



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

September 10, 2019

Dix

Mayor Gillem called the meeting to order at 7pm.

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

EXCUSED: None.

STAFF: Clerk/Treasurer Sue Ann Spens, Deputy Clerk Angela Kulp.

GUESTS: Water Supervisor Bob Durr, WABA President Susan Bogert, Residents Janice Connolly and Jennifer Jensen.

MINUTES: Councilmember Stowe moved to approve the July 9, 2019 minutes, as amended. Councilmember Dix seconded.

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

CLAIMS: Clerk/Treasurer Spens noted that two recent Claims Registers must be re-adopted because of corrections made after the initial approval. Both corrections related to contributions to the Department of Retirement Systems. In addition, there are two final Claims Registers to approve, because the Council did not meet in August.

Councilmember Stowe moved to approve the following Claims Registers:

- Corrected April 2019 Claims Register for check numbers 15168 through 15189 in the amount of \$16,896.49.
- Corrected July 2019 Claims Register for check numbers 15236 through 15257 in the amount of \$21,472.38.
- Final August 2019 Claims Register for check numbers 15258 through 15277 in the amount of \$22,251.38.
- Final September 2019 Claims Register for check numbers 15278 through 15299 in the amount of \$126,092.20.

Councilmember Dix seconded.

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

CLERK'S REPORT:

BELLEVUE FIRE CONTRACT: Clerk/Treasurer Spens reported that she attended the annual meeting with Bellevue Fire Department to discuss next year's service fees. Our 2020 fee will decrease by \$1,558 (2.48%) due primarily the timing of labor negotiations for the 2016 to 2018 contract period that ended in 2018. Because of this timing, the true up for three years of increases was paid in a single year as part of our 2019 service fee. Offsetting a part of this decrease are increased capital and support-service charges.

NEW PURCHASING LIMITS: The Washington State Legislature increased bidding limits for public-works projects. Clerk/Treasurer Spens will prepare a resolution to amend our recently adopted Procurement Policy to incorporate these new dollar limits and bring it to the Council for action in October.

AFFORDABLE HOUSING SALES TAX: The Legislature also carved out a portion of existing sales-tax revenue dedicated to addressing affordable housing. The revenue is restricted in its use. The Town can either use the funds to finance loans/grants to nonprofit organizations of public-housing authorities OR enter into an interlocal agreement with other cities to pool and allocate the tax revenues received. If we choose not to participate, our funding share reverts to King County. Bellevue is strongly urging the Points Cities to accept the full extent of funding available to us so that we can allocate our share to ARCH. Town Attorney Linehan is reviewing what actions the Town must take to secure its share of this funding stream. Clerk/Treasurer Spens will report on his findings in October.

SHORELINE MASTER PROGRAM UPDATE: Clerk/Treasurer Spens reported that she submitted all invoices before the July 30, 2019 deadline, and the Town has been reimbursed in full for expenses relating to this update totaling \$1,810.55.

MARSHAL: No report.

WATER REPORT: Water Supervisor Durr noted that the Water Main Replacement project is nearly complete. Paving over the trenched areas should be finished this week, weather permitting, and there will be some additional work next week to complete some final details. Janice Connolly offered positive feedback for the work done by Bonner Brothers, noting that they were attentive to residents' needs and concerns, and for Bob Durr and Bill Beck, who were on site through much of the project helping work through each challenge.

Mr. Durr reported that Water Superintendent Bill Beck plans to retire at the end of this year after 49 years of service to the Town. Mr. Durr has two names for potential replacements, both of whom are Certified Water Operators, which is a requirement for the position. He is working on a job description for all Water Department tasks, but Mr. Beck's Street Department duties will have to be taken over by someone else, perhaps a handyman.

WABA: WABA President Susan Bogert reported the following:

- WABA will hold their annual meeting on Sunday January 26, 2020 at the Bellevue Botanical Garden.
- The WABA Board meets on Thursday September 12, 2019.
- WABA has replaced the water slide and baby swing and added two new Adirondack chairs at the beach. They have also installed new No Trespassing signs on the water side of the beach property.

APPEARANCES: None.

PUBLIC HEARING: PROPOSED ORDINANCE REGULATING 5G CELLULAR

WIRELESS FACILITIES: Mayor Gillem opened the discussion. Councilmember Juhle commented that, at the July Council meeting, the Planning Commission seemed concerned about moving this ordinance along quickly. He asked if the Council has the time to give this ordinance full consideration or is it so urgent that we need to pass something now and possibly amend it later. Councilmember Stowe commented that the State Legislature still has to take action to approve use of the technology, so the Town should have at least a couple of months to work on this; however, he recommended trying to pass an ordinance by the end of the year to be safe.

Mayor Gillem noted that he would like the Council to be clear about what they want to accomplish with this regulation and then incorporate that into the ordinance, e.g. protecting Town trees, limiting new poles on Town ROW. He then opened the public hearing at 7:45pm.

Jennifer Jensen introduced herself as a new resident of the Town and explained that her husband works in this field. She commented that any regulations adopted should include the requirement to produce a propagation study outlining the proposed equipment to be deployed and the coverage area achieved with that deployment. She added that the Town may want to require applicants to exhaust any and all options for colocation before allowing the installation of new poles and equipment. Alternatively, the Town could complete a propagation study and then set narrow parameters in the ordinance to fit that study.

Janice Connolly asked if the Town can set a height limit on any new poles that does not exceed that of our trees.

Deputy Clerk Angela Kulp commented that the Planning Commission used the ordinance recently passed by Yarrow Point as a template for this ordinance and pulled out as much of the Yarrow-Point-specific requirements as they could identify. She asked if the Council has something specific for the Planning Commission to do to follow up on the work so far.

As there were no more comments, Mayor Gillem closed the public hearing at 8:00 pm.

Councilmember Stowe recommended that the Council ask the Town Attorney to remove the franchise-specific rules, per her comments, and focus first on a master 5G ordinance. Clerk/Treasurer Spens commented that this is how the Town handled regulating cable companies.

Councilmember Dix asked if we can restrict the number of carriers operating in Beaux Arts. Councilmember Stowe answered that we probably cannot.

Mayor Gillem commented that he will share the information sources he provided to the Planning Commission so that Councilmembers can learn more of the background on this topic. He also suggested that Councilmember may wish to take a bit more time to review the draft as presented tonight and make additional comments/suggestions. It was the consensus of the Council that each Councilmember will prepare a list of comments, concerns, and/or suggestions and forward them to Clerk/Treasurer Spens by September 20, 2019. She will

consolidate all comments received along with the suggestions offered tonight and forward them to the Town Attorney for use in working on a Master 5G Ordinance.

PROPOSED ORDINANCE NO. 442 ADOPTING THE TOWN'S 2020 – 2025 CAPITAL INVESTMENT PLAN AND TRANSPORTATION IMPROVEMENT PROGRAM: Clerk/Treasurer Spens noted that this ordinance includes the revisions suggested after the Council's in-depth discussion of this topic at the July meeting.

MOTION: Councilmember Howes moved to pass Ordinance No. 442 adopting a Capital Investment Plan and Six-Year Transportation Improvement Program for the years 2020 through 2025, inclusive. Councilmember Juhle seconded.

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

PROPOSED RESOLUTION NO. 312 SETTING FEES FOR PERMITS WITHIN THE TOWN: Clerk/Treasurer Spens explained that the fees the Town collects for Right of Way Permits, Mechanical/Plumbing Permits, and Tree Removal Permits no longer cover the Town's costs. The fees for these three permits are set up to cover the cost of issuing the permit and one inspection, but the inspection costs for these permits have increased recently. The fee increases set by this resolution are calculated to recoup the additional inspection costs only.

MOTION: Councilmember Dix moved to adopt Resolution No. 312 setting fees for some permits issued by the Town. Councilmember Juhle seconded.

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

2019 BUDGET PERFORMANCE YTD AND FIRST CALL FOR 2020 BUDGET

INPUT: Clerk/Treasurer Spens explained that the budget worksheets before the Council have been updated in anticipation of their use in the 2020 Budget cycle. The sheets show YTD revenues and expenditures through July 31, 2019, and there are no problem areas to report at this time. She and Councilmember Juhle will continue to monitor YTD performance so that, if a budget amendment is needed, it will be brought to the Council in a timely manner, and in no case later than the December Council meeting.

She then reminded all that the Council will hold its first of two public hearings on the budget at the October Council meeting. The discussion accompanying that hearing will focus on anticipated revenues and the 2020 property-tax levy. The Council will hold its second public hearing in November focusing on expenditures and setting the 2020 Property Tax Levy by ordinance.

Councilmembers will review their anticipated budget needs for 2020 and begin presenting them in October.

PROPOSED STORMWATER UPGRADE PROJECT: Councilmember Stowe announced that the Town has been awarded the FEMA grant. Federal funds for this project total \$198,000, which represents 75% of the total anticipated project costs. Another \$33,000 (12.5%) will come from state funding, and the remaining \$33,000 (12.5%) will come from

Town capital reserves. Total project cost is estimated to be \$264,000.

Councilmember Stowe added that the project must be complete by October 2020, which means civil design work must progress from 30% to 100% quickly so that construction can begin in January 2020 if possible. He further noted that he is working with the State to answer questions about the grant, document execution, and timing issues.

Councilmember Stowe remarked that one important piece of this project is finalizing the utility easement along SE 27th Street, since much of it is on WABA property. He noted that the street description prepared for this purpose is incomplete, and while he will challenge the current surveyor to make the needed corrections, he may need to hire someone else so that the work is completed in the next month. He asked the Council for the authority to hire another surveyor if needed.

MOTION: Councilmember Dix moved to authorize Councilmember Stowe to take necessary measures to obtain an accurate legal street description, which may require some added survey work, at an amount not to exceed \$5,000. 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 is nearly complete and asked that the October agenda include a resolution adopting our updated Hazard Mitigation Plan.

GREAT SHAKE OUT: Councilmember Howes reported that this year's Great Shake Out, a regional emergency-preparedness exercise, is scheduled for October 17th. Beaux Arts will hold its own exercise on Saturday October 19th.

ROW TREE ON 107TH AVE SE: Councilmember Dix reported that a tree fell along 107th Ave SE, and the remnants will be removed as soon as possible.

CHIP PILE AT ACADEMY PATH: Councilmember Dix commented that a chip pile near the Academy Path was inadvertently placed over a customer's water meter. She is working to clear enough of the pile to expose the meter for our meter readers.

ROW WATERING: Councilmember Dix noted that watering on the Town ROWs continues to be a challenge. She welcomes ideas about how best to handle the need.

FALL CLEAN UP: Councilmember Dix announced that the Fall Town Clean Up is scheduled for November 2nd and will include some tree planting.

NEW 4-WAY STOP IN BELLEVUE: Mayor Gillem noted that Bellevue has installed a four-way stop at the intersection of 104th Ave SE and SE 16th Street.

NEXT MEETING: The next regular Council meeting is scheduled for 7:00 pm on Tuesday October 8, 2019 at Councilmember Howes' house. Please note this is a minor change to the

meeting schedule. Mayor Gillem will host the November meeting instead.

ADJOURN: Councilmember Stowe moved to adjourn the meeting at 9:20 pm.

Councilmember Juhle seconded.

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

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer