



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

April 24, 2007

Sharp

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

**PRESENT:** Mayor Judee Wells, Councilmembers Aaron Sharp, Richard Leider, and Bruce Young. Councilmembers Tom Robinson and Carol Clemett arrived after the meeting was called to order.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Water Dept Supervisor Bob Durr, Town Marshal Walter Scott.

**GUESTS:** Rich Bray, WABA, John Chihak, Jeff Elston, and Pam Donoghue.

**MINUTES:** Councilmember Leider moved to approve the March 13, 2007 minutes as written. Councilmember Sharp seconded.

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

**WARRANTS:** Councilmember Leider moved to approve the April 10, 2007 warrant list, including warrant numbers 7306 through 7343 (including nos. 7307 through 7315 voided due to a change in warrant style) in the amount of \$86,361.52. Councilmember Sharp seconded.

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

Councilmember Leider asked if the Town has a written policy for review and approval of individual invoices that exceed a given dollar value. Clerk-Treasurer Spens answered that she didn't know of one. Councilmember Leider offered to write a policy for future Council review that will provide additional internal controls over the payment of large invoices.

Councilmember Leider reported that he had reviewed the 1st Quarter 2007 Treasurer's Reports and found them to be in order. He has signed each report indicating his approval.

Councilmember Robinson arrived at 7:10pm.

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

**NEW CROSSWALK AT SE 28<sup>TH</sup> ST AND 105<sup>TH</sup> AVE SE:** Clerk-Treasurer Spens reported that she received an email from a resident expressing concern about the placement of the new crosswalk at the intersection of SE 28<sup>th</sup> St and 105<sup>th</sup> Ave SE. She explained that the resident feels that, because the intersection is at a blind corner, it is not wise to encourage pedestrians to cross at that location. Councilmember Sharp commented that this crosswalk was installed by mistake and at no charge to the Town. He offered to eliminate it with black paint during

the upcoming Town Clean-up. It was the consensus of the Council that Councilmember Sharp handle removing the crosswalk.

**NEW DEPUTY CLERK:** Clerk-Treasurer Spens reported that she and new Deputy Clerk Angela Kulp have been working closely together during the month since Ms. Kulp's hiring and have made a lot of progress. She added that Ms. Kulp is learning quickly and has already begun cleaning up older Building Dept. records and logs and other related files.

**NEW METER READERS:** Clerk-Treasurer Spens reported that the Water Department has two new meter readers and one alternate. Cole Wydrowski and Max Sharp will be our regular meter readers and Nate Clemett has agreed to serve as an alternate, filling in when either Cole or Max is unable to perform the duties. She added that a parent of each of these boys has signed a contract for providing this service to the Town and has agreed to accompany the boys each time they make their rounds.

**AWC LOSS CONTROL GRANTS FOR 2007:** Clerk-Treasurer Spens reported that the Association of Washington Cities is offering grants again this year to help pay for projects promoting risk management and suggested that the Town apply for a grant to help offset the cost of hiring a forestry student through the University of Washington Work-Study program. She added that the forestry student could develop an inventory of trees on Town property and prepare a watch list of trees that pose a potential hazard either now or in the near future. She noted that the Council can use this inventory to guide its decisions about tree removals and replacements and to determine appropriate budget levels for such work. It was the consensus of the Council that Clerk-Treasurer Spens submit a grant application on the Town's behalf.

**BUILDING DEPARTMENT INVOICES FOR PERMIT CHARGES:** Clerk-Treasurer Spens reported that of the 20 permit holders who incurred charges beyond the 75% allowance, 15 have paid their balances in full and one has made a partial payment. She added that payments received account for about 50% of the billed charges and total \$21,500.

**REFLECTIVE ADDRESS SIGNS:** Clerk-Treasurer Spens reported that she is looking for sign suppliers and looking into the possibility of obtaining grant money to cover the cost to purchase signs for residents. She explained that this was one of the suggestions that came out of the Council's discussions with the King County Sheriff in March.

**TRANSITION TO THE NEW BUILDING OFFICIAL:** Clerk-Treasurer Spens reported that she and Deputy Clerk Kulp met with Building Official Kolke and Planner Mona Green to discuss the transition to Kolke Consulting Group as the Town's Building Official. She explained that during that meeting Ms. Kolke asked how the Town wanted her to handle obtaining the additional professional services that may occasionally be needed to complete a plan review. For example, a current project that is in the early plan review stages involves a significant amount of excavating and will need a grading and drainage review, but Ms. Kolke is not qualified to do that review herself. Should she go ahead and hire a qualified professional to handle those extraordinary review tasks or does the Town want to handle the hiring. It was the consensus of the Council that Kolke Consulting Group should handle the hiring of such professionals as may be needed to complete a plan review with the

understanding that Ms. Kolke will notify the Town of this need for the additional services and the estimated cost of those services so that the Building Department can contact the applicant and explain the added review.

Councilmember Leider commented that we want to avoid “blindsiding” permit applicants with unexpected costs for things such as drainage review, so we need Kolke Consulting Group to be accountable to the Council and to its customers (the permit holders) for finding the most-effective and least-cost solution to such situations and to communicate the additional costs of the solution to the Town and the applicant as soon as possible.

Clerk-Treasurer Spens reported that she also plans to review the Town’s Fee Resolution for any needed clarifications. She added that the Building Code Ordinance will need to be updated prior to the state’s adoption of the newest version of the International Residential Code. Councilmember Sharp offered to assist in the review of this ordinance before it comes to Council for enactment.

Councilmember Clemett arrived at 7:45pm.

**MARSHAL’S REPORT:** Town Marshal Walter Scott reported that he received word of a recent mail theft from a resident who lives on 107<sup>th</sup> Ave SE.

He also reported that he met with the Bellevue Police Department (BPD) about contracting with BPD for services. He advised that BPD has been in contact with the King County Sheriff (KCSO) and has learned the details of and costs associated with our contract with KCSO. He stated that BPD is willing to provide the same level of service for the same cost as KCSO, except in the event of a catastrophic event that resulted in a high monetary expense. He explained that in such a case, BPD would expect Beaux Arts to reimburse them for the unusual costs of responding to such an event. He added that BPD would provide speed-emphasis patrols as part of the contract cost.

After some discussion about the pros and cons of such a switch, Town Marshal Scott stated that he is willing to go back to BPD and specify that, for the purposes of a police services contract, Beaux Arts wants to be treated like another Bellevue neighborhood, i.e. no upcharge for a catastrophic event.

Mayor Wells asked what the advantages of such a change would be to Beaux Arts. Town Marshal Scott answered that his instinct tells him BPD is moving in our vicinity during their normal patrols more frequently than KCSO so we might get better daily service.

Mayor Wells noted that KCSO has always been receptive to our needs and concerns and wonders if BPD would be as receptive.

Councilmember Leider summarized that he thinks the Council needs a recommendation from Town Marshal Scott that includes a concise summary of the specifics, including levels of service, costs, etc., that such a change might entail. Town Marshal Scott stated that he will summarize his findings in a written report, including specifics about patrol and other services

and costs, and present it to the Council in the near future. Councilmember Leider offered to assist Town Marshal Scott in preparing this recommendation.

Councilmember Sharp suggested that if the Council could review a proposed agreement it might help their review. Councilmember Clemett added that a visit by a BPD representative might prove useful also.

**WABA REPORT:** Rich Bray reported that the WABA Woodlands Committee will hold a meeting to discuss the results of WABA's Phase I study of the Commons and to outline plans for Phase II Facilities Planning and Phase II Shoreline Planning. He asked if the Town has any guidelines regarding Shoreline Management that WABA can use in this endeavor. Clerk-Treasurer Spens will discuss the status of the Town's current Shoreline Management ordinances with Town Planner Mona Green to make sure that our ordinance is up to date.

**WATER REPORT:** Water Supervisor Bob Durr reported that he is researching a wireless pump control system for the water tank and pump. He explained that such a system would require the installation of power at the water shed but would eliminate the electrical line that runs from the pump house to the water tank. He hopes to have an estimate for Council consideration soon.

**EMERGENCY PREPAREDNESS:** Councilmember Robinson reported that his resignation means that a new Councilmember will be taking over his duties. He commented that the next step in developing the Town's Emergency Management Plan is to assign Block Watch cells to SPAN cells (SPAN = Strengthening Preparedness among Neighbors) and getting training for the block captains of those cells. He provided a stack of information to Clerk-Treasurer Spens to pass on to his replacement.

The Council expressed its appreciation for Councilmember Robinson's work both for the Board of Adjustment and for the Council.

**UNDERGROUND UTILITIES:** Councilmember Leider reported that he is still working on his presentation of this topic to the Council and noted that financing will be the biggest challenge. He explained that there are a number of pros and cons to undergrounding utilities, e.g. trees in the Town ROWs will be disturbed as the conduits for underground utilities are placed, but tree-topping by the utility companies will not be needed once the utilities are moved underground.

**STATUS OF TREE MANAGEMENT PLAN:** Councilmember Clemett reported that the Tree Committee members include Councilmembers Young and Clemett and residents Robin Stefan, Bill Reller and John Rose. She also reported that the committee has met twice and that, because the members hold diverse opinions on how to proceed, the discussions have been lively. She stated that committee members have agreed that the final plan should not be prohibitively restrictive.

Councilmember Leider expressed frustration that his yard has become overgrown with what the moratorium considers significant trees and that he is concerned that new regulations will

be burdensome enough that he will not be able to remedy the situation. Councilmember Clemett assured everyone that the committee is trying to strike a balance in several areas, including a balance between treed and open lots, between small and large lots, etc.

Councilmember Leider asked if the Town can consider a less restrictive moratorium while the tree committee completes its work. Councilmember Clemett commented that she would prefer to let the committee focus on continuing the good progress they have made so far rather than be sidetracked by altering the moratorium, particularly since the moratorium expires in October anyway.

**CONSIDERATION OF TREE ON DONOGHUE PROPERTY:** Pam Donoghue asked the Council if there is any way she can remove an aging fruit tree on her property while the tree moratorium remains in force. She explained that the tree does not appear to be dying, but it suffers from a white fungus infection for at least half of the year and it was improperly topped at least once in the past. Councilmember Young commented that he has looked at the tree in question and agrees that it should be removed, but is unsure if it can be removed on the basis of the exceptions to the moratorium. Councilmember Clemett suggested that Ms. Donoghue hire an arborist to examine the tree and report on its health, which may have been compromised by the chronic fungal infection.

Jeff Elston commented that he has some tree questions also, but he will work with Councilmember Young to resolve them.

**PROPOSED RESOLUTION NO. 237 ESTABLISHING A PETTY CASH FUND FOR THE DEPUTY CLERK:** Clerk-Treasurer Spens explained that Town Ordinance No. 136 establishes the Petty Cash Fund and the rules for reimbursing it and states that the Council will set the amount of funds on a periodic basis. She added that she feels Deputy Clerk Kulp will benefit from having a separate fund to cover incidental expenses and that the clerks will work together to purchase needed supplies using existing charge accounts. She noted that this resolution is a convenient means of documenting the Deputy Clerk's separate fund.

**MOTION:** Councilmember Robinson moved to adopt Resolution No. 237 establishing a petty cash fund for the Deputy Clerk. Councilmember Leider seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**DISCUSSION OF INVESTMENT INCOME POLICIES:** Clerk-Treasurer Spens reported that a recent AWC publication led her to believe that the Town might choose to receive all of the interest realized on REET receipts into the General Fund, which would expand the flexibility of the use of said funds. She explained that in discussing the topic with Judith Cox of Municipal Research and Service Center, Ms. Cox advised that a recent state auditor's opinion is that REET interest must accrue to the fund in which REET monies are received so no change is possible.

**POSSIBLE COMMUNITY PARK AT THE WATER TOWER LOT:** John Chihak and Jeff Elston presented some sketches for the Council's consideration that would transform the open area in front of the water maintenance shed into a useable park-like space. They asked

the Council to consider forming a committee that would poll residents about the idea in general and gauge their willingness to make private donations toward the cost of completing the improvements. Councilmember Clemett suggested that Mr. Chihak and Mr. Elston serve as co-chairs of the committee and that she will serve as the Council's representative.

**MAYOR AND COUNCILMEMBER REPORTS:**

**TOWN CLEAN-UP:** Councilmember Clemett stated that the Town's Spring Clean-up will be held on Saturday, April 28<sup>th</sup>. She commented that work will include the usual general projects and a special project to clean up the lot around the maintenance shed, including removing blackberries, trimming shrubs, and placing 6 inches of wood chips.

**ZONING CODE CLARIFICATION:** Councilmember Clemett commented that the recent change in the Zoning Code to allow eaves and small chimneys in the setbacks doesn't specifically state how setbacks are now measured, i.e. the previous code measured setbacks to the outermost projection, usually the eaves. She asked if the Planning Commission could review the ordinance and clarify if setbacks are now measured to the exterior wall, the foundation, etc. John Chihak, who is a member of the Planning Commission, will pose the question at the next Planning Commission meeting.

**TEGELER REPLANTING:** Councilmember Clemett commented that Steve Tegeler was allowed to remove a tree on the ROW in front of his house prior to construction provided the tree was replaced by one or more trees. She asked that the Building Department watch that this condition is met.

**COUNCIL VACANCY:** Mayor Wells noted that she has a few ideas for persons to replace Tom Robinson and asked Councilmembers to forward their suggestions to her by email. She also asked Clerk-Treasurer Spens to place a notice in the newsletter announcing the Council vacancy and directing interested parties to contact her directly.

**FEMA FUNDING:** Councilmember Sharp announced that he is spearheading the Town's submittal of about \$12,000 worth of invoices for reimbursement of costs related to damage from and cleanup after the December 2006 windstorm.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council the May meeting is scheduled for May 8<sup>th</sup> at Mayor Wells' house.

**ADJOURN:** Councilmember Clemett moved to adjourn the meeting at 9:55pm. Councilmember Sharp seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer