



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

July 13, 2010

Eulau

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

PRESENT: Mayor Richard Leider, Councilmembers Steve Eulau, Mike Hillberg, Matt Leber, Aaron Sharp and Tom Stowe.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: Susan Kennedy, Donna Stowe, Ann Mari Simonsen, Linda Mui, Tim McGrath and Hank Heckendorn.

MINUTES: Councilmember Sharp moved to approve the June 8, 2010 minutes as amended. Councilmember Hillberg seconded.

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

WARRANTS: Councilmember Sharp moved to approve the July 13, 2010 warrants, numbers 8400 through 8429 in the amount of \$19,932.52. Councilmember Hillberg seconded.

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

CLERK'S REPORT:

BATES HEDGE: Clerk-Treasurer Spens reported that she received a complaint about the Bates hedge and how much it impacts visibility at the intersection of SE 29th Street and 106th Place SE. Several years ago, Ms. Bates agreed to keep the hedge size within certain parameters for size that address these safety concerns but the hedge has grown beyond the prescribed size. Councilmember Sharp commented that he has communicated with Ms. Bates by email about trimming the hedge back and that the trimming should be completed by the end of the month.

WATER DEPARTMENT POLICY: Clerk-Treasurer Spens reported that there are now two properties with water connections that are semi-permanently disconnected. It has been the Water Department's policy to stop billing for water service during periods when the water service is disconnected for active construction, but in these instances, there are no permits issued or in review so it is unclear how long they will be offline.

Clerk-Treasurer Spens reported that Water Supervisor Bob Durr recommends that this policy be amended so that properties continue to pay the base fee for water even while disconnected, because the base fee is primarily to ensure that water is available to all properties. It was the consensus of the Council to make this change by amending Ordinance No. 357.

DEX DIRECTORY DELIVERIES: Clerk-Treasurer Spens noted that she has received a

complaint from a resident about the delivery of Dex directories to the mailstands. The concern is that, because many residents do not retrieve the directories, the unsightly pile remains under the mailstands in the weather until Town pays to have them cleared away. She will write to the Dex distributors and ask that directories be delivered to individual residences. Councilmember Leber added that there are ways for individuals to control such deliveries through an online service. He will provide details for the next newsletter.

SHORELINE UPDATES: Clerk-Treasurer Spens directed the Council's attention to Town Planner Green's report on shoreline matters, including the status of the Shoreline Master Program (SMP) Update. In that report, Ms. Green notes that the draft Inventory and Analysis Report for the SMP Update is due in July and has been provided for the Council's review and comments later in tonight's agenda.

MARSHAL'S REPORT: No report.

WATER REPORT: No report.

WABA REPORT: No report.

108th COMMITTEE REPORT: The committee's recent work will be discussed during the upcoming discussion of Proposed Resolution No. 262 regarding grant applications to help fund work along 108th Ave SE.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 375 SETTING FORTH THE TOWN'S 2011-2016 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):

Councilmember Sharp explained that the TIP serves as a roadmap of projects planned for the next six years with rough estimates of the cost to complete them. The costs shown on the plan before the Council are based on the cost per lineal foot of paving from recent completed projects. The maintenance of 108th Ave SE is now included in the spreadsheet.

Mayor Leider opened the public hearing at 7:23pm.

Donna Stowe commented that she and Susan Kennedy attended a grant-writing workshop and learned that 108th Ave SE must be included on the Town's TIP to be eligible for grants that involve work on that street.

Mayor Leider asked for additional public comments. As there were none, he closed the public hearing at 7:30pm.

MOTION: Councilmember Eulau moved to pass Ordinance No. 375 setting forth the Town's Transportation Improvement Program for 2011 – 2016, inclusive. Councilmember Stowe seconded.

On discussion, Councilmember Stowe asked that the date listed for the 108th Ave SE project (listed as #2 in the TIP) be changed from 2012 to 2011. It was the consensus of the Council that this change is appropriate and the TIP is amended.

VOTE: 5 for, 0 Against, 0 Abstain. Motion carried as amended.

PROPOSED RESOLUTION NO. 262 TRANSPORTATION IMPROVEMENT BOARD

GRANT APPLICATION: Councilmember Stowe described the background work that went into developing the draft grant applications, including:

- Resident volunteers Donna Stowe and Susan Kennedy attended an AWC Grant Writing workshop and worked to complete the grant application.
- There are three grant programs for which the Town may apply. One is specifically for sidewalks, one for pavement preservation, and one that is a combination.
- 108th Committee members Susan Kennedy, Donna Stowe, Warren Klink, and Ann Mari Simonsen Councilmember Stowe walked the length of the proposed work area along 108th Ave SE with WSTIB Engineer Greg Armstrong for additional insight into preparing the grant applications.
- 108th Committee members, including Susan Kennedy and Donna Stowe, and Councilmember Stowe met with two engineering firms to get ideas for project designs and costs to handle stormwater drainage and other related issues along 108th.
- WSTIB Engineer Greg Armstrong and one of the engineering firms recommended that committing up to 5% in matching funds for the project significantly improves the Town's chances of receiving grant money.

Based on this work, Councilmember Stowe recommended that the Town apply for all three grants and explained that the resolution serves as formal documentation that the Council understands the proposed project and the "strings" associated with the grants before committing the Town to submitting the grant applications.

MOTION: Councilmember Hillberg moved to adopt Resolution No. 262 authorizing the Mayor to sign one or more applications for grant funds from the Washington State Transportation Improvement Board. Councilmember Stowe seconded.

On discussion, Mayor Leider reported that he recently learned through Congressman Reichert's office about additional sources of funding for these projects and that he provided Councilmember Stowe's contact information for follow up.

It was the consensus of the Council that Section 3. be amended to authorize an expenditure of up to \$2,500 for the engineering services needs to complete the applications.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried. Resolution No. 262 is adopted as amended.

The Council thanked Donna Stowe and Susan Kennedy for their time and work on this project.

LEGAL SERVICES: Clerk-Treasurer Spens reported that she has received proposals for both Prosecuting Attorney and Public Defender. Drue Kirby Coats proposes to provide prosecuting-attorney services at an hourly rate of \$125. Matthew Honeywell proposes to provide public-defender services at rates as set forth in his letter and has agreed to alter his proposal so that the \$500 retainer is a one-time fee for the term of his services. She then asked the Council to formally accept these proposals.

Motion: Councilmember Stowe moved to accept both the proposal from Drue Kirby Coats for

Prosecuting-Attorney services as written and from Matthew Honeywell for Public-Defender services as amended. Councilmember Eulau seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Clerk-Treasurer Spens will document the acceptance of these proposals with the individual attorneys and will notify the King County Sheriff's Office of their contact information.

SECURITY CAMERAS: Mayor Leider suggested that the Council postpone this discussion until Town Marshal Walter Scott is present, since it is primarily his project. It was the consensus of the Council to do so.

Councilmember Eulau reported that he assisted Town Marshall Scott with the telephone survey and that all of the residents he spoke with are at least mildly in favor of the proposal provided access to the information is limited to the Sheriff.

Mayor Leider asked the Council if Town Marshal Scott should proceed with putting together a basic design and cost estimate for a system. It was the consensus of the Council that he should proceed. Mayor Leider will contact Mr. Scott.

DRAFT SHORELINE ANALYSIS REPORT: Mayor Leider opened the discussion with the following points:

1. Do we understand the numerous references to State Statutes and/or DOE requirements? Should these be clearly identified and explained/referenced?
2. Various statements suggest native plantings (as opposed to our lawn areas) are preferred. Our rock retaining wall is assumed to be non-compliant. Docks should be modified to include more light. Are all these based on accurate findings? Is there science to back this up, or are these "wants" and opinions of DOE, ACOE, NMFS and WDFW?
3. The City of Bellevue has had to modify a large number of their shoreline "wants" based on input from public hearings and incorporation of other 3rd party experts.

The Council's discussion centered on the following:

- Will striking some of the recommendations set forth by the consultants violate any state requirements?
- It seems that the default position is to return the shoreline to its natural state. Is that in the Town's interest? If so, why?
- The document appears to be somewhat "boilerplate". Why? And why does it not include a stormwater utility?
- The document needs additional input from Town residents.

At the conclusion of this discussion, it was the consensus of the Council that Mayor Leider and Councilmember Stowe meet with Town Planner Green to review the Council's comments, concerns, and corrections BEFORE any document is submitted to the Department of Ecology.

In addition, the Council wants public input. Clerk-Treasurer Spens will post the draft report to the Town's website and will email residents asking them to review the draft report and provide their comments to her no later than July 23rd. She will forward comments received to Mayor Leider.

The Council also wants monthly reports from Town Planner Green that include progress toward completing the milestones set forth in our grant request, a summary of billings for that month and in total for each milestone, and an estimate of the % completion of the project for each milestone and in total. Clerk-Treasurer Spens will remind Town Planner Green of the need for this monthly progress report.

MAYOR AND COUNCILMEMBER REPORTS:

WATER TOWER INSPECTION: Councilmember Stowe reported that Water Supervisor Durr notified him that it is time to inspect the water tower and clean the tank. It was the consensus of the Council to delay this work to next year and include the cost to complete it in the 2011 Budget. Mr. Durr will need to prepare the budget estimate.

MUNICIPAL CODE: Council Stowe reported that Beaux Arts began work to codify our Town ordinances more than ten years ago and that the project was never finished. He has spoken with Margaret Bustion of Code Publishing about the cost to update the work done so far and reports that she estimates it will cost the Town about \$1000 to complete work on a municipal code. Ms. Bustion needs pdf and Word copies of all ordinances passed since Ord No. 277 in order to prepare a proposal. Clerk-Treasurer Spens will work to collect the needed documents and transmit them to Code Publishing.

CELL TOWER ISSUES: Councilmember Stowe observed that there is a project sign erected at Bellevue Christian Church describing a proposal to install a 135-foot cell tower on the church's property. Clerk-Treasurer Spens will ask Town Attorney Stewart what response to the proposed project the Council may offer in its official capacity.

FRANCHISE REVIEW: Councilmember Stowe reported that he is making progress in reviewing the status of our franchises with various service providers.

STREET-OPENING PERMITS: Councilmember Sharp reported that the Town Building Official asked him for input on inspections of construction work that requires a Street-Opening Permit, particularly with regard to stormwater tie-ins. He will work to provide the request information.

PARKING ON SE 28TH STREET: Councilmember Sharp reported that he received a complaint from a neighbor about large vehicles parking near the mailstand on SE 28th Street just west of 104th Ave SE. The offending vehicles park on the paved roadway so as to leave less than ten feet of clearance, which is a violation of the Town's parking rules. He is working with Bill Beck to obtain and install no-parking signs in that area.

108TH AVE SE PROJECT: Councilmember Sharp reported that he has requested CAD drawings from Steve Costa with the City of Bellevue that depict plans for Bellevue's work on their portion of the 108th Ave SE corridor.

EASTLINK RAIL OPEN HOUSE: Councilmember Leber reported that Sound Transit will hold an Open House at the City of Bellevue to gather public input on proposed alignments for

the Eastlink Light Rail system. He added that there will be additional meeting dates. The current Sound Transit Board supports the same route through South Bellevue that the Beaux Arts Council supported last year.

TREASURER'S REPORTS: Councilmember Leber reported that he has completed his review of the 1Q2010 Treasurer's Reports and found them to be accurate.

MEETING WITH CONGRESSMAN REICHERT: Mayor Leider reported that he and other area mayors met with Congressman Reichert and the topic of grant funding was discussed. As expected, there is a tremendous budget crunch among jurisdictions in District 8 so the number of grant applications has increased dramatically. He added that he made a pitch for the Town's 108th Ave SE project.

WHATMORE: Mayor Leider reported that his letter to the Whatmore estate has been sent to Town Attorney Stewart for review. He will follow up with information as available.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that there is no regular meeting in August and the next Council meeting will be held at 7:00pm on Tuesday September 14, 2010 at Mike Hillberg's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:05 pm. Councilmember Stowe seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer