



**TOWN OF BEAUX ARTS VILLAGE**

**TOWN COUNCIL MINUTES**

July 11, 2023  
Dix

**PRESENT:** Mayor Aletha Howes, Councilmembers Paula Dix, James McCarthy, Stacy Saal, and Tom Stowe.

**EXCUSED:** Councilmember Brad Wheeler.

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

**GUESTS:** Steve Tegeler, Tim McGrath, and Walter Scott.

Mayor Howes called the meeting to order at 7pm.

**MINUTES:** Councilmember Saal moved to approve the June 13, 2023 minutes as amended. Councilmember McCarthy seconded.

Vote: 3 For, 0 Against, 1 Abstain (Saal). Motion carried.

**CLAIMS:** Councilmember Saal moved to approve the July 11, 2023 Claims Register for check numbers 16319 through 16336 in the amount of \$24,411.20. Councilmember Stowe seconded.

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

**CLERK'S REPORT:**

**HEARING EXAMINER:** Clerk/Treasurer Spens reported that no one responded to the Town's RFQ for hearing-examiner services, but she has two names thanks to a referral from Town Attorney Linehan and the departing hearing examiner at Town of Hunts Point. She is expecting a third person to submit qualifications and expects to have a proposal for the Council's consideration in September.

**MARSHAL'S REPORT:** Mayor Howes reported on behalf of Town Marshal Jochums that while there was nothing official to report, she is aware that there were instances of fireworks being ignited.

**WATER REPORT:** Nothing to report.

**WABA REPORT:** Mayor Howes reported on behalf of WABA President Jeff Avansino that the WABA picnic is coming soon, parking security has started for the summer, and WABA is working on plans for covenants in response to recent state legislation that could affect land use.

**APPEARANCES:** None.

**TEGELER REQUEST TO REMOVE TOWN TREE:** Steve Tegeler explained his request to remove a flowering plum from the right-of-way adjacent to the house he is building on 105<sup>th</sup> Ave SE. The tree is growing horizontally, and Town Arborist Holly Iosso agrees that its long-term survival is questionable. Mr. Tegeler is requesting permission to remove the tree and replace it with a mitigation tree that will thrive.

Mr. Tegeler also discussed ideas for grading in the vicinity to improve sight distances for vehicles traveling along the Arterial.

**MOTION:** Councilmember Saal moved to grant the Tegelers permission to remove the identified tree with mitigation as outlined in his proposal. Councilmember McCarthy seconded.

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

**CONSIDERATIONS FOR VACATING UNUSED RIGHTS-OF-WAY:** Mayor Howes recapped the background for this idea. She noted that the Council briefly discussed this over the last two months and decided that they wanted time to fully consider whether selling these properties would set an undesirable precedent and to evaluate the benefits to selling versus retaining them.

After a brief discussion, the Council found no compelling reason to sell these properties now and determined that there is no consensus for continuing the discussion at this time.

Mayor Howes will notify the property owners who asked the Council to consider the sale and let them know that the Council is not interested in selling.

**WATER RATE STUDY:** Councilmember McCarthy reported on his ongoing work on this study, commenting that he intends to have a recommendation for the Council's consideration in the Fall. Before presenting his recommendation, he will discuss his infrastructure questions with Water Supervisor Bob Durr.

Clerk/Treasurer Spens suggested that the Council may wish to consider establishing a reserve fund for the Water Department that would segregate funds needed for capital improvements from funds needed for normal operations and maintenance.

**TREE CODE CONCERNS:** Mayor Howes commented that Town Arborist Holly Iosso has asked the Council to consider amending the current Tree Code to provide more clarity in the process for permitting tree removals. She reminded the Council that the Planning Commission suggested last month that the Council seriously consider increasing our fines for unauthorized tree removals, as they are not stiff enough to deter someone from removing a tree without a permit.

Mayor Howes noted that in working with Deputy Clerk Tych and Town Arborist Iosso to address some of the gray areas in our current Tree Code, she has a few suggestions for other changes, including:

1. Add routine inspections for tree-removal permits. Determine appropriate frequency

- of inspections.
2. Include periodic inspections of any required tree protection associated with a building permit.
  3. Address the consequences of removing tree protection before allowed, including requiring replacement, imposing fines, and issuing stop-work orders.

Mayor Howes would like to have the Council make a quick review of the current tree code, including the fines for unpermitted removals, and determine if there is currently any penalty for removing tree-protection fencing without approval. Clerk/Treasurer Spens will include materials in the September Council packets to support this discussion. She reminded the Council that any code changes will have to be run through the Planning Commission before they can be enacted, because the Tree Code is a land-use ordinance.

2024 – 2029 CIP / TIP: Clerk/Treasurer Spens reminded the Council that we will hold a public hearing in September to adopt our the 2024 / 2029 CIP / TIP.

Councilmember Wheeler mentioned that he is pursuing possible FEMA funding for the water line replacement.

Councilmember McCarthy asked Councilmembers who have projects on the list or have new projects to include to send him the information about those projects so that he can update the project spreadsheet.

**LEGISLATIVE UPDATES:** Mayor Howes directed Councilmembers to feedback from Town Attorney Linehan answering a number of questions Councilmember Stowe had about HB 1110. She reminded all that the Town’s updated Comprehensive Plan is due at the end of 2024 and the new legislation goes into effect in 2025. Councilmember Stowe mentioned that WABA is reviewing their options for mitigating the effects of HB 1110 on Beaux Arts. He will distill his thoughts about the information from the Town Attorney once he hears more about WABA’s plans.

**MAYOR AND COUNCILMEMBER REPORTS:**

**GLEN PATH IMPROVEMENTS:** Councilmember Dix reported that the project is moving forward. She is working on budget figures for 2024.

**GREEN SPACE MAINTENANCE:** Councilmember Dix noted that Britescape has taken over the work along the Academy Path. She also mentioned that the entrance to Pitt Park from 106<sup>th</sup> Pl SE and the north entrance to Town at SE 27<sup>th</sup> and 104<sup>th</sup> SE both need attention.

**USING FIRE HYDRANTS FOR WATERING NEEDS:** Councilmember Dix reported that she has looked into this idea a bit more and thinks it could be workable. Mayor Howes responded that she strongly prefers that we not use the fire hydrants for anything other than their intended purpose. She would prefer that we approach adjacent owners for temporary watering assistance offering them a credit on their water bill as an incentive.

**TREE CANOPY:** Councilmember Dix commented that our tree canopy was last measured in 2019 and it might be wise to add that as a project to the CIP.

**STREET DEPARTMENT:** Councilmember Stowe commented that the Town's road signs need work, the storm sewer needs to be cleaned, and the 108<sup>th</sup> faucet needs to be opened. He will talk with Town Engineer Schroeder about those.

He also reported that pathway foliage along the 108<sup>th</sup> Walking Path needs to be addressed. Roots from "volunteer" trees are threatening the box conduit that protects communication wiring.

**COMCAST FRANCHISE:** Councilmember Stowe will begin to review the proposed franchise.

**LOBBYIST FOR LEGISLATIVE CONCERNS:** Mayor Howes reported that the other Points Cities have determined that each city/town will need to execute a separate agreement for the lobbyist's services. Those services would include monitoring legislative activities, providing ongoing strategic advice for addressing proposed legislation, and managing messaging to both residents and legislators.

One aspect to resolve is how to share the monthly \$7500 cost, though sharing the cost equally seems to be the current trend. She asked the Council for their comfort level in funding something like this. It was the consensus of the Council that they would be willing to fund up to \$1,000 per month if the representation is adequate.

**LINE OF SIGHT ISSUES ALONG TOWN STREETS:** Mayor Howes stated that in her attempts to resolve a recent line-of-sight issue, she is using the following Town stance: Property owners with foliage growing from plants on their properties into the rights-of-way or from plants they have placed on the right-of-way must maintain it so as to preserve lines of sight for vehicles using the roads, including those exiting their driveways onto the public street. Should a property owner be unwilling to trim back foliage to meet this safety need, the Town will remove the plantings and no new planting in that area will be allowed.

**NEXT MEETING:** The next Council meeting is scheduled for Tuesday September 12, 2023 at Councilmember Howes' house. There is no regular Council meeting in August.

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

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

Respectfully submitted,

Sue Ann Spens  
Clerk/Treasurer