



**TOWN OF BEAUX ARTS VILLAGE**  
**TOWN COUNCIL MINUTES**

July 7, 2009  
Special Meeting  
Clemett

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

**PRESENT:** Mayor Richard Leider, Councilmembers Carol Clemett, Steve Eulau, Mike Hillberg, Aaron Sharp, and Tom Stowe.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Water Supervisor Bob Durr.

**GUESTS:** Susan Kennedy, Mary Spens, Donna Stowe, Sylvia Hobbs, Linda Mui, Joann Bromberg, Bob Carlson, Matt Leber, Steve Matsudaira, and Tim McGrath.

**MINUTES:** In addition to some minor edits, several Councilmembers wanted the minutes to more clearly indicate that David Dempster's presentation at the June Council meeting was extensive and detailed. Clerk-Treasurer Spens reminded the Council that these minutes are not a verbatim record, but rather a recap of the Council's actions. Nevertheless, it was the consensus of the Council that the minutes should indicate that Mr. Dempster's presentation was thorough and detailed and that copies can be obtained from either the Town Clerk or the WABA Clerk.

Councilmember Hillberg moved to approve the June 9, 2009 minutes as amended.

Councilmember Sharp seconded.

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

**APPEARANCE BY SYLVIA HOBBS:** Sylvia Hobbs asked if she could read a list of street maintenance issues that she feels should be included in the record. Mayor Leider encouraged her to proceed. Ms. Hobbs noted that the streets have not been swept by a professional for more than a year, and she feels that there should be a regular schedule for such sweeping. She added that branches need to be trimmed back from a number of road signs in Town and that the ROW between Solibakke and Smallman was heavily rutted by construction vehicles and should be restored by the contractors who made the mess. Lastly, she stated that blackout paint on the crosswalk on the arterial is wearing off and should be repainted.

**WARRANTS:** Clerk-Treasurer Spens reminded the Council that tonight's meeting is a Special meeting of the Council because it is being held a week earlier than the normal schedule, so no warrants may be approved tonight.

**CLERK'S REPORT:**

**MAYOR PRO TEMPORE:** Clerk-Treasurer Spens reminded the Council that postponed the decision on a Mayor ProTem until tonight's meeting. Councilmember Stowe nominated

Councilmember Eulau. Councilmember Sharp seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**BOARD OF ADJUSTMENT VACANCY:** Clerk-Treasurer Spens reported that with Tom Stowe's appointment to the Council, there is now a vacancy on the Board of Adjustment. Mayor Leider asked that a note be put in the August newsletter letting residents know of the vacancy and asking them to contact him if interested in the position.

**MARSHAL'S REPORT:** No report. Clerk-Treasurer Spens noted that she had reviewed the costs for police services proposed by the King County Sheriff's Office with Major Dave Germani recently and learned that the bulk of the increase is due to increased salaries and health insurance premiums. She reminded the Council that the Town has Criminal Justice reserves to mitigate the impact of an annual police-services cost that exceeds \$17,000.

**WATER REPORT:** Water Supervisor Bob Durr reported that the pump on Well#2 recently failed and needs to be replaced or repaired. He explained that the original Byron Jackson pump in Well#2 lasted 22 years – well beyond its rated service life – but that the replacement pump was installed only 5 years ago and should have lasted much longer. He speculated that the new pump was not as well built as the original. He added that the Town stopped using Well#1 when the Byron Jackson pump was put in service on Well#2 and explained that Well#1 is not able to fully supply the Town's water needs without supplementation from Bellevue water.

He outlined two options for the Council to consider:

- Option 1 is to rebuild the original Byron Jackson submersible pump at a cost of about \$34,000 for new bearings and shaft, no impellers. This is the pump that was pulled from service after 22 years.
- Option 2 is to purchase a new Byron Jackson line-drive pump, which is not submersible, at a cost of about \$30,000 for the pump installed and some work to adapt the pump on site.
- Option 3 is to purchase a new Peerless bowl-assembly line-drive pump at a cost of about \$28,000 for the pump installed.
- Option 4 is to replace the failed Pleuger motor on the existing Well#2 pump at a cost of about \$13,350 for the motor installed.

Supervisor Durr recommended that the Council choose either:

- Option 4 and supply water to residents from Well#1 and Bellevue water while the work is being completed. He noted that adding in the cost to purchase the extra Bellevue water bring the total cost of this option to about \$25,000, or
- Option 2 and supply water from Well#1 and Bellevue water for about 8 to 10 weeks. This option will cost approximately \$40,000 including the cost of water.

**MOTION:** Councilmember Stowe moved to authorize Water Supervisor Durr to choose Option 4 at a cost not to exceed \$25,000, Councilmember Sharp seconded.

Vote: 4 For, 1 Against (Eulau), 0 Abstain. Motion carried. Councilmember Eulau commented that he feels Option 4 is a short-term solution to a long-term problem.

**WABA REPORT:** Nothing to report.

**EMERGENCY PREPAREDNESS:** Councilmember Eulau reported that he will provide a copy of the final draft of the Town's Comprehensive Emergency Management Plan (CEMP) and contact information to Clerk-Treasurer Spens so she can forward the plan to the State for review and comments.

**STORMWATER SYSTEM UPDATE:** Councilmember Sharp reported that Axis Survey has completed the field survey work needed to map our existing storm drain system and that he is working to confirm the Town's receipt of the final deliverables.

**COTTAGE HOUSING:** Mayor Leider reported that with the recent change in duties, he has had no time to work on this project and asked the Council if they still wish to develop the concept. Councilmember Clemett suggested that the Town work to develop a long-range plan to investigate this idea as well as underground utilities, stormwater improvements, and additional tree protection. She added that such a plan should involve the community. Mayor Leider will work to plan such a meeting.

**SHORELINE MANAGEMENT PLAN GRANT:** Mayor Leider asked Town Planner Mona Green to update the Council on this process. Planner Green explained that she has developed a Scope of Work for this project using the state template. The key items of this scope are:

- The \$40,000 grant must be spent according to a specific timetable of three "trimesters"—the first \$16,000 may only be spent between 7/1/2009 and 6/31/2010, the next \$16,000 between 7/1/2010 and 6/31/2011, and the remaining \$8000 between 7/1/2011 and 6/31/2012.
- The first phase requires a biological survey of the Lake Washington shoreline, which is estimated to cost \$16,000. There are two firms working on similar surveys in the Town's vicinity, so it may be possible to reduce the cost through negotiation. The choice of which biological firm to use must be made in September so that there is sufficient time to complete as much work in the first trimester as possible.
- The remaining phases, which involve updating the Town's regulatory process, gathering public input, and adopting a new Shoreline Master Plan will occur during the second and third trimesters.

Mayor Leider asked if it is likely that the project will cost more than the \$40,000 grant. Planner Green answered that it is very possible but reminded the Council that not doing the work is not an option. She added that funding for the first two trimesters is included in the current State budget but the final trimester has not been appropriated and could be eliminated from the State's future budget depending on economic conditions.

After some discussion, the Council asked that Planner Green ensure that the contract specifically state that the beach in Beaux Arts is private property, since there is language in the legislation about exploring improving public access to shorelines. Planner Green agreed to do so, but reminded the Council that since WABA owns the property as a private entity that is not associated with the Town, their private ownership will not be affected by this process.

Joann Bromberg reminded the Council that WABA has obtained a separate \$50,000 grant to develop a Master Plan for the beach that enhances salmon habitat. It was the consensus of the

Council that the Town and WABA should do whatever possible not to duplicate efforts.

**MOTION:** Councilmember Sharp moved to adopt amended Resolution No. 252 authorizing the Mayor to execute an SMA Agreement between the Washington State Department of Ecology (DOE) and the Town of Beau Arts for completing a comprehensive update of the Town's Shoreline Master Program pending final approval by the DOE of an agreement acceptable to the Town. Councilmember Hillberg seconded.

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

**CITY OF BELLEVUE'S PLANNED IMPROVEMENTS TO 108<sup>TH</sup> AVE SE:** Mayor Leider opened the discussion by stating that he sent a letter to Bellevue Mayor Grant Degginger pointing out the Town's need for additional information. He added that in that letter he identified seven things that he wants Bellevue to address before the Council can consider the proposal:

1. Access to 108<sup>th</sup> Ave SE for homeowners on the east side of 107<sup>th</sup> Ave SE and protection from any unintended access.
2. The impact on Town and private landscaping in the vicinity of the proposed project.
3. The impact on drainage and stormwater flow in the vicinity.
4. Changes in the flow and volume of vehicle traffic on 108<sup>th</sup> Ave SE.
5. Changes in foot traffic on 108<sup>th</sup> Ave SE.
6. Plans for street lights and the impact of any light pollution.

He added that the answers to these questions will help the Council determine what is in the best interest of the Town and its residents with regard to future control of this ROW.

Councilmember Stowe stated that his primary concerns are that if the Town de-annexes the property, it gives up its control over future uses of that property and that the Council needs to focus on what is the real benefit, if any, of this project to the Town and its residents, particularly those who are most directly impacted.

Councilmember Sharp reported that he asked Steve Costa, manager of this project for the City of Bellevue (COB), why COB has not provided more details to the Town and that Mr. Costa told him the preliminary project work is complete. He added that Mr. Costa said COB is assembling a design team but probably won't do much design work until they know what the Town's plans are.

Councilmember Hillberg commented that even if the Town determines it is happy with the current design, it may not be happy with future plans, and if The Town decides to relinquish control of the property to Bellevue through de-annexation, we would have no control over future development along this corridor.

Mayor Leider asked for comments from the public in attendance.

Donna Stowe asked several questions: Are Bellevue's plans for this improvement contingent upon them owning the Town's ROW? Does Bellevue have other funding? Does Bellevue plan to make 108<sup>th</sup> Ave SE an alternative transportation corridor for overflow from Bellevue Way?

Sylvia Hobbs commented that she also spoke with Steve Costa and she feels he knows more about the project than he revealed to Councilmember Sharp. She said that during her conversation, Mr. Costa remarked about the project including a sidewalk on the Town's side of 108<sup>th</sup> and possibly retaining walls.

Steve Matsudaira stated that he walked the ROW and noted that the changes in grade along its length range from 4-1/2 feet at the south end (next to McGraw) to 15 feet in the middle of the stretch (behind Hillberg). He explained that this grade change would require the construction of a large retaining wall that would affect the trees both in and adjacent to the ROW, and that without the trees, the acoustics in the vicinity would change dramatically.

Matt Leber stated that he does not necessarily support de-annexing this property to Bellevue, but as a bike rider, he does support improvements to the bike lanes, particularly since 108<sup>th</sup> Ave SE is already identified as a bike corridor. He added that he drives for METRO and he wonders who will be responsible for repairs to any new infrastructure that is affected by the vibrations of the buses running along 108<sup>th</sup>.

Joann Bromberg commented that she believes the Town's Comprehensive Plan addresses the privacy that ROW trees and shrubs provide to Town residents.

Tim McGrath said that he is optimistic the Council will find a way to work with Bellevue to improve the ROW without de-annexing and he thinks the Town should fully explore our power to influence the project.

Mary Spens reminded the Council that there are nine properties directly affected by this project.

Mayor Leider thanked everyone for their comments and suggested that there are three options open to the Town at this time: Do nothing, Bargain with Bellevue from our strengths, or Make our own enhancements to 108<sup>th</sup>.

Mayor Leider noted that the Council needs more information for the September meeting. Councilmember Sharp will work to get plans about the project showing as much detail as possible. Councilmember Stowe will collect information about ways that the Town can retain control over the property while still allowing some improvements -- perhaps through an Interlocal Agreement. Mayor Leider will work to help determine what Bellevue is really asking for.

Mayor Leider also noted that the Council should develop a consistent set of goals for any development to this ROW that address noise buffering, privacy, etc. that the Council can use when evaluating the proposal.

Councilmember Eulau asked if there is any value in informing Bellevue that de-annexing is not an option. Councilmember Hillberg concurred that he thinks all discussions should center on alternatives to de-annexing the property, particularly since the decision should focus on the long-term not just the immediate project on the table.

Mayor Leider noted that minutes from a COB Council meeting indicate that COB staff may be making false statements regarding the Town's stand on this project so that the COB Council may believe that the Town has offered the option of de-annexing the property when that is clearly not the case. He added that at this time, he believes the answer to the question of de-annexing is no, at least until we know more about the project.

Several residents asked if anyone on the Council has a conflict of interest in this regard that should be divulged at this time. The Mayor and each Councilmember assured the audience that they have no conflicts of interest and no current ties to any project with the City of Bellevue. Councilmembers Hillberg and Stowe both noted that they share a property line with ROW in question.

Mayor Leider concluded the discussion by stating that the Council has heard the audience's concerns loud and clear and that he expects it may be November or December before much more is known.

**PROPOSED RIGHT-OF-WAY-USE ORDINANCE:** Councilmember Hillberg reported that his comments and those of Clerk-Treasurer Spens are shown on the draft before the Council tonight. He asked the Council to work through the ordinance language line-by-line so that a final draft can be prepared and brought forward for action at a public hearing in September.

The Council spent a considerable amount of time completing this line-by-line review. Clerk-Treasurer Spens recorded the suggested changes on her copy of the draft. She will prepare a clean copy of the final draft and post it on the Town's website so that residents have an opportunity to review it prior to the September meeting. She will also arrange for public hearing notices for September.

**PROPOSED PARKING ORDINANCE:** Clerk-Treasurer Spens reminded the Council that most of the regulations contained in this proposed ordinance are already in force. Due to the late hour, it was the consensus of the Council to postpone review of this ordinance until September or October.

**WATER RATE STUDY:** Mayor Leider observed that reserves in the Water Department fund will be significantly lowered by the pump repairs authorized by the Council tonight and suggested that the Town's water rates be reviewed again to determine if an increase is needed. He noted that water rates were increased a couple of years ago, but last summer's cool weather meant lower water usage than usual so water sales were lower than anticipated. He asked Councilmember Stowe to handle this study and will provide materials from the last study to assist in the review.

**MAYOR AND COUNCILMEMBER REPORTS:**

**ROW CLEAN-UP PROJECTS:** Councilmember Clemett reported that she needs to spend some of her budget to hire help keeping the ROWs clean.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday September 8, 2009 at Steve Eulau's house.

**ADJOURN:** Councilmember Eulau moved to adjourn the meeting at 10:45 pm.  
Councilmember Clemett seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer