



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

October 9, 2012
Gillem

Mayor Leider called the meeting to order at 7:00 pm.

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: Water Superintendent Bob Durr and WABA President Paula Dix.

MINUTES: Councilmember Stowe moved to approve the September 11, 2012 minutes, as amended. Councilmember Hillberg seconded.

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

WARRANTS: Councilmember Stowe moved to approve the October 9, 2012 warrants, numbers 9119 through 9146 in the amount of \$19,302.60. Councilmember Sharp seconded.

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

CLERK'S REPORT:

LETTER FROM KING COUNTY EXECUTIVE REGARDING CHANGES AT KCSO:

Clerk-Treasurer Spens reported that Town Marshall Scott received a letter from King County Executive Dow Constantine informing us that the City of North Bend has elected to terminate their contract with the King County Sheriff's Office (KCSO). The letter explains that North Bend represents on 1.7% of KCSO's total workload, but the financial impact on the remaining partner cities will be minimal, and there will be no negative effect on services provided to the Town.

BACKFLOW PREVENTION DEVICE TESTING: It was the consensus of the Council that Clerk-Treasurer Spens will ask the contractor who performs this testing to let her know when testing will take place so she can send a note letting residents know to expect the contractor's arrival.

SPEED HUMP ON 107TH AVE SE: Clerk-Treasurer Spens reported that she received a note from a resident who is concerned about the loss of the speed hump on the street in front of the Brookhart property. One of the conditions of removing the hump without replacing it is that, if a majority of residents decide the hump is needed, the Brookharts will replace it at their expense in a location that meets their needs as well as the Town's. She asked the Council how they wish to collect opinions on this issue. Councilmember Stowe offered to poll the residents on his street to determine the best course of action.

MARSHAL'S REPORT: No report.

WATER REPORT: Water Superintendent Bob Durr reported that he is working to find a structural engineer to inspect the water-tank support structure to see if it needs repair.

WABA REPORT: No report.

PUBLIC HEARING: PRELIMINARY 2013 BUDGET: Councilmember Leber gave a brief synopsis of the basis for the revenue projections in this preliminary budget and recommended that the Council increase the property-tax levy again this year by the full 1% allowed by state statute.

The Council then completed a fund-by-fund review adjusting revenues and expenditures to both the 2013 Budget and the 2012 Estimated Actuals when possible. Clerk-Treasurer Spens reminded the Council that they will review the proposed budget during a public hearing at the November Council meeting and will adopt the final budget in December.

Mayor Leider opened the public hearing at 7:40pm. As there were no comments from the public, he closed the public hearing at 7:42pm.

Mayor Leider asked Councilmember Leber and Clerk-Treasurer Spens to quickly update the budget worksheets to reflect the changes discussed tonight and then distribute them by email as soon as possible to maximize the amount of time Councilmembers have to scrutinize them prior to the November meeting.

It was pointed out that steps on the path ROW that is an extension of 106th Pl to the Town's southern boundary are in poor condition and should be removed and replaced. Councilmember Hillberg will review the situation for safety and will block it off or have the steps removed right away, if appropriate.

SHORELINE MASTER PROGRAM: Mayor Leider outlined the Council's recent work to update the Town's Shoreline Master Program, including adopting Resolution No. 280 stating the Council's intent to adopt an updated Shoreline Master Program. He explained that the Council won't formally enact its Shoreline Master Program until after the following steps are completed:

1. The Council accepts this or an amended version of this draft SMP to submit to the Department of Ecology (DOE) for review.
2. The DOE completes its formal review of our draft and sends the Town a formal comment letter outlining required and/or suggested revisions.
3. The Town reviews the DOE comments, makes the required revisions, and determines how to handle the suggested ones.
4. The Town resubmits its revised SMP to DOE for final review and acceptance.
5. Once accepted by the DOE, The Town enacts the SMP in the form of an ordinance.

He added that, while the process takes time to work through, we can anticipate enacting the updated SMP sometime next year.

On discussion, the Council had four amendments to make before accepting this draft:

1. On page 45 of 45, Section 6.14.2 (D) should be restored to its earlier language to read: "Any new ~~replaced~~ primary utility lines shall be located underground. Existing aboveground lines shall be moved underground when properties are redeveloped or in conjunction with ~~replacements or~~ major system upgrades."
2. On page 23 of 45, Section 5.5.2 uses the term "tree units" but there is no definition for tree units in Appendix B. Appendix B should be amended to include the definition from the Tree Code.
3. On page E1 of 31, the second paragraph of the highlighted note should be eliminated in its entirety.
4. On page 39 of 45, Section 6.11.3 (C) should be restored to its earlier language to read: "The size and/or mix of new materials to be added to a beach shall be as ~~recommended and approved by the Washington State Department of Fish & Wildlife~~ similar as possible to that of the natural beach substrate, but large enough to resist the annual maximum current, wake, or wave action on the site."

MOTION: Councilmember Sharp moved to accept the draft SMP as amended tonight and send it to the Department of Ecology for formal review. Councilmember Hillberg seconded. Motion carried.

SOLID WASTE FRANCHISE: Councilmember Stowe reported that he has been working with Thom Grafstra, a franchise attorney, to review our current solid-waste franchise with Allied Waste. He explained that the Town may have both a franchise agreement and a licensing agreement but we have neither. Instead, we are part of a larger group that includes several cities, though he has not been able to obtain yet a copy of that agreement. So far the only information he has received from Allied Waste is a copy of Tariff No. 11 filed with the Washington Utilities and Transportation Commission (WUTC), the body that sets rates. He also explained that Republic Services is in the process of taking over for Allied Waster; however, the WUTC has not acknowledged the transition.

Councilmember Stowe explained that this issue came to the forefront when residents began asking for color-coded containers that make it easier to distinguish between garbage, recycling, and yard waste as they have in Bellevue. He added that Mr. Grafstra cautions the Town to fully research this issue before asking Allied Waste for a separate franchise as it can be cumbersome to administer. He asked if other Councilmembers have any opinions about whether to pursue this further or leave it as is.

Bob Durr offered some insight based on his own experiences a few years ago. First, any jurisdiction that doesn't choose to negotiate a separate franchise is covered by the WUTC tariff. If the Town wants to have standards that differ from Tariff 11, we must file with the WUTC to seek our own; a process takes at least six years. He suggested that before pursuing that avenue, the Council take a good look at Bellevue's solid-waste rates and see if the service changes would justify a change to their rate structure.

Councilmember Stowe will continue to investigate this issue and will report as more information becomes available.

MAYOR AND COUNCILMEMBER REPORTS:

TOWN CLEAN-UP: Councilmember Hillberg reported the Town's Fall Clean-Up is scheduled for Saturday November 3rd.

OTHER ROW ISSUES: Councilmember Hillberg reported that there is a hemlock on SE 27th Place that will be removed and replaced. He will also canvass neighbors in the vicinity of the 106th Path steps for volunteers to tackle that project.

EMERGENCY MANAGEMENT ISSUES: Councilmember Gillem reported that he continues working to refresh and simplify the Town's emergency-management plan. In addition, he met with the Mercer Island Emergency Manager to develop lists of equipment the Town should consider having on hand. He also asked that the newsletter include an item mentioning that he is developing an inventory of the equipment and skills among residents that could be available to assist in responding to a regional emergency.

STREET PROJECTS: Councilmember Sharp reported that paving work along 106th Pl SE should begin on October 22nd or 23rd, weather permitting. It will include work on the speed hump on 105th Ave SE, pothole repairs on SE 29th Street, and torch-down crosswalks.

STORMDRAIN OUTFALL ON 102ND AVE SE: Councilmember Sharp reported that runoff from the storm drain at the west end of 102nd Ave SE is causing erosion on the road to the South Beach. He was asked at last month's meeting to review the problem further and develop a solution. He notes that someone will need to take ownership of maintaining the landscaping in this area.

LEGAL DESCRIPTION FOR TOWN ROWS: Councilmember Stowe reported that he is working on legal descriptions for the Town's ROWs.

WHATMORE: Mayor Leider reported he is now waiting for a response from the Whatmore Estate to his letter reiterating the Town's position on the encroachment and water-supply issues relating to the Whatmore property.

LEGISLATIVE PRIORITIES: Mayor Leider reported that the Town of Yarrow Point has prepared a list of legislative priorities and asking the other Points Communities to sign indicating their support. He distributed a sheet outlining the following three priorities with added detail.

1. Ensure fiscal sustainability and flexibility.
2. Foster and invest in infrastructure and economic development.
3. Enhance service provisions.

Mayor Leider commented that he plans to sign in support of the priorities and asked the Council for input. It was the consensus of the Council that they also support these priorities.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday November 13, 2012 at Mike Hillberg's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:10 pm.
Councilmember Hillberg seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer