



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

March 11, 2014

Bates

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

**PRESENT:** Mayor Richard Leider, Councilmembers Peggie Bates, John Gillem, Mike Hillberg, Wade Morlock, and Tom Stowe.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** King County Councilwoman Jane Hague, WABA Beachmaster Forrest Kulp, WABA Dockmaster Jay Jacobsen, Water Supervisor Bob Durr.

**MINUTES:** Councilmember Hillberg moved to approve February 11, 2014 minutes, as amended. Councilmember Gillem seconded.

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

Councilmember Morlock arrived just as this vote was being taken.

**WARRANTS:** Councilmember Gillem moved to approve the March 11, 2014 warrants, numbers 9543 through 9554, in the amount of \$11,099.81. Councilmember Hillberg seconded.

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

#### **CLERK'S REPORT:**

**INCREASE IN MAIL THEFT PROBLEMS:** Clerk-Treasurer Spens reported that mail thieves are becoming more bold and determined. The latest incident involved losses from locking mailboxes just down the street from the Town box and of the same style as what the Town / Water Dept uses to collect not just mail, but also payments for water bills, permit-inspection fees, etc. She asked the Council to consider the following possible solutions (each of which has advantages and disadvantages) and recommend others, if any:

- **Post Office Box:** Probably the most secure, but it eliminates the opportunity for water customers to save a stamp and drop their payment directly in the mailbox.
- **More secure mailbox:** Retains convenience for our customers, but may not be as secure as we might hope. In a recent discussion with Security Safe & Lock, she learned about a much heavier steel box from a company named Fort Knox Mailboxes that, when mounted on a steel pole set in concrete, is probably the best option for a box in Town. This box installed will cost between \$500 and \$1,000 installed.
- **Online payment options:** Safe from mail theft but vulnerable to cyber crime. Plus, the Town might have to impose a "convenience fee" to cover the cost the service provider charges for each transaction.

The consensus of the Council was that improved security is important and that the best combination of security and convenience to our customers is to upgrade to the Fort Knox Mailbox at a cost of between \$500 and \$1000. Clerk-Treasurer Spens will order one and arrange for Bill Beck to install it next to the mailstand where the Town's mailbox currently sits.

**APRIL COUNCIL MEETING:** Clerk-Treasurer Spens noted that the April Council meeting falls during Spring Break for the Bellevue School District and that one Councilmember has already notified her that he will be out of town. She asked if the Council needs to find another meeting date in order to achieve a quorum. After a brief discussion, it was decided that each Councilmember should review their calendar in the next few days and notify her whether he/she is available for the April 8th meeting. Once the poll is available, the appropriate date and meeting place will be decided.

**COUNCIL RESOURCE BINDERS:** Clerk-Treasurer Spens distributed new pages for the Council Resource binders.

**MARSHAL'S REPORT:** None, though Mayor Leider touched again the problem of mail theft. He offered to follow up with the King County Sheriff's Office (KCSO) to see if we need to meet with our KCSO liaison.

**WATER REPORT:** Water Supervisor Bob Durr reported that we continue to have problems with the pump controller. He is getting a price from Lander Electric to replace the entire controller unit with one that is more durable.

**WABA REPORT:** None..

**APPEARANCES:** None.

**INFORMAL DISCUSSION WITH KING COUNTY COUNCILWOMAN JANE HAGUE:** Mayor Leider welcomed Councilwoman Hague and invited her to begin the dialog. After making several general remarks about safety, security and regional partnerships to promote same, she dove into her main topic: Transportation funding issues. Ms. Hague explained that King County had hoped the State Legislature would find a solution to the problems in funding the state's transportation needs, but nothing came out of this most recent session. She explained that due to the State's inaction, either transit service will need to be cut by as much as 17% (about 600,000 hours) or County's will have to find local funding solutions. She added that the Eastside will be heavily impacted, even though Sound Transit and Rapid Ride are untouched for now.

She also pointed out that the incorporation of County land into cities leaves fewer tax dollars in the County's coffers for road repairs, many of which are in dire need of resurfacing.

One tool the County is developing is to form a Transportation Benefit District (TBD) which would generate revenue through increases in the sales tax, motor-vehicle excise tax, or

license fees. Funds collected by the TBD would be split 60% for transit and 40% for roads (some of which would be shared with cities). The County anticipates the TBD needs to raise \$135 million per year to preserve bus service at its current level of service and to maintain county roads. Any taxes enacted for the TBD would sunset in 10 years. The measure passed the King County Council by a unanimous 9-0 vote; on April 22, it appears on the ballot for the general public to decide.

The Council had several questions:

1. Sales tax revenues seem to have recovered to pre-recession levels. Why is another increase in the sales-tax percentage needed?  
Jane Hague: In a nutshell, cost increases. Operating costs have increased and some of the funding previously available to the County has shifted to Sound Transit.
2. Has there been any early polling to determine the likely outcome?  
Jane Hague: No.
3. Why an increase in sales tax? Why not a use tax instead?  
Jane Hague: A use tax is not a local option, so the State Legislature would have to authorize Counties to impose such a tax.

Councilwoman Hague then moved on to the topic of Solid Waste, noting that there had been plans to increase the size of the Factoria Transfer Station, close the Houghton Transfer Station, and build a new transfer station somewhere in the northeast part of the County, probably in either Kenmore, Carnation or Duvall. She commented that this building a new transfer station is very expensive and noted that it is much easier to achieve rate stability when capital expenses are normalized. It is for this reason that the County is looking at the possibility of redirecting volumes to existing transfer stations by increasing capacities and improving the traffic throughput. She added that the loss of the City of Bellevue's participation in the Solid Waste Interlocal Agreement is having a big impact on the County's ability to bond and finance needed projects.

Councilwoman Hague closed by adding that the County has several other priorities, including improved management and leaner County government, achieving collective accomplishments through local partnerships, and continued improvements in providing mental-health care to jail inmates.

Mayor Leider thanked Councilwoman Hague for her time.

**SHORELINE MASTER PROGRAM (SMP) UPDATE:** Mayor Leider opened the discussion of last month's meeting with David Pater, a shoreline planner with the Department of Ecology (DOE).

Council discussion focused on the three unresolved items in the draft SMP.

**Item 1:** SMP Table 6.3 Requirements for New Overwater Structures – Location of moorage and in-water structures. DOE's original comment was to require that any new piers, floats, and fingers be set back 30 feet from the shoreline and in water depths of at least 10 feet. Temporary, summertime floats are exempt from this requirement.

This issue was discussed extensively in February, and Mr. Pater needed to consult with other DOE staff before recommending as potential remedy. Subsequent to the February meeting, Mr. Pater followed up by email with the following comment:

*"Pier water depth: Ecology staff will be comfortable with addressing the shallow water depth issue by incorporating a seasonal low water moorage restriction within 40 ft of the ordinary high water mark. I went out again and measured water depth on the north end piers and depth was only 4 feet at forty feet. The finger pier ells closest to shore are two feet side. Ecology is ok with the Village maintaining and replacing these pier ells over time, but we would like to see the ell width restricted to 2 feet. Pier grating wouldn't be required given the narrow width and design challenges. Additional new pier ells should not be allowed within 30 feet of the OHWM.*

*Pier ell restriction: An update to table 6.4 (replacement overwater structures) would be appropriate.*

*Seasonal water restriction: Add an additional regulation to sec. 6.3.2. Should mention low water season from November to early May."*

On discussion, the Council made the following comments:

- Ells can be repaired or rebuilt as is and would not be considered new construction, so why the insistence on a minimum water depth of 5 feet at 30-feet from the OHWM?
- What is the science behind the restrictions in five-foot water depths?
- Why aren't the Town and WABA given any credit for either the fact that we have much more open beach and water along the length of our shoreline that in most other parts of Lake Washington? And why no credit for having been good stewards of our lakefront for all this time?

At the conclusion of this discussion, it was the consensus of the Council to retain the original language in this section of our draft SMP noting that we have been good stewards of this property, protecting and enhancing its utility as salmon habitat and minimizing the negative effects of our improvements of the years. It was also the consensus that no further consideration will be given to changing this section without learning the science behind the five-foot depth rules.

**Item 2. Appendix E. Critical Areas 1.A – Reasonable Use.** DOE's original comment was that the phrase "allowing for reasonable use of private property" must be stricken from the Critical Areas Report, claiming that reasonable-use exemptions are inconsistent with the Shoreline Management Act. Both RCW 90.57 and WAC 173-27 establish the variance permit process which functions similarly to reasonable use.

During the February discussion, it was clear that the DOE was unequivocal in their insistence that this language be stricken or alter. The Council offered to replace the phrase "allowing for reasonable use of private property" with the phrase "consistent with private property rights" which Mr. Pater stated should be okay. Mr. Pater's subsequent email did not reverse that agreement.

It was the consensus of the Council to revise this section of the draft SMP to use the phrase "consistent with private property rights".

**Item 3:** Appendix E. Critical Areas 4.F.1 – Endangered, threatened and sensitive species. DOE'S original was to add the following language to paragraph (a): "Development which is consistent with the SMP may be allowed within habitats of aquatic species."

During the February discussion, the Council stood firm in its belief that this phrase should read: "Development which is consistent with the SMP is allowed within habitats of aquatic species." Mr. Pater's subsequent email stated that:

*"Critical areas sec 4.F.1: Ecology staff is ok with the Village preference for "is"."*

It was the consensus of the Council to revise this section of the draft SMP to use the phrase "Development which is consistent with the SMP is allowed within habitats of aquatic species."

Mayor Leider ended this discussion by asking Clerk-Treasurer Spens to share these comments with Town Planner Green so she can incorporate the accepted revisions into a final draft. When that draft is complete, Ms. Green should review the changes with Mayor Leider before taking any additional action.

**PROPOSAL FROM AT&T TO INSTALL WIRELESS ANTENNAE ON THE WATER TOWER:** Mayor Leider reviewed the discussion to date, i.e. AT&T contacted the Town last year to discuss the possibility for locating one or more wireless antennae for cell-phone service within the Town and narrowed in the possibility of locating those antennae on the water-tower structure. AT&T was allowed to complete a non-intrusive feasibility study to determine if the location and height were sufficient for their needs. Upon completing this study, AT&T and Mayor Leider corresponded about possible lease terms, amounts, and limitations on site improvements.

Concurrent with these discussions, Mayor Leider asked Town Planner Green for information on how such an installation would be reviewed, what process would be needed for zoning considerations, and what the timeframe for related approvals would be. Ms. Green determined that the process would focus on a SEPA review of the proposal, and the timeline for that review could be relatively short, i.e. a matter of one or two months.

Mayor Leider directed the Council's attention to some very preliminary site plans for the proposed installation noting that nothing is set in stone at this time. On discussion, the Council made the following comments:

1. Any lease agreement with AT&T should preclude the possibility for them to sublease; that option should be preserved for the Town.
2. Any proposal needs to address how the issue of equipment noise will be mitigated.
3. Any proposal needs to specify a limit on the number of maintenance-trucks visits to minimize the traffic impact on the neighborhood and any accessibility impacts for the

immediate neighbors.

The Council agreed that at this point there appear to be two decision points: Are we going forward with this project? and Are we ready to authorize the Mayor to sign a lease with AT&T? It was the consensus of the Council that before these questions can be answered, they want community input on the concept, including input from property owners in Bellevue who could be impacted by this project.

The Council also discussed the possible need to hire a consultant to assist them in their review of the proposal and the option to have a representative from AT&T at a community meeting.

Mayor Leider suggested that he and Clerk-Treasurer Spens will work to solicit public feedback for and/or attendance at the April Council meeting through a newsletter item and possibly through a separate email to the entire Town and to our Bellevue neighbors.

### **STRATEGIC PLANNING:**

#### **Goal 1. Town Hall**

Councilmember Stowe noted that the water-tower lot is approximately 70 feet x 105 feet and thus comprises 7,350 sq. ft. The useable area after applying setbacks drops to about 3,000 sq. ft., and GFAR reduces that further to 2,573 sq. ft. If that area isn't adequate, the Council would need to consider establishing a category for public-use zoning.

Council discussion focused on the need for public input, and it was pointed out that spending a small amount of money (say \$2,000 to 2,500) to develop some concept drawings would prove useful in facilitating such a discussion, particularly since the drawing could help clarify and reinforce the many possibilities for community use, e.g. Council and Planning Commission meetings, Town records storage, WABA meetings and records storage, meetings of other community groups such as Boy Scouts, etc.

#### **Goal 4 - Town Character / Master Plan for ROWs**

Councilmember Hillberg reported that he and Mayor Leider completed interviews with Maker's and CREA, noting that both have urban experience with infrastructure and aesthetics. Their preference is for CREÀ Affiliates, seeing them as a better fit for our community and noting their strengths in including the community in the development of a vision and design and in managing such a project. He will now work to finalize a scope of work and a contract for Mayor Leider's review and signature. Because this project is part of the approved 2014 Budget, the Mayor has the authority to execute this contract provided the price remains within the budgeted amount.

#### **Goal 7 - Emergency Preparedness**

Councilmember Gillem reported that he attended the King County Regional Coordinators framework meeting, noting that we are in Zone 1. He has spoken with Mercer Island's Emergency Management Coordinator and will set up an introduction for Councilmember Bates.

**MAYOR AND COUNCILMEMBER REPORTS:**

**4TH QUARTER 2013 TREASURER'S REPORTS:** Councilmember Gillem reported that he has completed his review of the 4Q2013 Treasurer's Reports and supporting documentation and found them to be accurate and in good order. He has signed them signifying his approval.

**SOUND CITIES ASSOCIATION MEETING:** Councilmember Stowe reported that he attended the recent SCA meeting noting that the Transportation Benefit District was discussed. He added that while BAV abstained from voting, the group as a whole voted to support the concept though not overwhelmingly.

**POTELCO POLE-REPLACEMENT PROJECT:** Councilmember Stowe reported that Potelco's project to replace poles throughout the Enatai area is underway. A pole/tree conflict at the north end of 106th Pl SE is still being discussed, though it looks like the tree will be removed. Confusion over a pole replacement on SE 30th St that is not part of this project has been resolved.

**TREE REPLACEMENTS:** Councilmember Hillberg reported that he is mindful of the number of trees that have been removed from the ROW recently and has purchased five trees from the Squak Mountain Nursery to begin replacements.

**TOWN CLEAN-UP:** Councilmember Hillberg noted that he needs help closing the doors on the dumpsters on Sunday following the Town Clean Up. Councilmembers Stowe and Gillem offered to help. Councilmember Stowe suggested that one of the projects could be to clear vegetation away from the fire hydrants, clean signs and paint the path posts.

**PARKING ISSUES ON 106TH PL SE:** Councilmember Bates noted that there continue to be challenges relating to parking at the northern end of 106th Pl SE. The King County Sheriff's Office (KCSO) has been called several times to resolve them, but it isn't clear that they are prepared to address these complaints. She asked that KCSO be provided with the Town's parking and ROW Use rules as well as clarification about when they need to respond to parking complaints.

**PLANNING COMMISSION APPOINTMENT:** Mayor Leider reported that he has appointed Bennet Yen to fill the remaining vacancy on the Planning Commission for a term expiring on December 31, 2017. He asked the Council to confirm this appointment.

**MOTION:** Councilmember Hillberg moved to confirm the appointment of Bennet Yen to a vacant position on the Planning Commission for a term expiring on December 31, 2017. Councilmember Morlock seconded.

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

**AT&T CELL ANTENNA:** Mayor Leider reported that he submitted suggested changes to the terms and conditions under consideration as part of AT&T's feasibility study for installing a cell-phone antenna on the water tower. He reported that they have completed their preliminary environmental review and remain interested in exploring this potential site.

**REPRESENTATIVE ADAM SMITH:** Mayor Leider noted that will be meeting with Representative Smith in a little over a week and asked the Council for input.

**BUILDING PERMIT PROCESS:** Mayor Leider reported that he has met with recent permit applicants and Deputy Clerk Angela Kulp to get feedback on the Town's process for and timeliness in issuing building permits and administering them during the construction process. He plans to meet with Ms. Kulp and our contract permit staff to determine how to ensure that the Beaux Arts Building Department provides the best service possible, particularly in regards to timeliness, responsiveness, reasonableness of fees, etc.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting is scheduled for 7:00pm on Tuesday April 8, 2014 at John Gillem's house. Because Councilmember Gillem will be unavailable to host the meeting, the location will be changed. Also, the meeting date may change depending on the outcome of Councilmembers' calendar reviews.

**ADJOURN:** Councilmember Stowe moved to adjourn the meeting at 9:40 pm. Councilmember Hillberg seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer