



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

January 10, 2012

Sharp

Mayor Leider called the meeting to order at 7:00 pm. Clerk-Treasurer Spens administered the Oath of Office to the two newly elected or re-elected members of the Council: Councilmember John Gillem and Councilmember Matt Leber.

PRESENT: Mayor Richard Leider, Councilmembers John Gillem, Mike Hillberg, Matt Leber, Aaron Sharp and Tom Stowe.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: None.

MINUTES: Councilmember Sharp moved to approve the December 15, 2011 minutes, as amended. Councilmember Stowe seconded.

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

WARRANTS: Councilmember Sharp moved to approve the December 31, 2011 warrants, numbers 8889 through 8909 (including warrant No. 8908 voided for EFT) in the amount of \$20,372.24. Councilmember Hillberg seconded.

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

Councilmember Stowe moved to approve the January 10, 2012 warrants, numbers 8910 through 8920 in the amount of \$16,654.64. Councilmember Sharp seconded.

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

CLERK'S REPORT:

SPEEDING AND SPEED HUMPS: Clerk-Treasurer Spens reported that she received an email from a resident expressing concern about the loss of the speed hump on 105th Ave SE during the overlay of that street in 2010 and reminded the Council of their desire to review the speeding problem after completion of the 108th Ave SE Project.

As part of the Council's discussion, the following specific questions/concerns were identified:

- Are drivers regularly driving too fast for our narrow roads, particularly with limited sight distances in many places?
- Is the problem occurring throughout Town or are there a few "hotspots" that need particular attention?
- Does the Town need to install more speed humps? Before installing new speed humps, the Council feels that residents living in the vicinity of a location that may be proposed for a new speed hump should agree to the need for the installation.
- Do residents have other suggestions for achieving the best overall solution?

It was the consensus of the Council to continue this discussion in the coming month after polling residents for input. Clerk-Treasurer Spens will prepare a newsletter item outlining the discussion and asking for ideas, suggestions, and/or comments about specific problem areas with as much detail as possible.

NAME SIGNS: Clerk-Treasurer Spens reported that Sylvia Hobbs is making progress in updating name signs throughout the Village and that Ms. Hobbs wanted to confirm that the "one sign per household" is still a valid rule. It was the consensus of the Council that this rule remains valid due to space considerations on some of the name posts.

SHORELINE MASTER PROGRAM UPDATE: Clerk-Treasurer Spens will provide the Council with a progress report, including expenditures through December 31, 2011, at the February meeting. That report will also include Town Planner Mona Green's best estimate of the remaining expenses anticipated between January 1st of this year and completion of the project sometime in late summer or early fall.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: No report.

108th PROJECT REPORT: Councilmember Stowe reported that the City of Bellevue has accepted the concrete panel in the 108th road surface that tested lower than the design strength specified for the project. This means that the panel will not need to be replaced. He added that the only remaining items are for the Town to receive a final reimbursement from WSTIB and for the Town to pay the contractor the 5% retainage. The retainage will be paid once a checklist of requirements has been met, probably no later than March.

Councilmember Stowe also noted that given the completed status of the project, it no longer needs to appear on the Council agenda. Mayor Leider will sign the papers indicating final acceptance of the project.

Councilmember Stowe reported that the construction signs for this project have been removed, and there is discussion underway for placing other signs along this corridor. He added that bollards with reflectors are being placed to help protect the swale and plantings from vehicles.

PROPOSED RESOLUTION NO. 276 EXTENDING THE CONTRACT WITH KOLKE CONSULTING GROUP FOR BUILDING OFFICIAL SERVICES: Clerk-Treasurer Spens briefly explained that the Town's original contract with Kolke Consulting Group was written to remain in effect until December 31, 2008 with automatic three-month extensions "until a new agreement is executed between the parties or the Agreement is terminated". She added that Ms. Kolke wishes to formalize the extension of this contract to December 31, 2013 by executing Contract Amendment No. 1.

During the brief discussion about this agenda item, it was pointed out that the amendment affects only the term of the contract and does not impact a clause in the contract allowing the

Town to terminate the agreement "immediately . . . with or without cause."

MOTION: Councilmember Stowe moved to adopt Resolution No. 276 authorizing the Mayor to execute an amendment of the agreement with Kolke Consulting Group for providing Building Department and Building Official Services through December 31, 2013. Councilmember Sharp seconded.

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

PROPOSED RESOLUTION NO. 277 AMENDING THE TOWN'S FEE SCHEDULE:

Clerk-Treasurer Spens explained that the Town's Fee Schedule must be amended to:

- mention the new Fire-Marshall Review fee that Bellevue Fire Department will begin charging on February 1, 2012 (although the Fee Schedule does NOT list the fee amount, because the Town does not set this fee), and
- clarify information about fees related to Shoreline Substantial Development Permits.

MOTION: Councilmember Stowe moved to adopt Resolution No. 277 setting fees for permits and services in the Town of Beaux Arts Village. Councilmember Sharp seconded.

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

POTENTIAL CHANGES TO THE ANIMAL CONTROL CODE: Mayor Leider opened the discussion of this item by reminding all that the Council was approached several months ago by a resident who asked that the Town's Animal Control rules be changed to allow the keeping of chickens. The resident received several chickens as a gift and was unaware that the Town's Animal Control Code did not allow any outdoor animals other than dogs and cats.

Clerk-Treasurer Spens briefly reported that the Town received 13 responses to its requests for input in the Town newsletter, representing 11% of households in the Village.

- Eleven were in favor of allowing chickens (not roosters) in varying degrees. Most contained brief comments supporting the concept in general, though some respondents asked for additional conditions, including limiting the number of animals, controlling the size and location of coops, keeping animals on the owner's property, etc. Two were strongly in favor of amending the code to allow chickens, bees, etc. with controls.
- Two were strongly against allowing chickens for reasons of smell, noise, the attraction of predators, particularly coyotes, and the increase in pests, e.g. rodents.

On discussion, the Council distilled its comments and concerns about this possible code change as follows:

- How strong is community sentiment in support of this change? With only 11% of households even participating in the discussion, was the participation level high enough to gauge how residents really feel about this potential change? If the level of input had been on the order of at least 30% to 45%, the Council could be much more certain how much support this change really has.
- While there is some support for making this change, how will the Town handle issues of enforcement, uniform compliance and equal protection for residents, particularly given the small size of our staff? King County Animal Services currently provides our animal-control enforcement, but they are reducing the level of service they will provide for budgetary

reasons. Who else would be able to handle the code-enforcement issues and resident complaints that will inevitably need to be addressed?

- How will the Town address concerns about the negative aspects, e.g. noise, smell, pests (e.g. rats and other vermin attracted to the chicken feed), and predators (e.g. coyotes and raccoons attracted to the chickens and their eggs)? Rules established to control the number of animals and the location of pens can only accomplish so much; property owners who keep chickens must still clean everything regularly to minimize smell and remain vigilant to ensure the safety of the animals. What about the chicken owner who refuses to mitigate these negative aspects to the satisfaction of the neighbors?
- If the code change is made, will the Town's limited ability to enforce the new rules and/or experience with the negative aspects of chickens in your neighbor's yard cause residents who expressed limited support or who expressed no opinion to change their minds so that they become actively opposed to continuing to allow chickens?

In closing, it was the consensus of the Council that it has serious reservations about how the Town, given the small size of our staff, would handle enforcement and resolve complaints equitably while trying to provide equal protection to our residents. In addition, the Council is mindful that the process of amending ordinances can be expensive and time-consuming. In conclusion, the Council recognizes there is some support for this change, but they are not sure the level of community concern is compelling enough to proceed further at this time.

Clerk-Treasurer Spens will report on the Council's discussion and action to table further action indefinitely in the next newsletter. Her report will encourage residents who strongly support changing the code to allow chickens, bees, etc. to come to a Council meeting and share their opinions.

COUNCILMEMBERS; AREAS OF RESPONSIBILITY AND GOALS FOR 2012: Mayor Leider asked Councilmembers if they are satisfied with their current areas of responsibility as set out in last year's organization chart, noting that our newest member, Councilmember Gillem, will take over Steve Eulau's former duties overseeing the Town's emergency preparedness and response. At this time, all seem satisfied with their assigned duties.

Mayor Leider asked Clerk-Treasurer Spens to assemble resource binders for each member of the Council that collects the current year's budget, an updated organization chart, contact information for members of elected and appointed bodies and for staff members, a Town map showing addresses for each property, a current meeting schedule, and other general information that is useful to Councilmembers on an ongoing basis.

Some discussion items suggested for a strategic session include the Town's Stormwater Plan, Accessory Dwelling Units (ADUs), the structural safety of the Town's water tower, undergrounding power lines, and standard practices for ROW trees.

Mayor Leider asked the Council to think about how best to handle a strategic planning session: as a separate work session or in stages during regular meetings? Councilmembers agreed that having a separate work session would allow them to focus solely on strategic planning but recognized that scheduling a separate meeting could be challenging. They suggested that if scheduling a single meeting prove difficult, perhaps a couple of two-hour sessions outside of the

regular Council meeting would be wise.

Mayor Leider will work to find dates and times to schedule these sessions and will update the Organization Chart for further discussion in February.

MAYOR AND COUNCILMEMBER REPORTS:

DAMAGE TO STOP SIGN AT SE 29TH AND 108TH AVE SE: Councilmember Sharp reported that the damaged stop sign at SE 29th and 108th Ave SE was repaired and that Steve Eulau's Boy Scout troop contacted the Town to let us know that they had damaged the sign and want to reimburse for its repair. Clerk-Treasurer Spens will work with Bill Beck to determine the time and materials involved.

TREE WORK ON ROW: Councilmember Hillberg reported that he looked at a couple of trees near the former Welsh home.

MEETING WITH WABA ABOUT SHORELINE PERMIT: Mayor Leider reported that his meeting with Joann Bromberg, manager of WABA's shoreline-restoration project, Town Planner Mona Green and Deputy Clerk Angela Kulp was productive. The group reviewed the entire bill for consultant services line-by-line. As a result, charges for about \$200 of the \$2500 were reversed and will be covered by the Town.

WHATMORE: Mayor Leider reported that, due to a serious illness in the family, the Whatmores have asked for additional time to respond to the Town's requests regarding the encroachment and access issues and the water supply. He will continue to seek resolution of these issues per the original letter notifying them of the issues.

TAPIO HOUSE NEAR WATER TOWER: Mayor Leider noted that while this house is unoccupied, it does not appear to be a health or safety issue at this time. The Council will continue to monitor the situation.

YEN PROJECT: Clerk-Treasurer Spens reported that the Yens are proposing to access their property on 107th Ave SE from 108th Ave SE, at least during demolition. Councilmember Stowe asked that Building Official Kolke notify the Yens that the path on the 108th Ave SE ROW was not designed for use by heavy trucks or equipment.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday February 14, 2012 at Tom Stowe's house.

ADJOURN: Councilmember Stowe moved to adjourn the meeting at 9:00 pm. Councilmember Hillberg seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer