



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

December 9, 2008

Sharp

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

PRESENT: Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Mike Hillberg, Richard Leider, and Aaron Sharp

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Town Marshal Walter Scott.

GUESTS: Tom Stowe and Jeff Jochums.

SWEARING IN: Clerk-Treasurer Spens administered the Oath of Office to newly appointed Councilmember Mike Hillberg.

MINUTES: Councilmember Leider moved to approve the November 11, 2008 minutes as amended. Councilmember Clemett seconded.

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

WARRANTS: Councilmember Leider moved to approve the December warrants, numbers 7845 through 7871, in the amount of \$17,259.45. Councilmember Sharp seconded.

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

CLERK'S REPORT:

HARD-DRIVE BACKUP SERVICE: Clerk-Treasurer Spens reported that would like to purchase subscriptions to hard-drive backup services for the computers that she and Deputy Clerk Kulp use. The service costs about \$50 per year per computer and automatically backs up the files on the hard drive so that those files can be easily restored in the event of a hard drive failure. She added that it seems to be a valuable service and asked the Council's permission to make the purchase. It was the consensus of the Council that she subscribe.

MARSHAL'S REPORT: Marshal Scott reported that there has been no activity of note recently. He also reported that the speed-reporting signs installed along 108th (by the City of Bellevue) cost about \$5,000 installed. He asked if the Council is interested in installing something similar along our arterial (104th/28th/105th). It was the consensus of the Council to look at estimated costs and benefits next September for the 2010 Budget Cycle.

WATER REPORT: No report.

WABA REPORT: No report.

EMERGENCY PREPAREDNESS: Councilmember Eulau reported that he began exploring two-way communications radios for the Emergency Response captains and found a wide range in features and prices. He noted that he purchased three sets of 3 units each at Costco that are compact, simple to operate, and capable of communicating all around the Village. He then explained that he, Councilmember Hillberg, and WABA President Joann Bromberg will each keep a set on hand and that the additional units in each set will be assigned during an emergency. He added that he is still working on how best to communicate with other jurisdictions and emergency responders.

Councilmember Leider recommended that those who are assigned radios keep the channels they will use a secret to minimize the “traffic” on those channels during an emergency.

STORMWATER SYSTEM: Councilmember Sharp reported that the Thalweg report is complete and has been transmitted in two parts to Clerk-Treasurer Spens and members of the Council. He asked that the January agenda include time to discuss the report findings and determine what to concentrate on first.

PROPOSED ORDINANCE NO. 365 ESTABLISHING A NEW NO-WAKE ZONE: Mayor Rose commented that because Councilmember Clemett must leave tonight’s meeting early, he is moving this item to an earlier slot on the agenda so that she can participate in the discussion and decision.

Clerk-Treasurer Spens distributed photos and diagrams prepared by Councilmember Leider that illustrate a proposed location for the new no-wake boundary line at a distance of 810 feet from the shoreline. She noted that this distance was suggested at the November meeting and that she had been asked to determine whether King County Marine Patrol felt it was enforceable, which they do.

She also noted, for the record, that she received correspondence from residents, as follows:

- Tom Stowe supporting moving the buoy line toward shore if it will improve compliance with the speed limit.
- Bob Durr supporting a buoy line located at a distance consistent with that used by other jurisdictions on Lake Washington.
- Scott Harpster supporting complying with the rest of the lake’s standards on buoy placement.
- Bernard van de Kamp supporting a no-wake zone that is consistent (300’) or close to being consistent with others on the Lake, though he would support a slightly larger no-wake zone around the swimming area.
- Steve Tegeler supporting the 450-foot placement of the buoys.

Councilmember Leider then explained that he feels it is important to increase the distance of the no-wake zone from the shoreline to 810 feet (from the 450 feet suggested at the November meeting) because it protects the boats in the marina and protects the swimming area. He added that our shoreline is substantially different from that of other jurisdictions because of WABA’s multi-dock marina. He noted that other jurisdictions have either mostly single-family docks where one or two boats are moored; though some have multi-dock

marinas that provide some type of protection from wave action, e.g. protected bays or breakwaters. He added that both he and Councilmember Clemett agree strongly on the increased distance.

Councilmember Clemett stated that we should continue to be proactive about protecting the marina, since we are able to. She explained that since our no-wake zone has been so much farther out into the channel, moving it in toward shore any distance and making it parallel to the shoreline should improve compliance, so why give up the entire no-wake zone we have now just to be consistent with other jurisdictions.

Mayor Rose asked for a motion.

MOTION: Councilmember Leider moved to pass Ordinance No. 365 establishing a no-wake zone at a distance of 810 feet from the shoreline. Councilmember Clemett seconded.

On discussion, Councilmember Sharp stated that he feels our no-wake zone should be consistent with other jurisdictions to eliminate boater confusion about the location of the zone, which will improve speed compliance and reduce the damage to our buoys. He added that he feels the current no-wake zone has caused irritation among some boaters that has led to blatant disregard for the speed restrictions in the existing no-wake zone.

Councilmember Leider explained that he derived the 810-foot distance by visualizing what a line at 450 feet from shore would look like and deciding that it didn't seem to be enough for safety.

Councilmember Sharp suggested that placing more buoys along the north and south boundary lines and out 450 feet would get better compliance and more consistent enforcement. He added that wave action from passing boats is not impacted by our actions here; a three-foot stern wave still moves toward shore and is dissipated at the shoreline, no matter where it originates in the channel.

Councilmember Eulau stated that he, too, is concerned about boat speeds in front of the Beaux Arts beach, but he thinks the only real solution would be to make the entire channel a "no wake" zone, which isn't possible, since Mercer Island doesn't want to participate. He added that the next best step is to lessen confusion about where the no-wake zone is which will lead to better compliance and increased enforcement. He also noted that we may be pleasantly surprised by the results of moving our no-wake boundary to a location that is consistent with the rest of Lake Washington, particularly if we mark the boundary well.

Councilmember Hillberg commented that from the south the 810-foot line doesn't seem out of place though from the north it probably does.

Councilmember Clemett remarked that no matter what distance we choose for the no-wake boundary, we need much clearer markings along the north and south boundaries to help boaters understand where the no-wake zone is. She added that we should file information about the no-wake boundary with the Army Corps of Engineers so it appears on their charts.

Councilmember Leider reiterated that the issue is one of safety and that because this is one of the busiest channels on the Lake, it is not unreasonable to have a no-wake zone that is farther from the shoreline than that in other parts of Lake Washington.

Mayor Rose asked for either a vote on the standing motion or a motion to amend.

MOTION: Councilmember Eulau moved to amend the standing motion to establish the no-wake zone at a distance of 450 feet from the shoreline. Councilmember Sharp seconded.

On discussion, Councilmember Sharp suggested amending the distance to 300 feet and stating that it is measured from the end of the docks. The motion to amend was withdrawn and replaced by another motion.

MOTION: Councilmember Sharp moved to amend the standing motion to establish the no-wake zone at a distance of 300 feet from the end of the docks. Councilmember Eulau seconded.

Vote: 3 For, 2 Against (Leider, Clemett), 0 Abstain. Motion carried. The standing motion is now amended to read as follows:

MOTION: Councilmember Sharp moved to pass Ordinance No. 365 establishing a no-wake zone at a distance of 300 feet from the end of the docks and marked by speed-control buoys. Councilmember Eulau seconded.

Vote: 3 For, 2 Against (Leider, Clemett), 0 Abstain. Motion carried

(Councilmember Clemett left at 7:50 pm.)

PUBLIC HEARING: PROPOSED ORDINANCE NO. 363 AMENDING THE 2008

BUDGET: Mayor Rose opened the public hearing at 8:00pm. Clerk-Treasurer Spens explained that the amendments are needed for the following reasons:

- Increased construction and planning activities resulted in higher-than-expected costs in the Building, Planning, and Water Departments for work supporting these activities. The increased costs are reimbursed by permit holders.
- Repairing fire hydrants cost more than anticipated.
- A refund of permit fees from a prior year would result in a negative ending balance in the Street Fund unless \$10,000 is transferred from the General Fund.

Mayor Rose asked for questions or comments from the public. As there were none, he closed the public hearing at 8:05pm.

MOTION: Councilmember Leider moved to passed Ordinance No. 363 amending the 2008 Budget. Councilmember Sharp seconded.

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

PROPOSED ORDINANCE NO. 364 ADOPTING THE 2009 BUDGET: Clerk-Treasurer Spens noted that this final version of the 2009 Budget Ordinance includes the changes discussed by the Council during the October and November Council meetings. She added that the budget ordinance includes a salary range for the Clerk-Treasurer position, as required by state statute.

MOTION: Councilmember Leider moved to pass Ordinance No. 364 adopting a budget for 2009 and setting the salary range for the Clerk-Treasurer of the town. Councilmember Sharp seconded.

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

COUNCILMEMBER AREAS OF RESPONSIBILITY: Mayor Rose opened the discussion by reviewing the list of responsibilities that have been held by each Council position holder in recent years. The following list was prepared by Clerk-Treasurer Spens and should be considered a starting point for this discussion.

Mayor John Rose - Oversees all administrative matters, supervises staff, runs Council meetings, represents Town at Eastside Mayors meetings, monitors state and regional governance issues that may affect Town, tackles special projects.

Councilmember Aaron Sharp – Monitors Town roads and rights of way, arranges for repairs to road surfaces, arranges for semi-annual street sweeping, develops budgetary reports for funding street and ROW repairs, oversees stormwater system study.

Councilmember Carol Clemett – Monitors Town Clean ups, directs tree replanting and park preservation / restoration, develops budgetary reports for funding park and tree-replanting needs, has worked to develop regulations to protect Town trees.

Councilmember Rick Leider – Monitors Towns finances, oversees development of annual budget and levy ordinances, oversees utility undergrounding study.

Councilmember Mike Hillberg – Monitors the condition of trees on the Town’s ROWs, arranges for the trimming and/or removal of diseased, dangerous, or dying trees, as needed, arranges for replacement plantings, where appropriate, develops budgetary reports for funding tree work. (These are the duties performed by former Councilmember Young.)

Councilmember Steve Eulau – Develops and maintains Town’s Emergency Response Plans, including CEMP, maintains relationships with contract agencies that will be BAV first responders, trains neighborhood emergency-response captains, develops budgetary reports for funding emergency-response needs.

After a brief discussion, it was the consensus of the Council to continue performing these duties as listed above.

MAYOR AND COUNCILMEMBER REPORTS:

PLANNING COMMISSION VACANCY: Mayor Rose reported that there is a vacancy on the Planning Commission, because Dennis Casey’s term expires this month. He added that two residents have expressed interest in the position, and he hopes to ask the Council to confirm his appointment to replace Mr. Casey at the January Council meeting.

POSSIBLE CHANGE IN MEETING TIME / DAY: Mayor Rose reported that work duties

require Councilmember Clemett to be in a conference call every Tuesday night at 8pm through June. He asked the Council to consider whether they would like to make temporary changes in the Town's meeting time or day to accommodate this temporary situation and suggested that the decision be made in January. Clerk-Treasurer Spens reminded the Council that any permanent changes in the Council's meeting schedule must be set by ordinance.

POINTS MAYORS' MEETING: Mayor Rose reported that a general announcement was made at the last Points Mayors' meeting that there may be Federal stimulus money available soon for "shovel ready" projects and asked Councilmembers for input. Councilmember Sharp noted that the road project on 105th from SE 27th to SE 28th, which was part of our 2008 Transportation Improvement Plan, and the Stormwater System repair work needed at the end of 102nd Ave SE are the two most obvious. Clerk-Treasurer Spens will contact Congressman Reichert's office to see if she can find out how to submit these projects for consideration.

LIGHT RAIL ROUTING: Mayor Rose asked the Council if they wish to take a position about the proposed sites for light-rail stations and routing. It was the consensus of the Council that they would like to have a representative from the light-rail project attend the January meeting to explain the current proposal, possible options, etc.

ROW ENCROACHMENT: Councilmember Leider reported that he completed the diagram outlining the area subject to recapture on the ROW adjacent to the Jochums and that the exhibit will be attached to the Encroachment Agreement that the Town Attorney is currently reviewing before the agreement is signed and recorded with the County.

STREET SWEEPING: Councilmember Sharp reported that residents have already cleared most of the leaves and debris from the Town's streets so he has no plans to hire the street sweeper this fall. He asked that the newsletter include a Thank You to everyone who has contributed to this effort.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday January 13, 2009 at Carol Clemett's house.

ADJOURN: Councilmember Leider moved to adjourn the meeting at 8:45 pm.

Councilmember Sharp seconded.

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

The Council adjourned to an Executive Session to discuss personnel issues, including 2009 salaries for Town staff.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer