



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

April 9, 2013
Gillem

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

PRESENT: Mayor Richard Leider, Councilmembers John Gillem, Matt Leber, and Tom Stowe.

EXCUSED: Councilmembers Mike Hillberg and Aaron Sharp.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: WABA President Paula Dix, Donna Stowe, Water Supervisor Bob Durr, Gail D'Alessio.

MINUTES: Councilmember Stowe moved to approve the March 12, 2013 minutes, as amended. Councilmember Gillem seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

WARRANTS: Councilmember Gillem moved to approve the April 9 warrants, numbers 9281 through 9301 in the amount of \$16,519.85. Councilmember Stowe seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT:

CODE ENFORCEMENT ACTIONS: Clerk-Treasurer Spens reported that she received two complaints this month that she referred to Building Official Kolke for review and action.

- A complaint about the PODS container parked in a driveway on SE 27th Street. Ms. Kolke advises that this does appear to be a violation, and she is working with Town Attorney Stewart to craft a letter to the property owner.
- A complaint about rocks placed in the ROW at the north end of 106th Pl SE. Ms. Kolke advised that this does not appear to be a violation of the ROW Code, since that code allows the placement of rocks in the ROW provided there are no larger than two-man size and are at least 1-1/2 feet from the paved edge of the roadway. She will write a letter to the parties involved in this complaint.

BUILDING CODE ADOPTION: Clerk-Treasurer Spens noted that revisions to the International Residential Code are scheduled for adoption by the State effective July 1, 2013. Building Official Kolke will provide the needed ordinance language to ensure proper adoption by the Town at the June Council meeting.

PLUMBING PERMITS: Clerk-Treasurer Spens reported that Building Official Kolke is able and willing to handle the Town's plumbing permits. Currently property owners must obtain their plumbing permits from the King County Department of Health. Not only does this add

another layer of permitting with a separate agency, but currently mechanical systems often blur the lines between mechanical and plumbing permits. Ms. Kolke has advised that we can save permit applicants time and money by taking over this essential permitting function and creating a combined mechanical/plumbing permit. She will include any needed revisions in the building-code amendments that she will bring to the Council in June. In addition, Clerk-Treasurer Spens will bring forward a revised Fees Resolution in May to add fees for this combination permit.

INSPECTION DEPOSITS: Clerk-Treasurer Spens reported that she and Deputy Clerk Kulp have reviewed the smaller building permits issued since we started collecting inspection deposits and have determined that many of these projects receive a full refund of the deposit. She recommends that we rewrite the Fees Resolution to exempt the following from the inspection deposit: re-roofing projects and small project with valuations of less than \$10,000 that do not require a plan review. She also recommends that we give Building Official Kolke the authority to waive the inspection deposit in situations where her review of the application leads her to believe that the 75% allowance from the building-permit fee will cover the cost of inspections. It was the consensus of the Council that Clerk-Treasurer Spens should prepare an amended Fees Resolution and bring it to the Council in May.

FIRST QUARTER TREASURER'S REPORT/BUDGET REVIEW: Clerk-Treasurer Spens stated the First Quarter Treasurer's Report and Budget Review would be postponed until May, because she hasn't received all of the bank statements needed to complete the reports. Councilmember Leber suggested that the review be postponed until June, because he will miss the May Council meeting.

MARSHAL'S REPORT: No report.

WATER REPORT: Water Supervisor Bob Durr reported that the State Department of Health (DOH) inspected our water system, and we passed. There are no corrections needed, and a written report from the DOH is pending.

WABA REPORT: WABA President Paula Dix reported that they have submitted the grant application for the next phase of the Shoreline Restoration Project and expect a response by August. This phase will include two smaller coves: one near the swim beach and one near the barbecue. The water window for work is September and October. When asked for her sense of whether WABA will receive grant funding, Ms. Dix replied that the grant process is competitive, so it is difficult to speculate. Ms. Dix also stated that the work completed last year seems to be holding up well after the winter season.

APPEARANCES: None.

PROPOSED ORDINANCES CLARIFYING THE INTENT OF ORDINANCE NOS. 282, 302, 305, 310, AND 311: Mayor Leider opened the discussion by noting that the need for these ordinances was discovered by Councilmember Stowe as part of his project to develop legal descriptions for the Town streets and rights of way. These five ordinances were written to correct errors found in the original unrecorded plat of the Town during a

survey performed in 1998. A second survey commissioned recently to develop the needed legal descriptions for the streets found that all five of the ordinances to be amended had minor errors in the legal descriptions describing the property being conveyed and/or the conveyance language. In addition, none of the ordinances were recorded with King County.

Councilmember Stowe worked with a land-use attorney, Thom Graafstra, to determine how best to correct these errors. The five ordinances before the Council tonight document the corrections, and when recorded with King County, will leave just the recording of the Boynton quit-claim deed to complete the corrective task.

Mayor Leider asked for motions to pass each ordinance.

MOTION: Councilmember Stowe moved to pass Ordinance No. 398 amending Ordinance No. 282. Councilmember Leber seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Stowe moved to pass Ordinance No. 399 amending Ordinance No. 302. Councilmember Leber seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Stowe moved to pass Ordinance No. 400 amending Ordinance No. 305. Councilmember Gillem seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Stowe moved to pass Ordinance No. 401 amending Ordinance No. 310. Councilmember Gillem seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Stowe moved to pass Ordinance No. 402 amending Ordinance No. 311. Councilmember Gillem seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Mayor Leider expressed his thanks to Councilmember Stowe for shepherding these ordinance amendments through the process.

PROPOSED SOLID WASTE INTERLOCAL AGREEMENT (ILA) WITH KING COUNTY: Clerk-Treasurer Spens reminded the Council that this topic was tabled last month so that the Council could see what action, if any, the Bellevue City Council would take on this ILA. In the interim, the Bellevue City Council has decided NOT to execute the amended agreement, which means that their participation with King County will end in 2028. Representatives from Bellevue gave a brief outline of their long-term plans at the April Points Cities' Mayors' Meeting, which Mayor Leider attended. Based on that presentation and the information provided by King County representatives during their presentation in January, Mayor Leider is recommending that the Council authorize him to execute this agreement.

MOTION: Councilmember Gillem moved to adopt Resolution No. 282 authorizing the Mayor to execute an Amended and Restated Solid Waste Interlocal Agreement between King County and the Town of Beaux Arts Village relating to solid waste. Councilmember Leber seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

PROPOSED AGREEMENT WITH WHATMORE ESTATE: Mayor Leider reminded that Council that, over the last two years, he and Town Attorney Stewart have been negotiating with the Whatmore Estate on the Town's behalf to resolve outstanding issues relating to access and water use. The Whatmore Estate owns property in both the Town of Beaux Arts Village and in the City of Bellevue. The Beaux Arts property includes a single-family home, and the Bellevue property, a small single-family cottage. The Whatmore Estate has proposed an agreement governing the use of the cottage property, including access (ingress/egress), utilities (water and sewer), and the potential for annexation of the Bellevue property into Beaux Arts. In addition, the Whatmore Estate has prepared an Access Easement to allow continued ingress and egress from the Bellevue property across a corner of the water-tower lot. Mayor Leider noted that documents represent a reasonable accommodation of the Town's concerns on the part of the Estate.

Councilmember Stowe expressed concerns about both documents. After some discussion, it was decided that action on both documents would be tabled until May so that Councilmember Stowe and Mayor Leider can work through both documents and review Councilmember Stowe's concerns.

STRATEGIC PLANNING: Mayor Leider asked everyone to continue working out details about how to accomplish their various tasks, including proposed timing. This item will remain on the agenda for the near future.

MAYOR AND COUNCILMEMBER REPORTS:

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP): Councilmember Gillem reported that he has completed his review of the Town's current CEMP and found some minor edits. When complete, the CEMP will be ready to submit to the State for its scheduled review. Clerk-Treasurer Spens will forward the Word version of the CEMP to Councilmember Gillem to make the editing process easier.

BEST PRACTICES FOR SMALL TOWN RESERVES: Councilmember Gillem reported that he has done some research on this topic but is finding it difficult to locate any published methodology for municipalities as small as Beaux Arts. He will continue his research, including potential revenue sources and the Town's borrowing capacity in the event of an emergency (e.g. an infrastructure failure in the water system that requires a major capital outlay).

PUBLIC UTILITY INFORMATION: Councilmember Stowe noted that he has collected a lot of information about the utilities that serve the Town, including locations of facilities, and asked for guidance on how best to organize it. It was the consensus of the Council that they need to see what he has collected in order to help answer this question.

LINK LIGHT RAIL: Councilmember Stowe reported that he has heard from the Eastside Transportation Partnership (ETP) that development of the South Bellevue Light Rail Transit Station will not force high-density transit-oriented development (TOD) in the South Bellevue neighborhood. He suggested that the Town write a letter in conjunction with the Enatai Neighborhood Association to the ETP asking for written confirmation.

CONGRESSWOMAN DELBENE: Mayor Leider reported that newly elected Congresswoman DelBene visited the most recent Point Cities Mayors' Meeting to introduce herself and open communication lines. Ms. DelBene represents the four northern members but not Beaux Arts.

CONGRESSMAN ADAM SMITH: Mayor Leider reported that Congressman Smith's office contacted him about a possible visit during an upcoming Council meeting. He will keep the Council informed.

EXECUTIVE SESSION: Mayor Leider announced that the Council would temporarily adjourn their regular session at 8:45pm to hold a brief executive session to discuss a personnel issue. The executive session is expected to end by 8:50pm, at which time members of the public and staff may return for the remainder of the regular session.

At 8:50pm, the Council reconvened its regular session.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday May 14, 2013 at Mike Hillberg's house.

ADJOURN: Councilmember Leber moved to adjourn the meeting at 8:51 pm.
Councilmember Stowe seconded.
Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer