



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

February 8, 2005

Lowry

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Tom Robinson (arrived at 7:40 pm), Aaron Sharp, and Judee Wells (arrived at 7:45 pm).

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Town Marshal Kyle Branum.

GUESTS: Gerri Armbruster, WABA; Teresa Tegeler, Robin Stefan, Julia Morse.

MINUTES: Councilmember Heckendorn moved to approve the January 11, 2005 minutes as written. Councilmember Rose seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

(Councilmember Robinson arrived at 7:40 pm)

CLERK'S REPORT: Clerk-Treasurer Spens reported that the blue mail-collection box on 104th Ave SE was recently damaged by a vehicle and subsequently removed by the USPS. She noted that she has written to the Postmaster asking when the box will be replaced but has not received an answer yet. She asked the Council if they wanted her to check with Metro on replacement of the bus shelter that was also damaged and removed. It was the consensus of the Council that she do so.

Clerk-Treasurer Spens reported that members of the Council have been invited to attend the opening reception of an exhibit at the Museum of History and Industry (MOHAI) as the exhibit will feature an artist, Kathleen Houlahan, who lived in Beaux Arts during its early days. Councilmembers Heckendorn, Rose, and Robinson stated that they would like to attend. Clerk-Treasurer Spens will RSVP on their behalf.

Clerk-Treasurer Spens reported that the Town received a letter from Ferry County inviting us to participate in an interlocal agreement for jail services as they have extra beds they wish to fill. She added that we are already participating with a number of other area cities in an interlocal agreement with Yakima County for similar services. It was the consensus of the Council that we not pursue the opportunity at this time.

Clerk-Treasurer Spens reported that she has been looking into upgrading a portion of the shed at the water tower for the storage of non-essential records at a cost of about \$5,000 to finish the space, install electricity and add a baseboard heater. She noted that there would also be a nominal monthly charge for the electricity use for lighting and heat. She explained that the

reasons for broaching the topic are:

- Deputy Clerk Donworth has enough records to fill at least two filing cabinets but no room in her home for the cabinets.
- The Town documents currently stored at Mary Spens house could be moved into this space, where they would be as secure as they are in any home in the Village.
- The storage of records in a central location would make them available to both clerks, as needed.
- WABA could use some of the space if they helped pay for a portion of the cost to upgrade.

She asked the Council if there were any objections to her developing the idea further and presenting it with better costs estimates at a future meeting. It was the consensus of the Council that Clerk-Treasurer Spens develop the idea further.

WARRANTS: Councilmember Heckendorn moved to approve the February 8, 2005 warrant list, including warrant numbers 6629 through 6652 in the amount of \$15,101.24.

Councilmember Robinson seconded.

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

Councilmember Rose reported that he has reviewed the Treasurer's Reports for the 3rd Quarter 2004 (October through December 2004) and found them to be satisfactory and in order.

(Councilmember Wells arrived at 7:45pm.)

MARSHAL'S REPORT: Marshal Branum reported that the Village has experienced two incidents of criminal activity in the last month. He explained that the first was the destruction of the mailbox and bus shelter during a hit-and-run accident. The second was another incident of mail theft. He provided a notice that he asked be included in the next newsletter reminding residents to report any suspicious activity immediately to him and/or the police.

WATER REPORT: No report.

WABA REPORT: WABA representative Gerri Armbruster reported that the WABA has elected new officers for the coming year, as follows:

Jim Airy, President
Chuck Thulin, Vice-President
Gerri Armbruster, Treasurer
John Sharp, Secretary
Julia Morse, Trustee at Large

She also reported that WABA would be sending out statements for the regular annual assessment shortly. She added that the special assessment to pay for potential litigation remains pending. On that issue, she stated that WABA hopes the Solaros may be closer to reaching a settlement. If not, a court date has been set for January 2006.

She commented that WABA has hired an arborist to review a tree-trimming proposal

submitted by the Scotts and the Heckendorns, who have agreed to pay the cost of the trimming, if approved.

She explained that Jim Airy has set a number of goals for his presidency, including:

- resolve the remaining land-use issues on WABA property,
- develop a Comprehensive Plan for the beach,
- review WABA's bylaws, and
- revise WABA's financials to reflect the total picture.

She added that, as a group, they are working on insurance and indemnification of WABA officers.

EMERGENCY PREPAREDNESS: Councilmember Robinson reported that Councilmember Sharp has agreed to be the Town's representative at an upcoming Earthquake Seminar.

PUBLIC HEARING: PROPOSED BOUNDARY LINE ADJUSTMENT #05-1 SUBMITTED BY FINNELL AND DAY: Mayor Lowry opened the public hearing at 7:55pm and introduced Julie Finnell. Ms. Finnell explained that the primary reason for this boundary-line adjustment is to preserve the buffer between her property and that of the neighbors, Barlow and Grace Day. She stated that she and her husband are concerned that the Days are aging and may sell in the foreseeable future to someone who probably will demolish the Days' home and replace it with a large house. She added that such construction could adversely impact a large fir tree that sits between these lots.

Mayor Lowry asked if members of the Council had any questions. Councilmember Heckendorn asked if the request could be approved with a provision to prevent the future subdivision of this property, since the transfer of this piece makes the Finnell lot large enough to subdivide.

Robin Stefan suggested that the scope of the property transfer be reduced so that the lot is not made large enough to subdivide.

Councilmember Wells stated that she doesn't believe the Town has the authority to limit the request in either of these ways.

Clerk-Treasurer Spens reminded the Council that they had encouraged another property owner who didn't have quite enough property for a subdivision without a variance to acquire the needed property from a neighbor in order to subdivide without a variance and had subsequently approved both the request for boundary-line adjustment and for lot subdivision.

After some discussion, it was the consensus of the Council that neither of these restrictions is within the authority of the Council, as the Town's Subdivision Ordinance does not grant the Council the power to impose such restrictions.

Mayor Lowry closed the public hearing at 8:07pm.

MOTION: Councilmember Robinson moved to approve Boundary Line Adjustment #05-1 submitted by Jim and Julie Finnell and Barlow and Grace Day. Councilmember Rose seconded.

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

REQUEST TO REMOVE TREES FROM TOWN RIGHT-OF-WAY: Mayor Lowry introduced Teresa Tegeler and asked her to outline her request.

Ms. Tegeler explained that she and her husband, Steve, purchased a lot on 104th Ave SE that is one of the smallest in the Village and have been working with an architect to design a home that can be constructed without the need for a variance. She commented that the design dictates the placement of the driveway in such a location that a tree on the right-of-way must be removed. She added that even if another location for the driveway were available, their design would require site regrading that would disturb the trees roots significantly and negatively impacting the tree's health. She stated that their landscape architect plans to replant both the lot and the right of way with native trees after construction is completed.

Julia Morse commented that Julie Stofel with Washington State Department of Fish and Wildlife (DFW) recently confirmed the location of a second eagle nest in the Village and that the Tegelers may need to file an eagle management plan with DFW. Ms. Tegeler responded that her architect has already been in contact with DFW.

Councilmember Robinson stated that, while he strongly supports tree preservation, he doesn't want to see owners of small building lots prevented from building reasonable homes just to save trees.

Councilmember Sharp stated that he believes we should support owners who want to build in compliance with the Zoning Code to minimize the long-term impact of new construction on existing residents. He added that since the owners have plans to replace trees with native species, he supports the removal of the one tree.

Councilmember Wells asked how we know that the driveway will destabilize the tree's root system. Councilmember Sharp answered that an arborist should be able to confirm that contention.

Councilmember Heckendorn asked if the owner might be compelled to replace the removed tree with the same type elsewhere in the Village. Councilmember Wells suggested that rather than elsewhere in the Village, elsewhere on that ROW would be more appropriate.

MOTION: Councilmember Heckendorn moved to authorize removal of the tree in questions pending its replacement with the same kind of tree planted on the ROW in front of the property. Councilmember Sharp seconded.

On discussion, Councilmember Rose noted that the last time a situation such as this was discussed, the Council had an arborist's report prior to making their decision and asked why not this time.

Councilmember Heckendorn withdrew her motion.

MOTION: Councilmember Rose moved to authorize the Tegelers to remove the tree in question at their expense provided 1) The McAndrews Group (TMG) verifies that no code-compliant driveway can be built without removing the tree, OR 2) if TMG determines that a code-compliant driveway can be built without removing the tree, an arborist verifies that regrading the lot will damage the tree's roots and endanger its health AND 3) if the tree is removed, the Tegelers will replace it with a tree of similar type and value. Councilmember Wells seconded.

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

Councilmember Robinson commented that this situation emphasizes the need for the Council to look at developing a plan for replacing its trees rather than examining each request to remove a tree in this piecemeal fashion. Councilmember Sharp agreed strongly with this statement.

Councilmember Wells stated that future requests for this type of Council action should be accompanied by an arborist report.

Councilmember Sharp noted that the agenda item also included a request from Tom Stowe to remove some trees on the ROW in front of his property on 107th Ave SE. He added that Mr. Stowe was supposed to be bringing additional information for the Council's review in deciding this question, but as Mr. Stowe is not in attendance, perhaps the Council should table further action on this request. Councilmember Sharp commented that he would ask Mr. Stowe to obtain an arborist report before bringing the question back before the Council.

It was the consensus of the Council to table further discussion of this agenda item until March.

PROPOSED RESOLUTION NO. 219 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH KING COUNTY FOR PROVISION OF DISTRICT COURT SERVICES: Clerk-Treasurer Spens reported that Town Attorney Stewart recommends tabling discussion of this item until March or April so that he can complete a thorough review of the agreement and work to revise it, if necessary.

It was the consensus of the Council to table this item until the Town Attorney reports that it is ready for discussion and action

MAYOR AND COUNCILMEMBER REPORTS:

AWC SMALL CITIES REPORT: Councilmember Robinson reported that he has completed a review of the subject report and found it informative regarding the issues facing small cities in Washington State. Councilmember Heckendorn stated that she would review the report as well.

STATE LEGISLATIVE ACTIVITY: Councilmember Heckendorn reported on the status of a number of bills moving through the State Legislature. She noted that the most important of these is proposed changes to the schedule for updating Comprehensive Plans in cities with populations of fewer than 1500 that would allow these smaller cities to “skip” an update cycle if the city experienced no significant changes since its last update.

SHARED-WALL HOUSING COMMITTEE: Councilmember Rose reported that the Shared Wall Committee met recently with an architect who has experience in building cottage-style housing and enthusiasm for the group’s mission. He commented that the architect suggested the committee review ordinances from other cities that already allow this type of construction.

BOARD OF ADJUSTMENT VACANCIES: Mayor Lowry reported that he has reappointed Board of Adjustment member Steve Hauck to another six-year term and appointed Peggy Bates to a new six-year term replacing former-Chairman Bob Welsh, whose term expired on December 31, 2004. He asked the Council to confirm these appointments.

MOTION: Councilmember Heckendorn moved to confirm Mayor Lowry’s reappointment of Steve Hauck to the Board of Adjustment for another six-year term and Peggy Bates to a new six-year term, both terms expiring December 31, 2010. Councilmember Robinson seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

PLANNING COMMISSION VACANCY: Mayor Lowry reported that Planning Commissioner Andy Stefan’s term expired on December 31, 2004 and that he is considering possible replacements. He asked the Council to offer their suggestions.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for Tuesday, March 8, 2005 at Councilmember Robinson’s house. Councilmember Wells asked if the April meeting could be moved since it is currently scheduled for the week of Spring Break. Councilmember Rose suggested that the meeting be held one week early on April 5th. Clerk-Treasurer reminded the Council that if the meeting is held before its regular date, they cannot approve the April warrants until the following month. It was consensus of the Council that April 5th is the best date for members of the Council.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer