



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

March 11, 2008

Leider

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

**PRESENT:** Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Richard Leider, Aaron Sharp, and Bruce Young.

**EXCUSED:** None.

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

**GUESTS:** Joann Bromberg, WABA; Arthur Sullivan, ARCH Director; King County Councilwoman Jane Hague; Hank Heckendorn.

**MINUTES:** Councilmember Leider moved to approve the February 12, 2008 minutes as written. Councilmember Young seconded.

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

**WARRANTS:** Councilmember Leider moved to approve the March 11, 2008 warrant list, including warrant numbers 7600 through 7626, in the amount of \$18,450.27.

Councilmember Clemett seconded.

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

**TREASURER'S REPORT:** Councilmember Leider reported that he has completed his review of the 4Q2007 Treasurer's Reports with supporting documentation and found them to be accurate and complete.

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

**MEMORANDUM OF UNDERSTANDING:** Clerk-Treasurer Spens reported that she has prepared a proposed Memorandum of Understanding between the Town and WABA for the creation of an inactive recreational area on property used by the Beaux Arts Water Department. It was the consensus of the Council to amend the document so that any improvements made to this property can remain if WABA so desires. It was also the consensus of the Council to forward the document to Town Attorney Stewart for his review and approval and to forward the document to WABA for their review once Town Attorney Stewart completes his review.

**CENTENNIAL PARADE:** Clerk-Treasurer Spens reported that Brooke Van Wyk is seeking permission for a temporary street closure on July 4, 2008 for a parade on behalf of the WABA Centennial Committee. She added that Mr. Van Wyk is also working with the City of Bellevue and the Bellevue Fire Department on this request. Councilmember Leider

offered to contact Mr. Van Wyk and coordinate all Town-related issues with him.

**BLOCKWATCH CONCERNS:** Clerk-Treasurer Spens reported that Deputy Clerk Kulp has received several comments from residents expressing concern about not receiving Blockwatch notices of recent incidents in the Village. She explained that these residents have heard of crime incidents “through the grapevine” but never received a Blockwatch call or email about the incidents. After some discussion, Town Marshal Scott clarified that he will do the following to alert residents of incidents:

- If the incident involves an imminent emergency, he will activate the Blockwatch phone tree. All captains have been reconfirmed or replaced, and new Blockwatch maps will be distributed shortly.
- If the incident is not an imminent emergency, he will either distribute an email to residents about the incident or put a notice in the next newsletter, depending on the nature of the incident.

**WATER DEPARTMENT CONCERNS:** Clerk-Treasurer Spens stated that while most water-department customers pay their bills in a timely fashion, there are two or three who consistently fail to pay within three billing cycles. She explained that when this happens, she sends a “Notice of Pending Disconnection” by certified letter, as directed by Town regulations. She noted that a problem develops when the recipient is not home when the notice is delivered and fails to retrieve it from the post office. She explained that by the time the letter is returned to her unclaimed, the date for the disconnection has passed and often the payment has not been made. She added that receiving payment of the amount in arrears is obviously better than having to disconnect the water service.

Clerk-Treasurer Spens stated that she and Water Dept Supervisor Bob Durr discussed the situation and came up with the following idea to encourage prompt payment of water accounts:

- change the structure for late fees to \$5.00 for the first late notice, \$20.00 for the second, and \$40.00 for the third and subsequent notices, and
- use a hang-tag *and* certified letter for the Notice of Pending Disconnection.

It was the consensus of the Council that Clerk-Treasurer Spens draft amendments to Ordinance No. 332, which governs the Water Department.

**WATER REPORT:** Water Department Supervisor Bob Durr asked that the next newsletter include an amended Backflow-Prevention-Device (BFD) testing notice that informs owners of fire-sprinkler systems that their systems also need to be tested annually. Clerk-Treasurer Spens will handle this.

Water Department Supervisor Durr also asked that the next newsletter remind residents that fertilizers, herbicides, pesticides, etc. that they apply to their lawns can contaminate the Town’s water supply. He stated that the note should emphasize the use of organic products, which many of our local landscape-maintenance services offer.

**MARSHAL’S REPORT:** Town Marshal Walter Scott reported a break-in theft into a locked car last month. (This was reported last month by Councilmember Clemett). He also

reported that two homes were broken into while the occupants were away on vacation. He explained that nothing of value was missing in either instance, but the front door of one home was left open for several days and carpets were muddied.

Councilmember Clemett asked that reports of these types of incidents be distributed to residents quickly, noting that if residents know something is amiss, they may remember seeing something that is useful to the Sheriff. Councilmember Leider added that the first incident may not trigger residents' concerns but the second one may alert them to watch out for their neighbors more closely.

Clerk-Treasurer Spens stated that some police departments offer a vacation-surveillance service, where residents who are heading out of town can ask the police department to drive by their home during their absence to look for signs of trouble. She added that she will contact the King County Sheriff's Office to see if they offer this service.

Councilmember Clemett commented that she recently left her garage door open, and the Sheriff's deputy on duty that evening noticed that the door was open and notified her. She asked Clerk-Treasurer Spens to pass on her positive reaction to this courtesy when contacting the Sheriff's office.

**WABA REPORT:** WABA President Joann Bromberg reported that WABA has hired Gail D'Alessio as their clerk and has finished assigning duties to all the trustees. She added that they plan a work party for the beach in April and that plans for various Centennial events are moving forward.

**EMERGENCY PREPAREDNESS:** Councilmember Eulau reported that he has been to collect information from the state and local jurisdictions that can be used to design our Emergency Response plan. He commented that he reviewed the Hunts Point Emergency Plan and found it to be much more detailed than what we probably need. He then stated that his first task is to determine the legal requirements the Town must meet in its Emergency Response Plan and then develop an individual plan for the Town that both meets the legal requirements and provides real solutions for the Town.

**STORMWATER SYSTEM:** Mayor Rose noted that this new agenda item was added at his request to keep the topic before the Council. He then asked Councilmember Sharp to report on progress to date.

Councilmember Sharp reported that he spoke with a consulting firm about how best to proceed with this task. He produced a short report from this firm in which the steps are outlined as:

- determine what we have,
- determine what the current regulatory codes that we must meet are,
- determine what we need to improve to meet these codes, and
- determine how best to accomplish and pay for these improvements.

He also noted that the cost to accomplish the first three tasks is around \$2,500.

Mayor Rose commented that Town Planner Mona Green was involved in similar work at Yarrow Point and asked that she be given a copy of the report to review to see if the work outlined fits our needs. He also reported attending a King County Stormwater public hearing at which he learned that the Town may need either an NPDES permit (under Phase II) or an exemption. He added that Ms. Green should be able to help us determine which we need and how to obtain it.

**PRESENTATION BY ARTHUR SULLIVAN, DIRECTOR OF A REGIONAL COALITION FOR HOUSING (ARCH):** Art Sullivan opened his presentation by explaining that his appearance is to help the Council understand the resources ARCH offers its member cities in their efforts to meet the requirements of the state’s Growth Management Act. He then distributed a booklet entitled “Housing 101: East King County” and explained its contents. During this review, he noted that one thing that makes the housing issue different is that government is not the primary provider, the market is, making government-based solutions challenging to develop and implement. He added that ARCH supports the idea that the market should address community needs as much as possible and that government should intervene only when the market cannot or does not adequately meet those needs.

At the end of his presentation, Mr. Sullivan asked for questions. The Council’s questions centered primarily on:

- affordability, i.e. “Where will our children live, given the state of our housing market?” and “Where will those who wish to downsize move?”,
- retaining our character in the face of market pressures to build the most house for the money, and
- balancing housing density with other related issues, e.g. traffic congestion, parking, etc.

Mr. Sullivan offered that ARCH has put a lot of useful information for these topics on its website and noted that ARCH begins all of its discussions of housing and affordability with the emphasis on people and human needs. He added that other jurisdictions are grappling with these same questions and are considering a variety of approaches, including land-use solutions, rezoning, working with community groups, and direct housing assistance.

Mr. Sullivan concluded his presentation by stating that ARCH doesn’t want to invent a new role for government, but rather works to act as a clearing house for ideas about what other communities are doing and what works, how to develop affordable housing that fits into the community, and what the trends for the future seem to be. He added that the Eastside has moved from being a “bedroom community” to a major employment center, employing more people than we house.

**VISIT WITH KING COUNTY COUNCILMEMBER JANE HAGUE:** Mayor Rose welcomed King County Councilmember Jane Hague. Ms. Hague opened the discussion by stating that she is returning to continue a dialogue with local Councils that was begun over the last couple of years and that she is interested in hearing about any concerns that members of the Council or residents of the community may have about current issues.

First, Ms. Hague addressed the idea of instituting tolls on SR-520 in light of the funding package's failure at the polls last fall. She explained that there is federal money available IF the tolling is put in place. She also explained that the County expects that some form of mediation will be needed to decide on a final design, particularly for the issues that concern residents on the west end of the bridge. She added the entire bridge project has an estimated completion date of 2012 to 2015 and that a related issue is whether tolls should also be instituted on I-90, which is currently free-flowing, to mitigate the migration of traffic from a tolled SR-520 to an untolled I-90.

Mayor Rose commented that the Points Communities Mayors are troubled by the demand for lids made by those on the west end of the bridge when lids on the east end may be abandoned due to cost concerns. He also asked what can be done about bus schedules to increase their frequency and improve their on-time performance, adding that making these two improvements could greatly increase ridership. Ms. Hague offered to look into transit improvements for Eastside routes.

Ms. Hague then outlined various taxes passed last fall by public vote, including taxes for mental health, water-transportation districts, and flood control. Mayor Rose asked if the county has funding sources to help the Town make improvements to our stormwater system. Ms. Hague answered that she believes so and will find and provide additional information.

**TREE MANAGEMENT PLAN:** Councilmember Clemett reported that the Planning Commission's public hearing on the final draft of this proposed legislation was well attended and that attendees supported the need for a tree ordinance by a margin of 4 to 1. She added that the Planning Commission decided to continue their deliberations of the issue at their next regular meeting to allow themselves adequate time to review the ordinance, the public comments, and the possible impacts of the proposed legislation. She noted that the Tree Committee's responsibility for making revisions has now ended and the Planning Commission will complete any changes with Town Planner Mona Green's help.

Councilmember Clemett expressed some concern about how much time the Planning Commission may take and whether they can be compelled to complete their work in no more than three months.

Councilmember Young commented that at least five trees have been cut since the moratorium expired and suggested that the Council reinstate the Tree Cutting Moratorium so that we don't lose any more trees during the interim than we already have.

Clerk-Treasurer Spens cautioned the Council that if they wish to reinstate the moratorium, they must do so after holding a public hearing on the topic and explained that Town Attorney Stewart has advised that an emergency-moratorium is no longer an option.

Mayor Rose asked what the Council's options are if the Planning Commission fails to provide a recommendation. Clerk-Treasurer Spens answered that she would need to verify what options are available to the Council with Town Attorney Stewart.

Councilmember Leider commented that this topic is difficult because it is so emotionally charged for some residents. He added that he thinks the process should be given plenty of time so that the Planning Commission and members of the Council have time to consider what the best regulations are and what the full ramifications of any proposed regulations may be. He stated that he doesn't want the Council to try to hurry the process just to avoid another moratorium. He then commented that, if the Council does consider another moratorium, he would like it to be less draconian than the original, i.e. have it protect only the trees that the proposed ordinance would seek to protect, so that residents can accomplish the pruning and other foliage maintenance that needs to be done with the arrival of spring. Councilmember Clemett offered to draft a moratorium ordinance with this in mind.

Mayor Rose suggested that the Council's April 15<sup>th</sup> meeting be devoted primarily to a joint work session with representatives from the Planning Commission and Tree Committee to review the work completed to date and determine how best to complete this work quickly. He also will attend the Planning Commission's March meeting to share on the Council's concerns for a rapid resolution of this matter and to encourage their feedback by April 5<sup>th</sup>.

**MOTION:** Councilmember Eulau moved to direct the Planning Commission to provide their comments on the proposed Tree Ordinance to the Council no later than April 5, 2008 with the intention that the Council will hold a joint working session with the Planning Commission and Tree Committee at their April 15<sup>th</sup> meeting and that the Council may hold a public hearing at that meeting to take action on a new tree-cutting moratorium. Councilmember Leider seconded.

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

#### **MAYOR AND COUNCILMEMBER REPORTS:**

**MAYOR WELLS' PLAQUE:** Mayor Rose reported that he delivered a service-recognition plaque to former Mayor Judee Wells. He noted that the plaque recognized Ms. Wells' service to the Town on the Planning Commission and Council, as well as Mayor.

**CONTITUENT CALL:** Mayor Rose reported that he received a call from a resident asking how best to approach the Council with questions. He noted that he told this person that they are always welcome to phone or speak directly with a member of the Council at any time but that responses to emails must be handled more circumspectly and cannot always be answered directly. He asked Clerk-Treasurer Spens to let all persons emailing the Council know that their emails have been received and that the Council will decide whether to take additional action.

**SR-520 and I-90 BRIDGE TOOLS:** Mayor Rose asked the Council to consider whether the state should begin tolling I-90 in conjunction with the likely tolling of SR-520. He noted that some expect that I-90 could become much more heavily traveled if tolls are put on SR-520 but not on I-90.

**CENTENNIAL PARK:** Councilmember Clemett reported that the committee working on improvements to this area has staked out the probable locations of a number of its features and has discovered that the proposed sport court may interfere with the root system of a fir

tree on the site. She added that moving the sport court at least eight feet from the tree (though twelve feet would be better) would cause the court to encroach five feet into the lot's ten-foot setback on the Whatmore's side. She asked if the Town would need to apply for a variance to encroach upon this side setback. Clerk-Treasurer Spens answered yes. She then asked if the Council supports seeking such a variance. It was the consensus of the Council that they would support such a variance request to preserve the fir tree.

**SPRING CLEAN-UP:** Councilmember Clemett announced that the Town's Spring Cleanup will be held on Saturday March 29, 2008 and will be coordinated by Paula Dix. She reported that this year's special project will focus on replacing the steps from 103<sup>rd</sup> Ave SE to SE 28<sup>th</sup> Pl with wood and gravel.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for April 15th at John Rose's house. The meeting date has been continued from the regular date of April 8<sup>th</sup> so that a quorum of the Council can attend as April 8<sup>th</sup> falls in the middle of the school system's Spring Break week.

**ADJOURN:** Councilmember Leider moved to adjourn the meeting at 10:30 pm. Councilmember Eulau seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer