



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

December 8, 2015  
Gillem

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

**PRESENT:** Mayor Richard Leider, Councilmembers John Gillem, Mike Hillberg, Cynthia Hudson, Wade Morlock and Tom Stowe.

**EXCUSED:** None.

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

**GUESTS:** Rick Corra.

**MINUTES:** Councilmember Stowe moved to approve the November 10, 2015 minutes, as amended. Councilmember Morlock seconded.

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

**WARRANTS:** Councilmember Morlock moved to approve the December 8, 2015 warrants, numbers 10029 through 10056 (including numbers 10030 and 10031 voided for printing errors) in the amount of \$26,734.60. Councilmember Gillem seconded.

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

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

**LED LIGHTING GRANT:** Clerk-Treasurer Spens updated the Council on recent actions by Hunts Point and Yarrow Point regarding this grant opportunity. Both councils have placed the grant on hold while they investigate the quality of the light (warm vs. cold), cost and energy savings, etc. Stacia Schroeder, Town Engineer for both towns, reports that it is unclear if declining the grant will have any impact, since all of their lights are PSE-owned – as are all of ours – and PSE may choose to move forward with the replacements themselves. Mayor Leider indicated that he would try to find more data on led light-quality to add to our discussion at a later date.

**TREE PERMIT FEES:** Clerk-Treasurer Spens shared Deputy Clerk Kulp suggestion that we change the fee collected for a Tree Permit. Currently, we collect \$50 for the application fee and later bill each applicant for the Town Arborist's time to complete an application review – usually no more than \$55 for a ½-hour review. Since this review is required for every permit, Deputy Clerk Kulp asked the Council to consider increasing the application fee to \$105: \$50 for the permit and \$55 for the application review. The net cost to the applicant remains the same, but the number of invoices drops dramatically. In cases where the application review exceeds ½-hour or the permit incurs other additional costs, the Town will continue to be reimbursed. It was the consensus of the Council that this change makes sense; Clerk-Treasurer Spens will bring an updated Fees Resolution to the January meeting for review and approval.

**PUBLIC RECORDS REQUEST (PRR):** Clerk-Treasurer Spens reported that, on Monday November 30, 2015, she received the following public-records request:

This is a public records request to inspect ALL (all inclusive time frame) of Beaux Arts' public records with their associated meta-data except security video footage and dashcam failsafe [do want all dashcam on server] video (do want all 911 calls/radio audio) that hasn't been retrieved for a specific incident. The purpose of my request is to make government as transparent as possible so that the public can fully control it and use it's public records for good purposes without having to request it. I'm PDRing all local government agencies in the county. I expect that you will forward this to all of the public records officers at Beaux Arts. I also expect you to immediately have all retention schedules frozen to ensure all public records are preserved so they can be released to me. I will make my own copies of the records and publish them on [insideyourgovernment.com](http://insideyourgovernment.com) I will not be selling the records. I will simply be posting them online and providing tools to use them for good purposes. For medical information please redact patient identities so I can have the substance.

This same PRR was received by many, if not all, cities in King County. The requestor, Tim Clemans, has submitted other broad-scope PRRs to Seattle Police, the State of Washington, and others. Ms. Spens is working with Town Attorney Stewart to determine how best to respond.

**COMP PLAN UPDATES:** Clerk-Treasurer Spens reported that Town Planner Green has forwarded PRSC's certification of the 2015 Comprehensive Plan.

**2013-14 AUDIT:** Clerk-Treasurer Spens reported that our 2-year audit is complete. The exit conference was conducted on December 4, 2015; she distributed draft audit reports to the Council. Final audit reports will be available on the State Auditor's Office website shortly. Mayor Leider added that he re-iterated his concerns with the language currently included in the audits of all cash-basis entities in Washington, which gives the casual reader the impression that cash-basis entities are not fairly presenting their financial positions solely because they use cash-basis accounting as allowed by the State of Washington. He plans to contact other cash-basis entities affected by this issue and see if there is enough support to re-open the discussion and petition for a change to this rule.

**AWC LOSS-PREVENTION GRANTS:** Clerk-Treasurer Spens reported that three of the five loss-prevention grants AWC RMSA awarded to us have been completed and documentation submitted for reimbursement. Caitlin Magee with the AWC RMSA has invited us to substitute two other projects that qualify for reimbursement, e.g. tree-hazard mitigation. Councilmember Hillberg commented that there were several such projects this past year, so Ms. Spens will find appropriate substitutes.

**UPDATED CEMP:** Clerk-Treasurer Spens reported that we received feedback from Karen Ferreira, Washington State Emergency Management Division, and forwarded it to Councilmember Hudson, who is already at work responding to the comments and recommendations.

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

**WATER REPORT:** No report.

**WABA REPORT:** Mayor Leider reported on behalf of WABA the following:

- A reminder that the Argosy Christmas Ship will visit the Beaux Arts Beach on Tuesday December 22nd at around 4pm. WABA plans to have its beach bonfire on Sunday December 20<sup>th</sup> around 8:30 pm when the ships visit Covenant Shores.
- Winter Dinner planning is underway, and invitations will be mailed shortly.

**APPEARANCES:** None.

**PROPOSAL TO CREATE A GOLF CART ZONE:** Councilmember Gillem and Robert Heintz outlined their work to date on this proposal, including development of a draft ordinance to establish the Golf Cart Zone and regulations governing the carts and their use. Both noted that they have not heard any opposition to the idea, just some concerns about safety, particularly with regard to operating carts on the arterial. Those concerns will be addressed.

Councilmember Gillem explained that the ordinance currently includes the rules that are important to the Town and may need to be refined to include standard statutory language. Town Attorney Stewart should review the draft and update for those omissions, if any. He reported that WABA has conducted a preliminary review and asked that only electric carts be allowed.

The Council reviewed the draft ordinance in detail. During that review, Councilmembers had the following questions:

- How will the rules be enforced?  
After some discussion, it wasn't clear how best to handle this, whether the Town Marshal should be tasked with these duties or not. Further discussion is needed. Councilmember Gillem did point out that while the state has certain statutes that apply, the rules spelled out in the proposed ordinance go beyond state requirements, e.g. requiring headlights and taillights, requiring liability insurance, etc.
- Should the administrative duties be handled by the Town Clerk rather than the Town Marshal? It seems like there could be a lot of paperwork responsibility for the Town Marshal to handle that might be better suited to one of the Town Clerks, particularly since recordkeeping is involved.
- What is the timeline for taking action?  
After some discussion about whether or not to hold a separate public meeting to discuss this issue in depth with residents, it was the consensus of the Council that a separate meeting isn't needed, but plenty of time on a meeting agenda for discussion with interested residents would be wise. Clerk-Treasurer Spens will list this discussion on the

January meeting agenda to encourage attendance by interested residents.

- What is the experience in other communities with similar zones?  
Councilmember Gillem noted that Langley is very positive about the project and residents seem enthusiastic about using golf carts to maneuver around the congested areas near its marina.
- How has the public heard about the proposal and offered feedback in Beaux Arts so far?  
Mainly word of mouth, and most feedback has been positive.
- Will only residents be allowed to operate golf carts on Beaux Arts streets? If so, the ordinance should clearly state that.
- What about parking?  
One thought was rules for parking golf carts could be relaxed a bit, perhaps by creating areas designated for golf-cart parking only.

At the conclusion of this discussion, it was determined that Councilmember Gillem and Mr. Heintz would provide more information on insurance issues and would then send an updated draft ordinance to Clerk-Treasurer Spens, who will arrange for Town Attorney Stewart to review and revise as needed in time for further review during the January Council meeting.

**PROPOSED ORDINANCE NO. 420 ADOPTING A BUDGET FOR 2016:**

Councilmember Gillem noted that the 2016 budget presented in Ordinance No. 420 incorporates several minor changes, including \$25,000 for projects carried forward from 2015 that couldn't be completed. He added that the proposed budget represents a \$40,000 deficit overall, but it is important to remember that this is a one-time deficit needed to fund some important infrastructure investments and will not extend beyond 2016. It also shows a \$5,000 surplus in the Water Fund, which allows that fund to continue to build reserves to fund anticipated future maintenance.

**MOTION:** Councilmember Hillberg moved to pass Ordinance No. 420 adopting a budget for 2016 and setting the Clerk-Treasurer's salary for 2016. Councilmember Morlock seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

**TOWN TREES:** Councilmember Hillberg reported that Tree Solutions examined a birch tree in front of the Wells residence and found birch-bore disease. The tree will be removed.

**ACADEMY PATH PARKING:** Councilmember Hillberg explained that he discussed the impact of parking on tree roots in this vicinity with Tree Solutions and reported that they are not concerned since the area has been used for parking for years. He will arrange for removal of top soil that will be replaced with 3 to 4 inches of gravel in the designated areas.

**SE 29<sup>th</sup> STREET PAVING PROJECT:** Councilmember Stowe reported that the paving project on SE 29<sup>th</sup> Street planned for this Fall will be postponed until 2016. He will revisit the project with the contractor in February.

**SOUND TRANSIT / CITY OF BELLEVUE:** Councilmember Stowe reminded the Council that his last meeting with representatives from Sound Transit and Bellevue to discuss the impact of Sound Transit's East Link light rail project on traffic patterns in the vicinity of the southern end of Bellevue Way was more than two months ago. Since that time, Bellevue has not offered updates or additional feedback. Mayor Leider offered to contact Joyce Nichols at the City of Bellevue for further discussion.

**AWC TRAINING FOR ELECTEDS:** Councilmember Gillem reported that he and Councilmember Hudson attended a recent training webcast sponsored by AWC. Both thought the training was very well done and worth the time they invested.

**TRAFFIC CONCERNS ALONG THE 104<sup>TH</sup>/105<sup>TH</sup> ARTERIAL:** Councilmember Gillem commented that he has been hearing increasing concerns from residents about how dangerous this arterial is, especially in the dark season, due to the number of cars and the speed they travel. He thinks that looking into traffic calming in this area is important.

**POSSIBLE ARTERIAL TRAFFIC STUDY:** Mayor Leider reminded the Council that the four Points Cities bordering SR520 plan to hire a traffic specialist to recommend ideas for reducing the volume of cut-through traffic they experience daily. He suggested that Beaux Arts may wish to consider hiring someone similar problems along the 104<sup>th</sup>/105<sup>th</sup> and the 108<sup>th</sup> arterials and also to address improving lighting along these routes. He offered to contact PSE to open a discussion about the lighting concerns.

**REVENUE COMMITTEE:** Mayor Leider distributed a draft charter for the Revenue Committee, including a list of six committee members.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for 7:00pm on Tuesday January 12, 2016 at Mike Hillberg's house.

**ADJOURN:** Councilmember Morlock moved to adjourn the meeting at 9:15 pm. Councilmember Hillberg seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer