



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

May 12, 2015
Stowe

Mayor ProTem John Gillem called the meeting to order at 7:00 pm.

PRESENT: Councilmembers John Gillem, Mike Hillberg, Cynthia Hudson and Tom Stowe.

EXCUSED: Mayor Richard Leider and Councilmember Wade Morlock.

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: Water Supervisor Bob Durr, Gail D'Alessio, Paula Dix, Susan Kennedy, Sylvia Hobbs, Rick Corra, Susan Bogert, Donna Stowe, Steve Matsudaira and Josh Brookhart.

MINUTES: Councilmember Stowe moved to approve the April 14, 2015 minutes, as amended. Councilmember Hillberg seconded.

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

WARRANTS: Councilmember Hillberg moved to approve the May 12, 2015 warrants, numbers 9872 through 9889 in the amount of \$16,915.91. Councilmember Stowe seconded.

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

CLERK'S REPORT:

CANDIDATE FILING FOR COUNCIL ELECTIONS: Clerk-Treasurer Spens reminded the Council that two positions are up for election this year. King County is offering two methods of filing: online and in-person. The filing period runs from Monday May 11 through Friday May 15.

JULY COUNCIL MEETING: Clerk-Treasurer Spens commented that she will be unavailable on the date of the July 13th Council meeting. Mayor Leider suggested that Deputy Clerk Kulp can fill in at that meeting, but another idea would be to postpone the July meeting for one week to Tuesday July 21st. She asked Councilmembers to check their calendars for availability on that date. She will notify everyone of the results of this poll at the June meeting.

SOLID-WASTE FRANCHISE DISCUSSION: During the April Council meeting, Clerk-Treasurer Spens was asked to learn more about the Town's solid-waste franchise with Republic Services – particularly if it was possible to alter our agreement so that the recycling canisters could be emptied every week as happens in Bellevue. This is a summary of her discussion with Janet Pritchard, Republic's Municipal Relationship Manager:

- Before cities started negotiating separate franchises, the Washington State Utilities and Transportation Commission negotiated rates for services as part of their tariff program.

- As Washington cities grew, some of the larger ones decided to negotiate separate franchises so they could dictate the terms of service and rate structure. Seattle, Bellevue, Issaquah, Sammamish, among others, all have separate franchise agreements.
- The smaller to mid-size cities remained covered by the state tariff -- many because they felt that the added burden of negotiating and administering a separate franchise was burdensome. Clyde Hill is one exception to this rule; despite their small size, they decided on a separate franchise. Like Clyde Hill, Beaux Arts could choose to negotiate a separate franchise separate from the group, but it would likely mean increased rates for our residents, particularly if we asked to increase the frequency of recycled and/or yard-waste pick-up.
- Bellevue residents have more frequent recycling/yard-waste pick up service than Beaux Arts does at a rate that is comparable to what our residents pay, because the Bellevue City Council has established service rates within their franchise such that commercial accounts subsidize residential accounts. That's obviously not an option for us.
- The current state franchise was re-negotiated about 2 years ago, and there are about 10 years left on that agreement, so we wouldn't be able to change anything for quite some time.
- Ms. Pritchard mentioned that customers can leave out unlimited amounts of extra material for recycling pickup and as much as 96 cf of yard waste for pick up at no extra charge, provided the extra material is presented for pick up in cardboard boxes or brown kraft bags and marked "recycling" or "yard waste", as appropriate. For comparison, the standard yard waste bin holds about 32 cf. Customers can also choose to rent additional containers if they want to leave out more material in a weather-proof container.

As part of this discussion, Ms. Pritchard mentioned that Medina recently considered negotiating a separate franchise and suggested that I speak with their City Manager Mike Sauerwein to find out why they decided not to follow through on the idea. Mr. Sauerwein shared the following:

- Cities are not required to have separate franchise agreements for services provided by others, but often they do for reasons of local control over rates and services. Cities that choose not to negotiate a separate agreement are automatically covered by the state tariffs.
- If a city decides to move to a separate franchise agreement, it must first give 10-years notice to its current hauler (per state statute) before opening negotiations. Negotiations can then proceed by obtaining bids for providing services to the Town from the three companies in our area: Republic, Waste Management, and CleanScapes. Once a company is chosen, the city and the chosen firm have to prepare a franchise agreement, in essence a contract for their services. To do this, we would likely have to hire outside professional legal help. The City of Sammamish recently went through the process; their franchise agreement is at least 100 pages long.
- He strongly suggests surveying residents for feedback on what services they really want, what frequency, and what they are willing to pay. The survey should probably be performed by a professional to ensure an adequate response rate. Medina considered developing a separate franchise to increase the frequency of recycle and yard-waste pick-up. They discovered through their survey that most residents did NOT want to change

anything about their garbage/recycle/yard-waste pick-up, particularly if it meant an increase in price.

The Council asked Clerk-Treasurer Spens to inform residents about leaving out extra materials for pickup in an upcoming newsletter.

GIS NEEDS ASSESSMENT: Clerk-Treasurer Spens reported that she attended an AWC Small Cities Connector meeting and learned that AWC is offering GIS Needs Assessment reviews at no charge to member cities. She has arranged to meet with someone from AWC to learn more.

DNR TREE INVENTORY GRANT: Clerk-Treasurer Spens reported that she has obtained the needed technical data for this grant. DNR has just chosen their contractor and is developing a Memorandum of Understanding for participating cities and towns to sign. Once the MOU is fully executed and the technical data (imagery and maps) provided, the contractor will schedule time for our inventory.

AWC LOSS-CONTROL GRANTS: Clerk-Treasurer Spens reported that she is still waiting to hear the outcome of these grant applications.

MARSHAL'S REPORT: No report.

WATER REPORT: Water Supervisor Bob Durr reported that the asphalt repair on SE 28th and 103rd Ave SE is complete as is the project to replace the signal wire from the well to the water storage tank.

WABA REPORT: WABA Trustee Susan Bogert reported that:

- WABA's Summer Picnic is scheduled for Saturday July 11th.
- Beach security may begin on Memorial Day and no later than June 5th and will continue through Labor Day. Patrols will occur twice each night at random times.
- Aquatechnex has been hired to treat for milfoil twice this summer.
- BARF racing will remain on Wednesday nights.

APPEARANCES: Sylvia Hobbs commented that the gravel near the mailstand on 105th Ave SE near SE 29th needs attention. Councilmember Stowe will evaluate the situation.

PLANNING COMMISSION'S RECOMMENDATIONS CONCERNING PARKING REGULATIONS: Councilmember Gillem explained that the Council asked the Planning Commission to study the Town's current parking regulations to clarify the meaning of "temporary" and clean up some trouble areas.

Paula Dix, a Planning Commission member, explained the Planning Commission's study and the thinking behind their recommendations. The Council spent time discussing those recommendations, particularly with regard to "temporary parking". They determined that before amending the Parking Code, they had at least four points for the Planning Commission to address:

1. Should the Town consider instituting a 72-hour limit for all vehicles parked on the

ROW? If so, when does the 72-hour clock reset? When the vehicle moves, even if it returns to the same location shortly after moving?

2. Should the code include a objective definition for occasional, i.e. one that can be measured to be enforced?
3. Should the Town name the King County Sheriff as the enforcing body rather than the Town Marshal, particularly since the Town Marshal is an appointed volunteer rather than a peace officer?
4. Can the rules for “guest parking” be clarified so as to be more objective and measurable?

After some additional discussion, it was the consensus of the Council to study the Planning Commission’s recommendations for another month and determine any additional questions they specifically want the Planning Commission to address BEFORE sending the matter back for further review.

FINAL PROPOSAL FOR THE ACADEMY PATH: Councilmember Hillberg described the proposal for this path ROW running between 107th Ave SE and 106th Pl SE along the continuation of SE 28th Street as follows:

- The western half of this ROW has always been a path ROW.
- The eastern half has had mixed use over the years. Until recently, it served as a driveway access to the properties on either side. At the Town’s request, the property at 2737 – 107th ceased using the ROW when that property was redeveloped.
- Gravel has been placed on the southern portion of the eastern half to provide access for utility maintenance in the vicinity.
- Plantings will be added to the northern portion of the eastern half to begin the process of restoring this path ROW to a more natural state.

The definition for path ROW from the ROW Code is “any right-of-way between two residences (including street ends) that has not been developed for vehicular access and is used solely for pedestrian access or greenbelt within the town”. The definition for planting strip is “that portion of the town right-of-way lying between the edge of the travel lane or back of the sidewalk and private property”. Councilmember Hillberg explained that, despite its use as a driveway access for many years, he believes the entire strip, both western and eastern halves, qualifies as a path ROW, because the ROW runs between two residences along a ROW that was originally platted for a street (SE 28th Street) but never paved. Councilmember Stowe commented that he doesn’t believe this is a path ROW but added that the Town always retains the power to exercise its right to develop and maintain Town property as it sees fit.

Councilmember Hillberg noted that the proposal calls for installing native plants, which is consistent with the ROW Code, and providing a small amount of temporary off-street parking. He requested feedback from residents several times as part of the process of preparing this proposal, particularly with regard to the parking, and while some Village residents were opposed to adding temporary parking, many of the immediate residents expressed appreciation for it, since parking is extremely limited along 107th Ave SE. Comments made by meeting attendees mirrored these findings:

- No-parking adherents don’t want any parking allowed, but instead want to see increased green space.

- Others would like some flexibility in allowing guest/temporary parking.

Josh Brookhart, who lives next to this ROW at 2737 – 107th SE, commented that he thinks providing temporary parking is okay, because most of the neighbors want it, but he doesn't want to see the discussion continue much longer, since it has already been ongoing for 2+ years.

Councilmember Hillberg stated that in developing this proposal, he kept the following tenets in mind:

- A primary component of the character of this community is its natural feel.
- Preservation doesn't happen by itself.
- Any use of a ROW imposes most on those who live near these green spaces. As such, at least some of their needs should be accommodated.

He then asked the Council to decide on the proposal as a body.

MOTION: Councilmember Hillberg moved to approve the proposal for the eastern half of "Academy Path" as depicted in his sketch, except that parking shall be limited to two spaces, each 10 feet wide, located about 30 feet into the path on the northern portion. The spaces shall be clearly identified as public parking, and the remainder of the northern portion shall be planted with appropriate natives plants. Councilmember Hudson seconded.

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

COMMUNITY MEETING WITH CAPT THOMAS OF THE KING COUNTY

SHERIFF'S OFFICE: Councilmember Hudson reported that she would like to hold this meeting on either June 2nd or June 16th from about 6:30 to 8:00 pm and asked for suggestions on a meeting venue. After some discussion, it was the consensus of the Council to hold the meeting on June 16th, since that gives more time for publicizing it in the newsletter, on mailstands, etc. It was also the consensus of the Council that the meeting should be held indoors, if possible, because June weather can be unpredictable. Clerk-Treasurer Spens will contact the New Hope International Church as a potential meeting location.

FIRST QUARTER 2015 BUDGET PERFORMANCE: Councilmember Gillem reported that we are tracking on budget with a couple of call outs: revenue in the building department is higher than forecast due to increased building activity and REET revenue is higher than forecast due to increase home sales.

STRATEGIC PLANNING: There were no updates to the Town's Strategic Plan.

MAYOR AND COUNCILMEMBER REPORTS:

STORMWATER COMPREHENSIVE MASTER PLAN: Councilmember Stowe reported that, in working with Engineer Stacia Schroeder, he estimates it will cost about \$30,000 to develop this plan. The preliminary Scope of Work is complete; he expects to bring a final version to the Council for information only in June. He plans to issue a Request for Proposals from Thalweg, PACE, and a third company based on the final Scope of Work and hope to have proposals for the Council's review in July.

ROW MAINTENANCE: Councilmember Hillberg commented that often the small Pocket

ROWS, which are unused street ends, are often neglected, because they aren't easily identified as adjacent to one property or another. He is working on ideas for ensuring that these areas receive regular cleaning and maintenance. He is also putting together an estimate for maintaining the 108th path ROW. Due to its size and orientation, expecting adjacent owners to maintain this area isn't realistic.

TOWN TREES: Councilmember Hillberg reported that costs for all tree work have increased significantly. He hasn't done any comparison shopping, because he trusts the quality of the work that Trees for Life performs for the Town. He plans to review costs to date for tree work and revise his budget estimates if needed.

TOWN CLEAN UP: Councilmember Hillberg reminded the Council that the Town's Spring Clean Up is scheduled for later this month and will focus on:

- removing ivy from and planting the Academy Path,
- removing ivy and buttercup from the 104th Ave SE path and installing a tree, and
- Possibly doing some weeding along 108th Ave SE.

Residents will be assisted by members of a Boy Scout troop and a wrestling team looking for community service hours.

ANGLE PATH: Councilmember Hillberg continues working with a landscape architect to develop a plan for this path ROW.

TREE WORK: Councilmember Hillberg has worked out locations for 3 of 4 scheduled tree replacements. He is looking into cutting a root on a tree that is buckling the sidewalk along the 104th/105th arterial to eliminate the tripping hazard.

1Q2015 TREASURER'S REPORT: Councilmember Gillem reported that he has reviewed the 1Q2015 Treasurer's Report and found it to be accurate and the documentation to be complete.

2014 ANNUAL REPORT: Councilmember Gillem reported that he has reviewed the schedules comprising the Town's 2014 Annual Report and has determined that they are ready to submit to the State Auditor's Office.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for 7:00pm on Tuesday June 9, 2015 at John Gillem's house.

ADJOURN: Councilmember Hillberg moved to adjourn the meeting at 10:05 pm.

Councilmember Stowe seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer