signs at the north and south ends of this ROW to indicate the town boundary. He also mentioned that the

area would benefit from the addition of more native shrubs and ground cover. He would like to add an item to the newsletter asking for donations of native plants from residents who may be willing to share from their yards. The note should direct questions, etc. to Councilmember Stowe.

**PUBLIC HEARING: PROPOSED 2012 BUDGET:** Mayor Leider opened the public hearing at 7:35pm and asked for comments from the public. As there were none, he closed the public hearing at 7:37pm.

The Council reviewed through the worksheets for the proposed budget line-by-line and had the following comments:

- In the General Fund, revenue for the Shoreline Master Program (SMP) Update will be increased by \$8,000 to reflect the additional grant money Town Planner Green obtained from the Department of Ecology. The Council wants to closely manage the completion of this project. To do so, they will need a quarterly status report that recaps the work completed, outlines the amount of work remaining, and provides an estimate of the cost of the remaining work.
- In the Street Fund, the Council will consider deferring the 107<sup>th</sup> Ave SE if the Town's does not receive the requested grant from the Washington State Transportation Improvement Board. Councilmember Stowe remarked that we should have an answer from WSTIB by late November. Councilmember Hillberg asked that his budget for tree work on the ROWs be increased slightly from \$4,800 to \$6,000.
- In the Water Fund, revenues from water sales should be increased to \$52,000 to reflect actual revenues in the last two years. Clerk-Treasurer Spens will contact Water Supervisor Bob Durr to get his estimates for maintenance, e.g. tank cleaning, equipment replacement, and other repairs and maintenance.

Clerk-Treasurer Spens will adjust the proposed budget according to these suggestions and prepare a final budget ordinance for the Council's review and approval at the December meeting. She will also arrange for a public hearing to discuss and act on amendments to the 2011 budget to increase budgeted expenditures in the Street Fund for the work on 108<sup>th</sup> Ave SE Project.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 388 SETTING THE 2012**

**PROPERTY-TAX LEVY:** Mayor Leider opened the public hearing at 8:01pm and asked for comments from the public. As there were none, he closed the public hearing at 8:02pm.

The Council spent a considerable amount of time discussing the pros and cons of raising the property-tax levy, including:

- The maximum amount we can increase our levy is only about \$1,400, which is about \$12 per household on average.
- Next year's budget will benefit greatly from a new fire contract that sets forth a lower cost to the Town for those services.
- The Council recognizes that it has deferred some maintenance projects due to the uncertainties of the current economic climate, particularly in the Street Dept. There may be significant savings to tackling those projects during the coming year. Plus, continued deferral of maintenance can accelerate the rate of decline.

- Any levy increase not taken can be banked, meaning that the increase can be added to the levy in a future year. However, the amount of money the Town would have received from the levy increase in the budget year cannot be recouped.
- Some think the levy should be increased and the dollars received saved in reserve because of the ongoing uncertainty in the economy.
- Others think that the levy should not be increased because of the effect of the difficult economy on our residents.
- No matter what the Council decides about the levy, they will remain mindful of controlling expenses, as always.

MOTION: Councilmember Sharp moved to pass Ordinance No. 388 authorizing an increase in the property tax for 2012 and setting the amount to be levied. Councilmember Eulau seconded.

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

**PROPOSED RESOLUTION NO. 273 AMENDING THE TOWN'S FEE SCHEDULE TO INCLUDE COMMERCIAL ROW PERMIT FEES:** Clerk-Treasurer Spens reminded the Council that we need to determine a fee for the Commercial ROW Permit established by Ordinance No. 387, which the Council passed last month. She outlined fees charged for similar permits in nearby cities and towns and recommended that the Council set the fee at \$250.00 plus reimbursement for any additional charges incurred by the Town for services related to the permit.

MOTION: Councilmember Stowe moved to adopt Resolution No. 273 setting fees for various services and permits within the Town of Beaux Arts Village and replacing Resolution No. 264. Councilmember Hillberg seconded.

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

**PROPOSED RESOLUTION NO. 274 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BELLEVUE FOR FIRE PROTECTION SERVICES:** It was reported that this item was before the City of Bellevue Council last night, but it is unclear if they took action. Mayor Leider suggested that the Council adopt this resolution subject to the confirmation that Bellevue has approved the agreement.

MOTION: Councilmember Sharp moved to adopt Resolution No. 274 authorizing the Mayor to execute an Interlocal Agreement with the City of Bellevue for Fire Protection Services subject to confirmation that the Bellevue City Council has approved the agreement.

Councilmember Stowe seconded.

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

**PROPOSED RESOLUTION NO. 275 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH KING COUNTY FOR ROAD MAINTENANCE SERVICES:** Mayor Leider reported that he reviewed the document again with Town Attorney Stewart. Mr. Stewart is now satisfied that the agreement is sufficient as to form.

MOTION: Councilmember Stowe moved to adopt Resolution No. 275 authorizing the Mayor to execute an Interlocal Agreement with the King County for Road Maintenance Services. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED ORDINANCE NO. 389 REPEALING ORDINANCE NO. 258:** Clerk-Treasurer reported that this ordinance is needed to clean up a couple of issues relating to public hearings and the Hearing Examiner that were inadvertently left unaddressed when the Council handled all of the ordinances and ordinance amendments needed to establish the hearing examiner. This cleans up the only remaining conflict that she found in her reading of the draft BAV MC. She added that rules for public hearings are contained in the state statutes, so Town Attorney Stewart advises that there is no need to replace these rules in our municipal code.

MOTION: Councilmember Hillberg moved to pass Ordinance No. 389 repealing Ordinance No. 258. Councilmember Stowe seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED ORDINANCE NO. 390 AMENDING ORDINANCE NO. 382:** Clerk-Treasurer reported that Ted Hunter of Sound Law Center found a discrepancy between the deadlines for filing appeals among a couple of the ordinances that were passed to establish the hearing examiner. Amending Ordinance No. 382 establishes a consistent 14-day deadline for filing appeals of the Hearing Examiner's decisions.

MOTION: Councilmember Hillberg moved to pass Ordinance No. 389 repealing Ordinance No. 258. Councilmember Stowe seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

**3<sup>rd</sup> QUARTER TREASURER'S REPORTS:** Councilmember Leber reported that he completed his review of the 3<sup>rd</sup> Quarter Treasurer's Reports with supporting documentation and found them to be complete and accurate. He has signed each report to so indicate.

**KING CONSERVATION DISTRICT GRANT:** Councilmember Sharp reminded the Council that this grant will be used to re-establish plantings in the area of the 102<sup>nd</sup> Stormwater Outfall, and he is working to finish the tasks supported by this grant by the end of the year.

**PATH FROM FIVE CORNERS TO SE 29<sup>TH</sup> ST:** Councilmember Sharp reported that he has been asked to obtain some gravel to spread along this path. The neighbors have offered to provide the labor to spread it.

**FRANCHISE AGREEMENTS:** Councilmember Stowe reported that he has contacted an attorney to get an estimate of the cost to review our existing franchise agreements. He noted that the utilities he worked with on the 108<sup>th</sup> Ave SE Project all honored their franchise agreements, even those agreements that had expired.

**FALL CLEANUP:** Councilmember Hillberg reported that the Town's Fall Cleanup went well with more participation this year. He will write a thank-you for the upcoming newsletter.

**POINTS COMMUNITY MAYOR'S MEETING:** Mayor Leider reported that our State Representatives and Bellevue Mayor Don Davidson attended the last Mayors Meeting. He noted that none of the state representatives appear willing to address the state's spending issues as a means of balancing their budget.

**TRAFFIC CALMING:** It was the consensus of the Council to discuss options for traffic calming and speed reduction at the January Council meeting. Clerk-Treasurer Spens will insert a note in the January newsletter asking for opinions and suggestions.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday December 13, 2011 at Richard Leider's house.

**ADJOURN TO EXECUTIVE SESSION TO REVIEW PERSONNEL PERFORMANCE AND POTENTIAL LEGAL ACTION:** Mayor Leider announced at 8:55pm that the Council would adjourn the regular session for a period of about 15 minutes to discuss personnel performance and an issue related to potential legal action.

**RECONVENE REGULAR SESSION:** The Council reconvened the regular session at 9:10pm.

**ADJOURN:** Councilmember Eulau moved to adjourn the meeting at 9:10 pm.

Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer