



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

December 15, 2011

Leider

Mayor Leider called the meeting to order at 7:00 pm. Clerk-Treasurer Spens reminded those in attendance that tonight's meeting is a continuation of the regular Council meeting scheduled for Tuesday December 13, 2011; as such, the Council may conduct business not listed on the posted agenda.

**PRESENT:** Mayor Richard Leider, Councilmembers Mike Hillberg, Matt Leber, Aaron Sharp and Tom Stowe. Councilmember Eulau arrived at 7:30pm.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Water Dept. Supervisor Bob Durr.

**MINUTES:** Councilmember Stowe moved to approve the November 8, 2011 minutes, as amended. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**WARRANTS:** Councilmember Stowe moved to approve the amended December 15, 2011 warrants, numbers 8854 through 8888 in the amount of \$26,277.62. Councilmember Hillberg seconded. The warrant list was amended to void Warrant No. 8861 in the amount of \$5,550 and replace it with Warrant No. 8888 in the amount of \$3,600 so that Mayor Leider can verify the charges on the associated invoice.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **CLERK'S REPORT:**

**PERMIT FEES UPDATE:** Clerk-Treasurer Spens reported that Bellevue Fire Department will begin charging applicants a fee for performing plans reviews on building projects to determine if fire sprinklers are needed. This is one of the changes in our new contract with Bellevue for fire-protection services. In previous contracts the cost to perform these reviews was included in the total cost of the contract as a bulk estimate. Bellevue has made this change to be consistent with their process for handling this type of review for Bellevue residents. In the next few weeks, Bellevue will provide the permit fees and offer each contract city the choice of whether to collect the fees and pass them through to Bellevue or simply have Bellevue collect and retain the fees.

Clerk-Treasurer Spens recommended that we alter the Town's Fees Resolution to explain that Bellevue will be collecting this fee at the time the applicant submits their plans for review by the Fire Marshal but not list the actual dollar cost of the fee in our resolution, so that we don't have to alter our resolution each time Bellevue changes their fee structure. It was the consensus of the Council that our Fees Resolution reflect that the Bellevue Fire Department

will collect a fee for performing the fire-marshall plan review and that other documentation provided to building-permit applicants include the actual amount of the fee.

**BEAUX ARTS VILLAGE MUNICIPAL CODE:** Clerk-Treasurer Spens reported that BAV MC is now published and will be added by a link to the Town's website replacing our current Key Ordinances page.

**SHORELINE MASTER PROGRAM UPDATE:** Clerk-Treasurer Spens reported that Town Planner Green has provided the following information on our progress toward completing this state-mandated task:

3-Year Grant Budget (revised 11/14/2011)	\$ 48,000
Expended through 9/30/2011	<u>40,530</u>
Remaining State Funding	\$ 7,470

Town Planner Green reported that the project will be completed this year and that the remaining grant funds should be sufficient to complete the work PROVIDED there are no significant changes required either by the Town Council or by the Washington State Department of Ecology during their respective reviews of the draft plan.

**KING CONSERVATION DISTRICT GRANT:** Clerk-Treasurer Spens reported that Councilmember Sharp is working with resident Julia Morse to design and install the plantings at the 102<sup>nd</sup> Storm Drain outfall. Once the plantings are installed, the Town will submit its report and reimbursement request to the King Conservation District.

**107<sup>th</sup> AVE SE STORMWATER LINE:** Clerk-Treasurer Spens reported that the Building Official reported that there is a flooded catch basin at the north end of 107<sup>th</sup> Ave SE. She added that Councilmember Sharp asked her to bring up the problem tonight because he wasn't sure if the drain was installed by the Town or the developer of the property. Clerk-Treasurer Spens said she was pretty sure the developer of the two houses on the northeastern end of the street had installed the drain at the Town's request when the new homes were built approximately 15 years ago. After some discussion, it was the consensus of the Council that the Town should maintain these drains as part of our system. Councilmember Sharp will examine the drain to determine what repairs are needed. He added that the new owner of the house at 2716 – 107<sup>th</sup> Ave SE will probably have to determine whether the existing drain, when repaired, will have adequate capacity for the their new construction.

[Councilmember Eulau arrived at 7:30 pm.]

**ANIMAL CONTROL:** Clerk-Treasurer Spens reported that she has received 2 more responses to her request for input regarding changes in the Town's Animal Control Code to allow the keeping of chickens, etc. Both are in favor of allowing chickens but want to prohibit roosters. She will bring a summary of the responses to Council for review and discussion at the January Council meeting.

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

**WATER REPORT:** Nothing to report.

**WABA REPORT:** Nothing to report.

**108<sup>th</sup> PROJECT REPORT:** Councilmember Stowe reported that he has completed a reconciliation of the expenditures submitted and WSTIB reimbursements received to date for the amended contract. He is also working to complete the forms needed to close out the project and will give them to Mayor Leider for signature as soon as they are ready. He also reported that the retainage will be released no sooner than 60 days after the date of the project's completion.

Councilmember Stowe then reported that a test report for one of the concrete core samples failed both the 28-day and 56-day strength tests. Design strength was 4000 psi, and the core samples only developed to 3800 psi. He is working to determine just which panel is affected and whether the panel needs to be removed and replaced. He noted that it appears the affected panel is on the Bellevue side of 108<sup>th</sup> Ave SE; if so, they will need to be involved in the discussion of how to resolve the issue. He added that he will not sign off on the project completion until this determination is complete.

Councilmember Stowe also noted that the Town needs an Interlocal Agreement with the City of Bellevue regarding the crossing of 108<sup>th</sup> Ave SE with our stormdrain line. He will work to put something together.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 391 AMENDING THE 2011 BUDGET:** Mayor Leider opened the public hearing at 7:45pm. Clerk-Treasurer Spens briefly explained the reasons for these amendments, including:

- In the General Fund, the costs associated with the SMP Update exceeded budget by \$6,000, the \$4,000 cost to retrofit a portion of the water shed for records storage was not included in the original budget, and the Street Fund needed a larger than anticipated funds transfer to cover operating expenses.
- In the Street Fund, bids for the 108<sup>th</sup> Ave SE Project were higher than originally budgeted. All but \$6,300 of the increase was offset by deferring a planned street overlay. In addition, revenues that would normally cover operating expenses were lower than anticipated.
- In the Water Fund, the \$1,500 cost to replace the mechanical float on the water tank with an electronic readout of the tank's volume was not included in the original budget.

Mayor Leider asked if there were any questions from the public. As there were none, he closed the public hearing at 7:50pm.

**MOTION:** Councilmember Stowe moved to pass Ordinance no. 391 amending the 2011 Budget. Councilmember Hillberg seconded.

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

**PROPOSED ORDINANCE NO. 392 ADOPTING THE 2012 BUDGET:** Clerk-Treasurer Spens briefly reviewed the few changes made as a result of the November Council meeting. Councilmember Sharp asked that \$6,000 be added to the Street Fund Expenditures for the Stormdrain repairs on 107<sup>th</sup> Ave SE. An additional \$6,000 will be moved from the Cumulative Reserve fund to pay for these repairs.

MOTION: Councilmember Sharp moved to pass Ordinance No. 392 adopting a budget for 2012 and setting the salary range for the Clerk-Treasurer as amended. Councilmember Hillberg seconded.

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

**PROPOSED ORDINANCE NO. 392 ADOPTING THE BEAUX ARTS VILLAGE**

**MUNICIPAL CODE:** Clerk-Treasurer Spens gave a brief overview of the Council's work over the last several years to bring this project to fruition.

MOTION: Councilmember Stowe moved to pass Ordinance No. 392 revising, codifying and compiling the General Ordinances of the Town. Councilmember Hillberg seconded.

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

**DISCUSSION OF THE SHORELINE PERMITTING PROCESS AND POSSIBLE CHANGES THERETO:** Mayor Leider outlined the issues briefly as follows:

1. Beaux Arts issues very few shoreline permits. Virtually all of these shoreline permits are issued to the Western Academy of Beaux Arts (though it is conceivable that a single-family property owner within 200 feet of the ordinary high water mark could need one). This means that neither the Town nor WABA have the opportunity to gain much ongoing experience either with the process or the typical costs associated with these permits.
2. The Town has never charged an upfront fee or deposit for its shoreline permits. Instead the added review costs for these permits have been added to the building permit that is usually required in conjunction with the shoreline permit.
3. Because of the delay between the review work for the shoreline permit and the closing out of the building permit, the permit holder is unaware of the costs associated with the shoreline permit until several months have passed.

Mayor Leider then stated that the question is whether the Town should:

- change its permit fee policy and begin charging an upfront fee/deposit, or
- focus on better educating shoreline-permit applicants about the process and potential costs of these permits and follow up with more frequent billing of the charges incurred for the shoreline permit and its review.

Clerk-Treasurer Spens noted that Deputy Clerk Kulp recently took over the billings for all permit-related charges and that this change should improve the timing and turnaround of these billings. Plus, Deputy Clerk Kulp's day-to-day work on permits and with permit applicants will make the work of educating potential shoreline-permit applicants a natural fit.

After some discussion, it was the consensus of the Council that these permits are infrequent enough and variable enough that the Town should focus on educating shoreline-permit applicants about the process and potential costs associated with this very specific type of permit.

**MAYOR AND COUNCILMEMBER REPORTS:**

**KUDOS TO OUTGOING COUNCILMEMBER EULAU:** Councilmember Eulau thanked the Mayor and other members of the Council for the experience of working with them these past

four years. The Mayor and Council were unanimous in their appreciation of Councilmember Eulau's work while on Council, particularly in completing the drafting and approval of the Town's Comprehensive Emergency Management Plan. Mayor Leider asked Councilmember Eulau to do his best to attend the WABA Winter Dinner so that he can be recognized properly.

**TREE WORK ON ROWS:** Councilmember Hillberg reported that Trees for Life has removed a couple of dead tress from ROWs: one at 5 Corners and another along SE 28<sup>th</sup> in front of the Donoghue's property.

**KUDOS TO THE COUNCIL:** Councilmember Stowe remarked that the entire Council deserves kudos considering how much has been accomplished in the past year.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday January 10, 2012 at Aaron Sharp's house.

**ADJOURN:** Councilmember Eulau moved to adjourn the meeting at 8:30 pm. Councilmember Sharp seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer