



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

April 12, 2011
Hillberg

Mayor Leider called the meeting to order at 7:00 pm and introduced Town Attorney Wayne Stewart.

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

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Town Attorney Wayne Stewart, Water Department Supervisor Bob Durr, Town Marshal Walter Scott

GUESTS: Ann Mari Simonsen, Donna Stowe, Susan Kennedy.

MINUTES: Councilmember Sharp moved to approve the March 8, 2011 minutes, as amended. Councilmember Hillberg seconded.

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

WARRANTS: Councilmember Eulau moved to approve the April 12, 2011 warrants, numbers 8645 through 8669 in the amount of \$16,720.87. Councilmember Sharp seconded.

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

CLERK'S REPORT:

RECORDS STORAGE: Clerk-Treasurer Spens reported that the house that currently provides storage for the Town's files (except for those used by Deputy Clerk Kulp) is currently for sale. She would like the Council to reconsider the possibility of making minor renovations to a portion of the water maintenance shed so that the space could be used to store at least the working files she uses and possibly those used by Deputy Clerk Kulp also. She reminded the Council that when this idea was last discussed the main deterrent was lack of power to the site and that Bill Beck estimated it would cost \$5,000 to bring in a power drop. She has since learned that having power at that location would also be beneficial to the Water Department, because it would allow the replacement of the mechanical float in the tank with a wireless pressure-sensing switch mounted at ground level. Currently, if the mechanical float "hangs up", it must be manually reset by an operator climbing into the tank. In addition, 500 feet of the wiring that connects the mechanical float switch to the well pump is aging and needs to be replaced soon. If the mechanical switch were replaced instead with the wireless pressure-sensing switch, there would be no need to replace this wiring.

During the Council's discussion of this item, the following points were mentioned:

- Town Attorney Stewart mentioned that it is preferable to maintain the Town's records within the Town's boundaries.
- The total cost to renovate this space and make it suitable for records storage would probably

be closer to \$10,000, because of the need to insulate a portion of the building and finish the interior walls, install a small space heater and lighting and replace the current doors with a more secure entry.

- Other options should be considered, including bringing in a small construction trailer for temporary storage or constructing a small shed in another location.

TINA COHEN REQUEST FOR ADDITION TO MEETING MINUTES: Tina Cohen, the former Town Arborist, has expressed concerns about her departure is portrayed in earlier meeting minutes and has asked that a written explanation be inserted into these minutes to mitigate the earlier descriptions. It was the consensus of the Council that the earlier minutes convey an accurate record of their discussions of this matter; however, if contacted by interested parties, the Town will provide a copy of Ms. Cohen's comments on request.

WABA CENTENNIAL SIGNS: Clerk-Treasurer Spens reported that she received an inquiry about the banners posted throughout Town last year commemorating WABA's Centennial. The person inquiring wondered if these signs were controlled by the same rules that require property owners to keep political and other signs on their own property and wondered if the Council should give overt permission for the signs to remain, since their "their reason for being has expired". Ms. Spens commented that her reply to the inquirer was that she had considered the signs to be decorative rather than informative and she would ask the Council if they felt differently. It was the consensus of the Council that the WABA Centennial signs are for decorative purposes only and that there is no need to either grant them permission or require their removal unless work in their vicinity so requires.

PLANNING COMMISSIONER: Mayor Leider has appointed Jan Johnston to fill the Planning Commission vacancy created when former Commissioner Karen Scott's term expired and asked the Council to confirm this appointment.

MOTION: Councilmember Stowe moved to confirm Jan Johnston's appointment to the Planning Commission for a term expiring on December 31, 2016. Councilmember Hillberg seconded.

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

JANE HAGUE VISIT: Clerk-Treasurer Spens reminded the Council that King County Councilwoman Jane Hague is scheduled to meet with the Council in May and will report on recent activity at the County level.

MARSHAL'S REPORT: Councilmember Stowe offered the following incidents from this past month:

- Graffiti has begun appearing on a number of fences along 108th Ave SE that belong to residents who front 107th Ave SE. Because these fences are private property, the property owners are responsible for cleaning them and should be encouraged to do so quickly before more graffiti is added.
- A attempted car prowl of a car parked in a driveway on 107th Ave SE was foiled because the owner had locked the vehicle. Upon hearing the car alarm, the owner went out to investigate but didn't see anyone who might have been responsible.

Town Marshal Scott arrived at the meeting later and reported that over the last two years, four

burglaries have occurred in Beaux Arts: three during the day and one at night. In those instances, two involved entry through unlocked doors and one through an unlocked window. He has asked the King County Sheriff to review evidence collected from each incident to determine if there is any common thread among them.

WATER REPORT: Water Supervisor Bob Durr reported that the Town was on Bellevue water for five days this past month due to a problem with the wire that runs between the water tank and the pump. The wire was damaged by rubbing against a tree trunk and has been repaired. He noted that, as mentioned by Clerk-Treasurer Spens, approximately 500 feet of this wiring must be replaced after Puget Sound Energy (PSE) trims the trees in this vicinity. He will include the cost of this replacement in his expenditure estimates for next year's budget.

Councilmember Hillberg commented that he thinks PSE performs tree trimming about every three years and asked if Water Supervisor Durr could identify the problematic trees so that he can determine whether the trees should be removed completely.

WABA REPORT: Mayor Leider reported on behalf of WABA that they are beginning the planning process for the shoreline improvements project for their breach property, including working to secure funding and then hiring a designer.

108th COMMITTEE REPORT: Councilmember Stowe reported that the utility locates for Qwest, COB Sewer, PSE Gas and Electric have been completed for the project. Comcast also has a trunk line in this area that has not been located yet. The Qwest line, COB Sewer line, and Comcast trunk line all run along the west side of 108th. PSE's lines run along the east side of 108th. He will continue working with Tani Stafford of Gray & Osborne to determine if the current utility locations pose a problem for the project.

Councilmember Stowe commented that in June or July we will erect a sign on 108th Ave SE to announce the project. He will also prepare letters for Bellevue residents who live across 108th Ave SE from the project location to let them know that the "No Parking" rules along that portion of the street will soon be enforced. He also reported that if the current locations of any existing utilities in this area interfere with our project design, the Town will alter our design, but the utility company (or companies) must pay for any alterations made to accommodate their existing facilities.

Councilmember Stowe reported that the project is currently on schedule and on budget.

PROPOSED COMMERCIAL ROW-USE ORDINANCE: Town Attorney Stewart recapped the process of this ordinance's development, including Clerk-Treasurer Spens work to rewrite the information provided by Councilmember Stowe into ordinance format. He also pointed out the difficulties in trying to administer and enforce some of the proposed provisions listed and asked the Council to give particular thought to what they want the ordinance to accomplish. He asked the Council to review the current version thoroughly and determine if it accomplishes what they want. If not, Councilmembers should submit written comments to Clerk-Treasurer Spens outlining additions, deletions, revisions, etc. that they feel should be incorporated into the document. Councilmember Stowe provided a copy of Bellevue's ROW Code in which he has highlighted things to be considered.

INTERLOCAL COOPERATION AGREEMENT WITH BELLEVUE: Councilmember Stowe stated that he would like the Council to look into developing an Interlocal Cooperation Agreement (ILA) with Bellevue that would document each municipality's willingness to mutually cooperate with the other on proposed projects that may impact both, especially if the project sits solely within the boundaries of one. He added that this agreement would allow better coordination of the Beaux Arts and Bellevue Comprehensive Plans. He commented that T-Mobile's application for a conditional use permit to install a cell monopole on property owned by Bellevue Christian Church demonstrated the need for such an agreement, because he feels the proposed tower has a clear impact on property owners in Beaux Arts. He feels that an agreement between Bellevue and Beaux Arts could be written to ensure that whenever Bellevue considers an activity or application that is close enough to affect Beaux Arts, Bellevue will formally notify the Town of this consideration, and vice versa. Notifications should include not just project applications, but also proposed land-use changes, zoning changes, etc.

Town Attorney Stewart asked the Council to consider what they want out of this agreement and what are the pros and cons. On discussion, the Council agreed that such an agreement would ensure that we were informed of potential projects within a certain distance of the Town's borders. Town Attorney Stewart pointed out that even with the ILA, there is no guarantee that the expected notifications will occur. He added that the major con is the time and expense needed to see the ILA to completion, particularly since Bellevue may chose not to participate. Mayor Leider noted that the ILA would be nice to have, but the best way to get it will be to approach softly rather than taking a hard-line approach.

Town Attorney Stewart will speak to one of his counterparts in the Bellevue Attorney's Office to gauge interest on their part.

Councilmember Stowe then asked the Council to consider one of his concerns about the T-Mobile proposal: the cell tower fall zone. He explained that the proposed height of the tower is 135 feet, taller than the 90 to 120-foot tall Douglas firs in the area. He not only feels that the tower will be unsightly but also that it is tall enough to impact several homes that back onto 108th Ave SE should it fall. He added that he also believes homeowners within the cell-tower's Fall Zone may have difficulty selling their homes because the new owners would have more trouble obtaining financing due to their location inside this Fall Zone. He stated that he believes lending guidelines set by the US Department of Housing and Urban Development (HUD) may add restrictions on a buyer's or owner's ability to obtain FHA financing on a property located in the Fall Zone and that FHA guidelines dictate policy for other lenders.

The Council then asked/discussed the following:

- Are these financing constraints limited to artificial structures, since it would seem that the many trees in our area constitute the same hazard? Answer: Damage from fallen trees is covered by one's homeowner's insurance.
- Do these constraints apply to homes near the Town's water tower? Or near power poles and light standards? (This question remained unanswered.)
- Councilmembers expressed a desire to see the HUD guidelines mentioned above to evaluate what parameters are listed and how they may pertain to Beaux Arts.

- Town Attorney Stewart noted that the Town can ask T-Mobile to indemnify the Town from damages that occur as a result of the tower falling. Donna Stowe commented that the church and the City of Bellevue were to be indemnified by T-Mobile.

Mayor Leider then asked the Council if they wish to take a formal position on the cell tower at this time. It was the consensus of the Council that the potential problems posed by the proposed cell tower do not rise to the level of concern that would prompt formal action at this time; however they wish to continue monitoring the situation and to see source materials about the possible financing issues.

Town Attorney Stewart reminded the Council that the Town does not take on any liability if the Council takes no position on the proposed project.

MAYOR AND COUNCILMEMBER REPORTS:

STORM DRAIN ON 102ND AVE SE: Councilmember Sharp reported that repairs to the storm drain at the western end of 102nd Ave SE are complete and the work funded by the King Conservation Fund grant is about to begin. The storm drain is actually on private property (due to errors in the original platting of the Town), so the plantings funding by the KCD grant will be near, but not immediately next to, the area where the repaired storm drain sits. The planted area will extend from the property line with WABA onto the Town's right of way. Councilmember Sharp added that he discussed the possibility of using a boundary-line adjustment to adjust property lines so that the storm drain would be on public property, but the adjacent property owner is not interested in pursuing at this time.

COB 108TH PROJECT: Councilmember Sharp reported that Steve Costa, Bellevue's project manager for their 108th Improvements project, has applied for a permit to redirect traffic from Bellevue's portion of 108th onto Beaux Arts' portion during construction of Bellevue's project. The Building Department will issue a modified Street Opening permit that grants permission for the temporary detours using flaggers and warning devices.

STORMWATER DRAIN AT 104TH: Councilmember Sharp reported that he has decided to have the storm drain on 104th between SE 29th and SE 28th Streets cleaned out and if in the cleaning process it is found to be broken, he will arrange for that portion of the storm drain system inspected by video camera.

EMERGENCY DEBRIS REMOVAL: Councilmember Eulau reported that he has been discussing ideas about emergency debris removal with an official from King County to learn if there is a benefit to the Town.

TOWN CLEAN UP: Councilmember Hillberg announced that the Town's Spring Clean Up will be held on May 14th. He is working to develop a list of special projects and welcomes input and ideas.

TOWN ARBORIST: Mayor Leider reported that Kurt Fickeisen of Symbiosis Tree Care is the new Town Arborist. Clerk-Treasurer Spens will update the Town's website to include this new information.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday May 10, 2011 at Rick Leider's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:15 pm.

Councilmember Leber seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer