



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

November 12, 2013

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 Supervisor Bob Durr, WABA President Paula Dix, Carol Clemett, Jan and Robin Johnston, Forrest Kulp, Susan Bogert and Joseph McNulty

MINUTES: Councilmember Hillberg moved to approve the October 8, 2013 minutes, as amended. Councilmember Sharp seconded.

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

WARRANTS: Councilmember Sharp moved to approve the November 12, 2013 warrants, numbers 9447 through 9467, in the amount of \$57,523.18. Councilmember Hillberg seconded.

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

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CLERK'S REPORT:

RECENT POWER OUTAGE: Clerk-Treasurer Spens reported several residents living along the WABA portion of SE 27th Street lost power during the recent windstorm and remained without power for two days. Several of those residents are here this evening to present their concerns during Appearances.

2011-2012 AUDIT: Clerk-Treasurer Spens noted that the entrance conference for our biannual audit was held on October 17, 2013 and was attended by Mayor Leider, Councilmember Gillem, Clerk-Treasurer Spens and three representatives of the State Auditor's Office. In addition to reviewing our financial statements, the auditor will be reviewing our contract monitoring and permit fees.

MARSHAL'S REPORT: No report.

WATER REPORT: Water Supervisor Bob Durr reported that he and Superintendent Bill Beck continue to monitor the well pump's amperage to avoid pump outages, though the Town was on Bellevue water for one day.

WABA REPORT: WABA President Paula Dix reported that WRIA8 recently inspected the Shoreline Restoration Project Phase II improvements and was pleased with the result. They

are encouraging WABA to apply for Phase III funding.

She also reported that the WABA Board will hold a special meeting on November 20, 2013 to vote on a proposed bylaws change and license agreement and that the Christmas Ships are scheduled to visit the Beaux Arts Beach on December 19, 2013 between 8:00 and 8:20 pm..

APPEARANCES: Jan Johnston stated that she and several of her neighbors were without power for 2 days recently and are concerned about the condition of the power-distribution lines along SE 27th from 104th Ave SE to the water front. The power lines appear to be in poor condition with deteriorated insulation in many places. The group would like the Council to appoint a citizen committee to study the problem and recommend solution, including possibly underground the power lines along this street.

Mayor Leider offered to write to Puget Sound Energy and the state Public Utilities Commission regarding this specific situation and ask them to examine the distribution system for needed repairs. In addition, he reminded the group that the Council studied the possibility of undergrounding power lines throughout the Village a few years ago and found the cost to be prohibitive, but added that it may make sense to look at undergrounding just this road.

The Council agreed that forming a committee to study the situation further makes sense. Mayor Leider asked Mrs. Johnston to find participants, and the Council will add a volunteer.

DISCUSSION OF PROPOSED KCSO FEES FOR POLICE SERVICES: Mayor Leider noted that Town Marshal Scott had asked for this discussion before the King County Sheriff's Office (KCSO) before KCSO offered to review the workload calculation for our contract cost from a three-year average to a five-year average. That suggested change reduced the proposed annual increase from \$1,430 (8.5%) to \$1,157 (6.9%). It was the consensus of the Council not to look for other police services providers at this time.

PUBLIC HEARING: PROPOSED 2014 BUDGET: Clerk-Treasurer Spens noted that the Council received revised budget worksheets shortly after the October Council meeting that reflected the suggested changes made during that meeting. She noted that the only changes made to those worksheets is the addition of estimated Street and Water Department maintenance costs provided by Superintendent Bill Beck.

Mayor Leider opened the public hearing at 7:50 pm and asked for public comments.

Paula Dix asked if the cost of developing a Master Plan for the Town Rights of Way was included in this budget. Mayor Leider answered yes.

Forrest Kulp asked about possible changes to the level of service provided by the Sheriff, particularly for summer patrols and an increased presence to minimize the underage partying at the beach during the summer months. Mayor Leider answered that the Council is considering asking the Sheriff to increase such patrols, but to do so will, of course, increase our contract costs.

Mayor Lieder asked if the public had any additional questions. As there were none, he closed the public hearing at 8:00 pm.

The Council, on discussion, decided to make some minor line-item changes that Clerk-Treasurer Spens will incorporate into the Final 2014 Budget to be adopted by ordinance at the December Council meeting.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 407 SETTING THE 2014

LEVY: Clerk-Treasurer Spens reminded the Council that state statutes allow the Town to increase its property tax levy by up to 1% of the previous year's levy maximum. The 1% limit does not apply to levy increases for new construction, increases in the value of state-assessed property, and amounts from annexations. To help cities calculate the maximum allowable levy for their jurisdiction, the King County Department of Assessments provides each with a worksheet that outlines the various factors that go into building the total levy amount and the limits on each. She directed the Council's attention to the most current Levy Limit Worksheet from the Department of Assessments included in their packets and noted that the proposed levy ordinance is based on this worksheet; however, this ordinance is easily amended to adjust for the Council's final decision tonight.

Mayor Leider opened the public hearing at 8:10 pm and asked for public comments. As there were none, he closed the public hearing at 8:11 pm.

The maximum allowable increase in our total property-tax levy for the entire Town is slightly less than \$1,500 for the year. On discussion, the Council contemplated the impact of increasing the levy now both on the Town and on its residents versus banking the capacity for use in a future year. That discussion included the recognition that the economic climate remains uncertain and if the Town needed to increase the levy by more than the available banked capacity, a ballot measure would be needed, which is an expensive endeavor.

MOTION: Councilmember Sharp moved to pass Ordinance No. 407 authorizing a 1% increase in the property-tax levy for 2014 and setting the amount of property taxes to be levied in the Town for 2014. Councilmember Hillberg seconded.

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

STRATEGIC PLANNING: Nothing to report.

SHORELINE MASTER PROGRAM UPDATE: Mayor Leider thanked Town Planner Mona Green for her assistance in this discussion and asked the Council to focus on the three items identified by the Department of Ecology as needing additional review.

- Item 1: SMP Table 6.3 Requirements for New Overwater Structures – Location of moorage and in-water structures.

The Town's language requires any new ells, floats, and fingers be set back 30 feet from the shoreline. DOE wants to insert an additional condition that requires water depths of at least 10 feet for these structures. Temporary, summertime floats are exempt from this

requirement.

Based on a site investigation by Councilmember Stowe, the Council noted that the physical characteristics of the Beaux Arts shoreline are such that water depths of 10 feet are achieved at a distance of approximately 90 feet from the shoreline. This causes concern that if the change requested by DOE were implemented, WABA's ability to rebuild the docks if damaged or destroyed would be unduly restricted or even prohibited. The Council's discussion centered on possible "work arounds" for this requirement, including conditional-use permits. At the end of this discussion, it was the consensus of the Council that because of the shallow water along our shoreline, the 10-foot depth requirement unacceptable. The Town will explain to DOE why this requirement is physically unacceptable for our shoreline and petition to eliminate the 10-foot depth requirement

- Item 2. Appendix E. Critical Areas 1.A – Reasonable Use.

In setting forth the purpose of the Critical Areas regulations, the Town noted that it wishes to protect these areas and their ecological function while also allowing for reasonable use of private property. DOE states that the phrase "allowing for reasonable use of private property" must be stricken, claiming that neither RCW 90.57 nor WAC 173-27 allow for the concept of "reasonable use".

The Council believes that reasonable use is an important concept for Beaux Arts Village. Further, while the cited regulations do not allow for the concept of reasonable use, neither to they specifically prohibit it. The Council is willing to replace the phrase "while also allowing for reasonable use of private property" with the phrase "consistent with private property rights" as a means of achieving DOE's goals and preserving the rights of the Town's private property owners.

- Item 3: Appendix E. Critical Areas 4.F.1 – Endangered, threatened and sensitive species. DOE has added language stating "Development which is consistent with the SMP may be allowed within habitats of aquatic species".

The Council noted that this is not a significant revision and are willing to accept the change PROVIDED the words "may be" are replaced with the word "is" to clarify the regulation.

At the conclusion of this discussion, it was the consensus of the Council that Town Planner Green prepare a draft response for Mayor Leider's signature and, once submitted, will await their response.

MAYOR AND COUNCILMEMBER REPORTS:

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: Councilmember Gillem reported that he has completed his review and update of the Town's CEMP. This updated plan should be submitted to the State for review in 2014, a task that will fall to the Councilmember taking over these duties next year.

TOWN CLEAN-UP: Councilmember Hillberg reported that the Fall Clean Up was delayed one week because the dumpsters weren't delivered as promised. He noted that this worked out well however, since the windstorm came through on the Saturday originally designated for the Clean Up and left plenty of debris to be collected the following Saturday.

ROW MASTER PLAN: Councilmember Hillberg reported that he is writing a Request for Qualifications to be published soon seeking landscape architects and the like who may be interested in helping the Town develop this master plan. Clerk-Treasurer Spens will arrange for publication in the Daily Journal of Commerce and the Seattle Times when the RFQ is ready. Councilmember Sharp suggested that the Town consider adding two street lights each on 104th Ave SE and 105th Ave SE as part of this master plan, noting that there are existing poles.

TREE INSPECTIONS: Councilmember Hillberg reported Tree Solutions has been reviewing the existing inventory of the Town's ROW trees and evaluating their current condition. He will ask Tree for Life to do some tree work based on Tree Solutions' recommendations.

3Q2013 TREASURER'S REPORTS: Councilmember Leber reported that he has completed his review of the 3Q2013 Treasurer's Reports and supporting documentation and found them to be complete and accurate. He has signed them to indicate his approval.

107TH PAVING PROJECT: Councilmember Sharp reported that the paving overlay on 107th is 95% complete. He will follow up with the contractor on a few outstanding issues before authorizing a release of the 5% retainage. He plans to arrange for several storm drains to be cleaned as an aftermath of this project.

BUILDING PERMIT FEES: Councilmember Sharp noted that because of his involvement in finding our current building official, he would like to know how things are operating, particularly charges against building permits. Clerk-Treasurer Spens will ask Deputy Clerk Kulp to prepare a summary and forward it to Councilmember Sharp for further review.

GRANT OPPORTUNITIES: Councilmember Stowe reported that he continues to pursue additional information about grant opportunities available to the Town and that Gray & Osborne has agreed to notify him if they become aware of any appropriate grants.

ROW PLANTINGS ON PATH ROW NEAR 10604 SE 27TH PL: Mayor Leider reported that he has written to the new owner of this house to resolve this issue and is waiting for their reply.

AT&T WIRELESS: Mayor Leider reported that AT&T has completed a high-level review of the water tower as to its suitability for a wireless antenna and now plans to perform a technical review. They will get back to us.

WHATMORE ISSUE: Mayor Leider reported that he continues to work toward resolving this item.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday December 10, 2013 at Mike Hillberg's house.

EXECUTIVE SESSION: Mayor Leider announced that the Council would temporarily adjourn their regular session at 9:25pm to hold a brief executive session to discuss personnel performance. The Executive Session is expected to end by 9:35pm, at which point members of the public and staff may return for the remainder of the regular session.

At the conclusion of the Executive Session, the Council reconvened its regular session at 9:35pm.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:35 pm.
Councilmember Leber seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer