



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

July 9, 2019
Corra

Mayor ProTem Stowe called the meeting to order at 7pm.

PRESENT: Councilmembers Kathy Corra, Paula Dix, Aletha Howes, Hans Juhle, and Tom Stowe (Mayor ProTem).

EXCUSED: Mayor John Gillem.

STAFF: Clerk/Treasurer Sue Ann Spens

GUESTS: Water Supervisor Bob Durr, Town Engineer Stacia Schroder, Deputy Clerk Angela Kulp, Planning Commissioners Kim Moloney and Jeremy Laws, Resident Gerri Armbruster.

MINUTES: Councilmember Dix moved to approve the June 11, 2019 minutes, as amended. Councilmember Juhle seconded.

Vote: 4 For, 0 Against, 1 Abstain (Stowe). Motion carried.

CLAIMS: Councilmember Howes moved to approve the July 9, 2019 Claims Register for check numbers 15236 through 15257 in the amount of \$21,450.19. Councilmember Juhle seconded.

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

Clerk/Treasurer Spens noted that the claim presented by Planner Mona Green has been reduced from her original invoice. Ms. Green charged the Town for 10 hours of work on an ordinance that was not authorized by the Council. Mayor Gillem is concerned about the amount of time spent on the project without authority and asked Ms. Spens to hold back payment for six of the 10 hours until the Council and the Town Attorney can review the work completed. It was the consensus of the Council to follow Mayor Gillem's suggestion.

CLERK'S REPORT:

SLOPE CONCERNS ALONG 108TH AVE SE: Mayor ProTem Stowe reported that he visited the site with Town Engineer Stacia Schroeder and adjacent resident Mike Hillberg. He noted the following:

- The slope has been in place since 1948 or longer.
- There is evidence of minor soil sloughing, but it is not affecting the trees in the vicinity.
- The Hillbergs plan to proceed with the project on their property whether the Town makes similar improvements on the 108th right-of-way (ROW) or not.
- The Hillbergs can extend their project onto the 108th ROW without a permit by virtue of the Town's rules governing improvements on ROWs adjacent to an owner's property.

He noted that Town Engineer Schroeder prepared a report outlining this visit and her subsequent conversations with the Hillberg's contractor. That report was included in

tonight's Council packet. Ms. Schroeder recommends extending the block retaining wall in places to stem the sediment that collects on the western edge of the pathway; her recommendation indicates that this can be viewed as a longer-term project idea.

Councilmember Dix reiterated her belief that the Town should extend the work that the Hillbergs are doing on their property to protect the slope below their property. She believes this project could be an opportunity to observe the overall utility of the improvement.

At the conclusion of the discussion, the Council agreed to consider adding this project to the CIP/TIP, which will be discussed later in this meeting.

MARSHAL: No report.

WATER REPORT: Water Supervisor Durr noted that his report concerns the Water Main Replacement project, so he will reserve his report for later tonight.

WABA: No report.

APPEARANCES: None.

POTENTIAL IMPACTS OF 5G CELLULAR WIRELESS: Mayor ProTem Stowe opened the discussion by noting that Washington State has not mandated 5G technology, and other municipalities are still working out how best to balance the needs of each community for cellular services versus the community's desire to limit the disruption of any physical equipment. He asked the Planning Commission to review their study and findings.

Planning Commissioner James McCarthy noted the following:

- 5G involves a change in frequencies, and providing the service involves new hardware.
- Cellular technology is changing rapidly. Those changes are expected to produce additional density.
- City of Bellevue has issued master permits to four carriers already, so there are local communities already moving forward with 5G installations.
- Federal law restricts what municipalities can do to regulate the service, the service providers, and the sites they choose for installations.
- 5G technology is not conducive to co-locating, which means the Town could be facing the installation of nine or more new poles for the service.
- On the positive side, 5G could provide better service to Beaux Arts residents.

Mr. McCarthy then commented that one important feature of the proposed ordinance is that it requires the service providers to declare their interest and intent for services in Beaux Arts so that the Town is made aware of their plans.

Planning Commissioner Kim Moloney added that the reason they asked Planner Green to proceed with preparing a draft ordinance is that Yarrow Point had already spent a fair amount of time and effort drafting rules that seemed to be a good starting point for further discussions.

Councilmember Juhle asked if it is reasonable to think that the Town could end up with as many as 50 new poles. Ms. Moloney answered that such a large number may not be likely, but it is certainly possible.

Mayor ProTem Stowe commented that the Town's existing utility poles are spaced closer together than in a typical community, because of the number of trees we have. He added that Puget Sound Energy has control over any colocation on their poles. Planning Commissioner Moloney remarked that line-of-sight issues could lead to the loss of Town trees.

Councilmember Dix expressed concerns about the amount of noise the equipment might generate and the impact of any construction activity on tree roots. Planning Commissioner Moloney stated that one of the Town's concerns should be creating controls over aesthetics, such as the preservation of trees.

Mayor ProTem reminded the Council that the Town must be able to enforce whatever rules are adopted. He then suggested that the draft be forwarded to the Town Attorney for review with the suggestion that the Town Attorney, who has worked on a number of these ordinances for other municipalities, may either revise this ordinance or offer a replacement ordinance that he feels is better suited to Beaux Arts.

It was the consensus of the Council that Clerk/Treasurer Spens will forward a copy to Town Attorney Linehan immediately with Mayor ProTem Stowe's comments so that the Council can have a first reading in September.

PUBLIC HEARING: PROPOSED 2020 – 2025 CAPITAL IMPROVEMENT PLAN AND TRANSPORTATION IMPROVEMENT PROGRAM: Mayor ProTem Stowe opened the public hearing at 7:58 pm; as there were no public comments, he closed the hearing at 8:00pm.

Councilmembers proceeded to review the proposed CIP/TIP and make comments. As part of that discussion, the following will be added to the plan:

- three more water-line projects were added to the plan for future years,
- a path project connecting 102nd to the South Beach Road that does not traverse private property,
- a project to implement a security system for the Town.

And the cost of overlay projects will be increased by 10% to recognize price increases since last year.

Clerk/Treasurer Spens will incorporate all of these suggestions in a final draft document and circulate it for Council review in the next couple of weeks. The Council will take action to adopt the final CIP / TIP by ordinance in September.

WATER-MAIN REPLACEMENT PROJECT: Town Engineer Schroeder gave a brief overview of the project as follows:

- The contractor will be mobilizing for the project in about two weeks, i.e. late July.
- Work is expected to begin at the beginning of August and last about 3 weeks to completion.

- Equipment and materials will be staged at the water-tower property.
- Deputy Clerk Kulp will distribute the project flyer by email to all residents. Clerk/Treasurer Spens will hand-deliver copies to the affected properties.
- Clerk/Treasurer Spens will add a page to the website to post the construction plans, schedules, and updates.
- Ms. Schroeder and Mr. Durr will prepare these periodic updates, and Deputy Clerk Kulp will post or distribute as appropriate.
- Mr. Durr and Water Superintendent Bill Beck will be available on site at various times throughout the project to monitor progress.

PROPOSED STORMWATER UPGRADE PROJECT: Town Engineer Schroeder noted that we appear to be getting closer to receiving approval of our FEMA grant application. The grant will be apportioned as \$50,000 for design work in 2020 and \$214,000 for construction in 2021. She added that she visited the site with representatives of TIB and learned that there may be grant money to fund the re-paving of this street after the stormwater improvements are installed. A survey of SE 27th Street and the rights-of-way is nearly complete.

Once FEMA gives final approval of our grant application, we will need to move quickly with a Request for Proposals and will probably need to hold a public meeting for stakeholders (Town residents) presenting a 30% Design Proposal.

This 30% design will be produced by a civil-engineering firm, but Town Engineer Schroeder and Councilmember Stowe will present the plans to neighbors, possibly this Fall.

Because the Council does not have an August meeting, Town Engineer Schroeder asked the Council to authorize the Mayor now to accept the FEMA grant as soon as it is approved. That way if final approval is received before the September meeting, the project can continue to move forward.

MOTION: Councilmember Juhle moved to authorize the Mayor to accept the FEMA grant for stormwater improvements along SE 27th Street. Councilmember Howes seconded.
Vote: 5 For, 0 Against, 0 Abstain.

MAYOR AND COUNCILMEMBER REPORTS:

HAZARD MITIGATION PLAN: Councilmember Howes reported that her update of the Town's Hazard Mitigation Plan continues. As part of that process, she asked that a public meeting be scheduled just prior to the September Council meeting. This is a requirement of the Hazard Mitigation program. That meeting and any comments it generates will be part of the final version to be adopted in October.

FLOWER BASKETS: Councilmember Juhle commended Councilmember Dix on the flower baskets that now grace several locations throughout Town.

ANGLE PATH: Councilmember Dix reported that the invasive grass growing at the south end of the Angle Path continues unabated. She asked that Marc Schaadt be directed to remove the grass the next time he is working in this area.

NEXT AGENDA: The Council will hold a public hearing for a first reading of the proposed 5G ordinance, will take final action on the CIP/TIP, will hear a follow-up report on the Water Main project, and will consider a first call for 2020 Budget items. In addition to the regular meeting, the Council will conduct a public meeting beginning at 6:30pm to present an updated Hazard Mitigation Plan for Beaux Arts that will become part of King County's Master Hazard Mitigation Plan.

NEXT MEETING: The next regular Council meeting is scheduled for 7:00 pm on Tuesday September 10, 2019 at Councilmember Dix's house.

ADJOURN: Councilmember Dix moved to adjourn the meeting at 9:05 pm.

Councilmember Corra seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer