



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

October 13, 2015

Leider

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

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

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Town Planner Mona Green

**GUESTS:** Water Supervisor Bob Durr; WABA Secretary Susan Bogert, Steve Tegeler, Robert Heinz

**MINUTES:** Councilmember Hillberg moved to approve the September 8, 2015 minutes, as amended. Councilmember Gillem seconded.

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

**WARRANTS:** Councilmember Hillberg moved to approve the October 13, 2015 warrants, numbers 9976 through 10005 (including warrant numbers 10004 and 10005 voided for printing errors) in the amount of \$28,150.58. Councilmember Morlock seconded.

Councilmember Hudson noted that the warrant to Town Planner Mona Green is different from her invoice by 25¢. Ms. Green stated that she will credit that amount on her next invoice.

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

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

**2013-14 AUDIT:** Clerk-Treasurer Spens reported that the Town's two-year audit for the period from 1/1/2013 through 12/31/2014 has just started. The auditor estimates that the audit will cost the Town \$10,620 and should be complete by early December. This is about \$1,600 more than we budgeted.

**KING COUNTY LiDAR PROJECT:** Clerk-Treasurer Spens explained that King County has forwarded an agreement for our participation in this project. Because of the extremely low dollar value (<\$100 estimated), Mayor Leider has executed the agreement. Work is expected to begin this month.

**PROSECUTING ATTORNEY:** Clerk-Treasurer Spens reported that Town Attorney Stewart suggested a replacement for Prosecuting Attorney: John Rongerude. She has spoken with Mr. Rongerude, and he is interested in serving the Town in this capacity under the same terms and guidelines as his predecessor, Drue Kirby Coates. This means that instead of charging us a regular monthly fee or collecting a retainer, he will only bill for actual time. He will provide a Letter of Agreement memorializing the relationship for Mayor Leider's signature.

**WABA COMMONS MASTER PLAN:** Clerk-Treasurer Spens reported that WABA mailed the Town a copy of their final report of the WABA Commons Master Plan and Design Guidelines by mail, which she will keep on file.

**DNR TREE INVENTORY GRANT:** Clerk-Treasurer Spens reported DNR's contractor recently notified her that he was beginning work on our inventory shortly.

**GIS NEEDS ASSESSMENT:** Clerk-Treasurer Spens reported AWC's work on this assessment is now complete and resulted in two documents. The first is a GIS Needs Assessment – Findings and Recommendations dated October 2, 2015. This document outlines the value in capturing Town data in a GIS database, particularly infrastructure data, and obtaining the means to manage and maintain that database. The second is a proposal from FLO Analytics outlining a Scope of Work for a GIS Program Implementation also dated October 2, 2015. This document outlines a proposal from FLO Analytics to compile spatial data, develop electronic mapping applications, and provide on-call support. She noted that she has no recommendation for the Council, because she lacks expertise in this area, and asked the Council to review the documents and provide further guidance. Mayor Leider suggested that this topic be added to a future agenda (November or December) so that the Council can fully discuss the information provided and determine the appropriate action.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** Water Supervisor Bob Durr reported he and Bill Beck completed the water-utility portion of a survey conducted by the Washington State Ratings Bureau on behalf of Bellevue Fire Department.

Mr. Durr stated that he has two bids for cleaning the water tank and that the lower bid is about \$3,200. Because there is adequate funding in this year's budget to cover the expense, he plans to have the tank cleaned this year, rather than wait until 2016. It was the consensus of the Council that he should proceed with the tank cleaning.

He commented that he has no specific projects to suggest for tonight's budget discussion, but he would like the Council to consider adding a project to next year's CIP to replace approximately 800 to 1,000 lineal feet of water-distribution line along 102<sup>nd</sup> Ave SE. He added that the work should be combined with any paving and/or stormwater work that may be planned for this vicinity.

**WABA REPORT:** WABA representative Susan Bogert reported the following:

- The Beaux Arts Racing Fleet (BARF) has submitted a proposal to host a C-15 Regatta on July 1<sup>st</sup> through 3<sup>rd</sup> at the Beaux Arts Beach. The activities would include use of the North parking lot and the barbecue pit.
- The newest phase of WABA's Shoreline Restoration Project is underway. In-water work is already complete, and the landscaping is expected to be complete in about two months.
- The Argosy Christmas Ships drastically changed their schedule for visits to communities around Lake Washington, and it is unclear if this year's visit will mesh with the usual bonfire celebration.

- A final version of the WABA Commons Master Plan has been distributed, and WABA is now working on a list of actionable items.

**APPEARANCES:** Robert Heinz asked the Council to consider creating a golf-cart zone in the Village. He explained that his family would love to transport coolers, toys, and other gear to the beach using a golf cart instead of driving a car to the beach, but it is illegal to operate a golf cart on a public road in Washington State unless the road is in a designated golf-cart zone. It was the consensus of the Council that this idea should be studied further and asked Mr. Heintz to pursue additional information and present his findings at a future Council meeting. Councilmember Gillem will coordinate the idea with the Council.

**TEGELER REQUEST TO MAINTAIN A NON-CONFORMING FENCE ON TOWN RIGHT-OF-WAY (ROW):** Mayor Leider opened the discussion, asking Town Planner Mona Green to present the request. Ms. Green explained that Steve and Deanna Tegeler recently purchased a house at the corner of 104<sup>th</sup> Ave SE and SE 27<sup>th</sup> Street. The previous owner built a fence without permission on Town right-of-way that is non-conforming because a portion of it encroaches approx. one to two feet into the 104<sup>th</sup> Ave SE ROW and another portion encroaches approx. 11 feet into the SE 27<sup>th</sup> St ROW. This latter section is 55 feet long, creating a private use of the public property of about 600 sq. ft. and exceeds the maximum height allowed for a fence along a front property line.

In her memo to the Council dated October 8, 2015, Ms. Green outlined the Tegeler's request, the background noted above, and cited the applicable sections of BAV MC Chapter 12.15, the Right of Way Code. She also cited sections from the recent ROW Analysis and Guidelines prepared for the Town by CREA Associates that are useful to consider in this situation. In her memo, she made the following recommendations:

#### Staff Recommendation

1. Staff believes this is an opportune time for the property owner to correct a major right-of-way encroachment that involves 600 square feet of public space. The 55' long fence along SE 27<sup>th</sup> Street, encroaching 11 feet into the Town's property should be removed. The Tegeler's are welcome to construct a fence on their north property line, maximum height 4 ½ feet, which would typically be installed at the conclusion of their construction project. Such a fence would be compatible with their new home.
2. In addition, Staff recommends the Town/property owner trim back or remove the dense laurel that creates visibility issues at this intersection. Laurel is identified in BAVMC 12.15.060 as a species unsuitable for the right of way. Also, such action would follow the principles suggested in the 2013 Right of Way Analysis and Guidance Report.
3. Regarding the fence along 104<sup>th</sup> Avenue SE, Staff believes the 1-2 foot fence encroachment is negligible and should remain as is. The property line at this location is curved, and it may be difficult to realign the fence without disturbing surrounding vegetation. A right of way encroachment agreement for this fence segment should be executed.

Ms. Green added that in reviewing this request she tried to be respectful of the myriad related issues for this property and for the Town and that she ultimately decided to approach this as

if it were a request to install a new fence.

Mayor Leider offered Mr. Tegeler the opportunity to speak to the Council. Mr. Tegeler distributed a revised proposal describing an option for decreasing the length of fencing in the SE 27<sup>th</sup> ROW and reducing the height of that fencing to 4-1/2 feet. This would reduce the area contained by the encroachment from about 600 sq. ft. to about 330 sq. ft. and mitigate the impact of the remaining portion.

On discussion, the Council focused on the following points:

- CREA's ROW Analysis and Guidelines illustrated to the Council the importance of reclaiming public property for public use.
- The Council recognizes that there are many such encroachments into the public ROW and that it will take time to accomplish this goal.
- The fence that encroaches no more than two feet into the 104<sup>th</sup> ROW is not a major concern, particularly since it is along the arterial and is hidden by a laurel hedge that has grown in its current location for many years.
- The fence that encroaches approx 11 feet into the SE 27<sup>th</sup> ROW is also integrated into an existing laurel hedge, but both represent a much larger impact on the ROW.

MOTION: Councilmember Hillberg moved to approve the Tegelers' modified request as presented tonight, i.e. to reduce the length of fencing in the SE 27<sup>th</sup> ROW to 30 feet and the height to 4-1/2 feet on the condition that the laurel hedge is removed or reduced in height in a similar fashion. Councilmember Morlock seconded.

Vote: 1 For, 4 Against, 0 Abstain. Motion failed.

MOTION: Councilmember Hillberg moved to allow that portion of the fence that encroaches into the 104<sup>th</sup> Ave SE ROW to remain, except the northern 11 feet that extends into the SE 27<sup>th</sup> St ROW, on the condition that this northern 11 feet and the entire fence that encroaches into the SE 27<sup>th</sup> ROW be removed from the ROW. Councilmember Gillem seconded.

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

The Building Department will prepare the appropriate ROW Encroachment Agreement(s) to memorialize this decision.

**PUBLIC HEARING: 2016 PRELIMINARY BUDGET:** Councilmember Gillem presented the preliminary 2016 budget worksheets, noting that this draft incorporates revenues and expenditures that are known at this time and estimates the remainder conservatively. He added that the worksheets currently present a deficit but that may be resolved with additional number crunching.

Mayor Leider opened the public hearing for comment at 8:32pm. As there were no comments, he closed the public hearing at 8:34pm.

The Council then spent time reviewing and discussing line-item entries and made suggestions for adjustments in each fund. They also discussed their concerns about maintaining Town reserves, particularly in light of potentially large expenditures that are anticipated in the next

five to ten years for stormwater upgrades, ROW improvements, tree maintenance and replacements, street paving, etc.

Mayor Leider commented that he wants to seat a subcommittee to focus on developing other sources of revenue for the Town, an idea that he has mentioned before, and that he is ready to begin forming that committee. It was the consensus of the Council that he should proceed.

**PROPOSED ORDINANCE NO. 418 PARKING REGULATIONS:** Councilmember Hudson reviewed the possible revisions she had circulated in advance. She then suggested that the Council consider passing the ordinance with the changes incorporated at last month's meeting and work to fine-tune the rules later, as needed.

**MOTION:** Councilmember Hillberg moved to pass Ordinance No. 418 as presented. Councilmember Hudson seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

**STORMWATER COMPREHENSIVE MASTER PLAN:** Councilmember Stowe reported that he has worked with PACE Engineers to develop a contract for preparing the Town's Stormwater Comprehensive Master Plan at a price not to exceed \$39,814.

**MOTION:** Councilmember Stowe moved to authorize Mayor Leider to execute a Professional Services Agreement with PACE Engineers for the development of the Town's Stormwater Comprehensive Master Plan at a price not to exceed \$39,814. Councilmember Hudson seconded.

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

**SOUND TRANSIT CONSTRUCTION ON BELLEVUE WAY:** Councilmember Stowe reported on Sound Transit's and Bellevue's plans for construction on Bellevue Way from Main Street to I-90. The construction impacts affecting Beaux Arts will be spread over four years and will consist of lane closures during weekdays and full road closures on a few weekends. Bellevue has committed to keeping three lanes open for traffic between I-90 and 112<sup>th</sup> Ave SE, though one of those lanes will be reversible to better serve the direction of commuter traffic. He noted that traffic will be diverted at times to 108<sup>th</sup> Ave SE and possibly to the 104<sup>th</sup>/105<sup>th</sup> corridor, and because of this, there is the possibility of monetary mitigation to compensate Beaux Arts for those impacts.

**SOUND CITIES ASSOCIATION:** Councilmember Stowe reported that SCA is currently studying transportation issues.

**STREET PAVING PROJECT:** Councilmember Stowe reported that JB Asphalt is scheduled to begin work on an overlay of SE 29<sup>th</sup> Street from 108<sup>th</sup> Ave SE to the south end of Angle Road in about two weeks depending on the weather. The project will cost \$25,635, which is considerably less than the \$30,000 budgeted for the project.

**COMPREHENSIVE EMERGENCY MANAGEMENT PLAN:** Councilmember Hudson reported that the updated CEMP is ready to submit to the State of Washington once Mayor Leider signs the Promulgation Page. Clerk-Treasurer Spens will submit this document with the updated plan to the appropriate state agency.

**TOWN TREES:** Councilmember Hillberg reported that beginning January 1<sup>st</sup>, he will be working with Tree Solutions on miscellaneous tree projects.

**ANGLE PATH PLANS:** Councilmember Hillberg displayed the color rendering of the Angle Path proposal. He will send an electronic copy to Clerk-Treasurer for posting on the website and will write a blurb for the newsletter soliciting feedback from residents.

**FALL CLEAN-UP:** Councilmember Hillberg announced that Councilmember Hudson has offered to help organize the upcoming Fall Clean Up on November 7<sup>th</sup>.

**TREE ORDINANCE AND FORESTRY PLAN:** Councilmember Hillberg reported that he continues working on the developing parameters for a public tree policy and that the recent DNR Tree Inventory should help with this. He mentioned that he recently attended a class sponsored by DNR and learned more about trees as infrastructure, about the information that will be available from the Tree Inventory and ways to effectively use it, and how to enumerate the many benefits of street trees, e.g. their benefit to stormwater management.

**BELLEVUE SOLID WASTE PLANS:** Mayor Leider reported that recent changes to King County's Solid Waste Plan may route extra traffic to the Factoria Transfer Station. Communities in the vicinity of that station have voiced disapproval of the plan, and the Sound Cities Association is reviewing the issue. Kirkland has expressed a willingness to provide a location for a transfer station to replace Houghton, but King County is pushing back due to concerns about the cost to develop a new site.

**A REGIONAL COALITION FOR HOUSING:** Mayor Leider reported that ARCH is strongly encouraging its member cities to increase their contributions to the ARCH Trust Fund and is suggesting that cities look for novel ways to collect funds to pass through, e.g. an extra fee on demolition permits.

**BELLEVUE POLICE:** Mayor Leider reported that he was told by Bellevue staff that Bellevue's new police chief has expressed a willingness to review our request for police services.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for 7:00pm on Tuesday November 10, 2015 at Tom Stowe's house.

**ADJOURN:** Councilmember Hillberg moved to adjourn the meeting at 9:25 pm. Councilmember Morlock seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer