



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

October 8, 2019

Howes

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.

**GUESTS:** Water Supervisor Bob Durr, WABA President Susan Bogert.

**MINUTES:** Councilmember Stowe moved to approve the September 10, 2019 minutes, as amended. Councilmember Dix seconded.

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

**CLAIMS:** Councilmember Howes moved to approve the Final October Claims Register for check numbers 15300 through 15325 in the amount of \$88,568.56. Councilmember Juhle seconded.

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

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

**2017-18 AUDIT:** Clerk/Treasurer Spens reported that the State Auditor's Office has begun their audit of our financial records for 2017 through 2018. They anticipate their work will be completed in November.

**AFFORDABLE HOUSING SALES TAX:** Clerk/Treasurer Spens reported that for the Town to claim these tax proceeds and redirect them to an authorized agency, e.g. ARCH, the Town would have to take certain actions to claim the funds. It appears that the amount of work to claim the funds and report on their use is formidable relative to the dollar amount involved. The Council determined by consensus that it will not pursue this funding source and is okay with letting King County use our allocated funding instead.

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

**WATER REPORT:** Water Supervisor Durr noted that the Water Main Replacement project is complete, and he is pleased that it proceeded without any surprises. Feedback from neighbors about the contractor has been positive.

Mr. Durr noted that the water tank should be scheduled for a cleaning in 2020 at a cost of about \$2000. He asked that the Council include that expense in the budget.

Mr. Durr also reported that he has begun his search to replace Bill Beck, who will retire at

the end of this year. Clerk/Treasurer Spens will ask Town Attorney Linehan if there are any job-posting requirements for this position. Mr. Durr has a couple of outstanding candidates already but warned that the new Water Superintendent is not likely to also handle our Street Superintendent work and that the Council will need to decide how they will handle that work in the future.

**WABA REPORT:**

WABA President Susan Bogert reported the following:

- WABA will hold their annual meeting on Sunday January 26, 2020 at the Bellevue Botanical Garden FROM 5 TO 7:30PM.
- Robin Stefan and Bron Richards are investigating the replacement of the play structure at the beach.

**APPEARANCES:** None.

**PUBLIC HEARING: PRELIMINARY 2020 BUDGET:**

Clerk/Treasurer Spens reminded the Council that this is the first of two public hearings the Council will hold to hear comments from the public about the Town's Budget for 2020. The second will be held during the November Council meeting. In addition, if amendments to the 2019 budget are warranted, the Council will hold a public hearing in December to address those; however, at this time, it does not look like a budget amendment will be needed.

Mayor Gillem opened the public hearing at 7:43pm. As there were no comments, he closed the public hearing at 7:44pm.

Clerk/Treasurer Spens noted that the worksheets presented tonight focus primarily on anticipated revenues, but expenditure information is included to encourage everyone to offer the project cost estimates tonight as well.

Mayor Gillem suggested that the Council review the preliminary worksheets on a line-item basis within each fund. As a result of this discussion, some revenue and expenditure estimates were suggested. These suggestions will be incorporated into the proposed budget that the Council reviews next month. In addition, Councilmembers may offer other suggestions by email.

**WATER MAIN REPLACEMENT PROJECT:**

Clerk/Treasurer Spens reported that Town Engineer Stacia Schroeder has made a final inspection of the project and recommends that the Council accept it as complete. Doing so allows her to ask the contractor to submit final paperwork to state agencies so that all documentation and affidavits will be received in a timely manner.

The Town has paid \$167,735.93 to date on this project and retained \$7,987.43. Retainage will not be released until all final documentation is received. Councilmember Juhle asked what paperwork we require to ensure that the contractor doesn't bill us 2 or 3 years after the fact (as happened with a storm drain and meter installation project). He will forward the forms his company uses to make it clear to all contractors that once final payment is made, the job is closed, and no further payments will be processed. When received,

Clerk/Treasurer Spens will forward these documents to Town Engineer Schroeder for review and comment.

MOTION: Councilmember Stowe moved to accept the Water Main Project as complete. Councilmember Howes seconded.

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

### **PROPOSED ORDINANCE REGULATING 5G CELLULAR WIRELESS FACILITIES:**

Clerk/Treasurer Spens reported that she sent last month's suggestions and recommendations to Eileen Keifer with Kenyon-Disend for additional review and that she and Ms. Keifer sat down for about an hour to discuss the Council's comments and develop a plan of action.

Ms. Keifer recommends the following:

1. Remove all franchise-specific language from the ordinance. This language, or something similar, can and will be used when a servicer provide approaches the Town to negotiate a franchise agreement. Each individual franchise agreement must be adopted by the Council in ordinance form, so there will be plenty of opportunity to craft them during negotiations.
2. Create a new Master 5G Ordinance that is approximately equivalent to draft Section XX.04 Small Wireless Deployment. This ordinance will be codified as a new Section 12.25 in BAVMC Title 12 Public Ways and will regulate the use of the Town public areas, especially the rights-of-way, by 5G providers and will set forth the process for and fees relating to obtaining a franchise. This method is consistent will our approach with the Master Cable Ordinance.
3. Create a new Design Standards Ordinance that is approximately equivalent to draft Section XX.05 Design Standards. This ordinance will regulate the design and appearance of all equipment and facilities to be deployed by service providers. In addition, this ordinance and the Master ordinance will work together to protect the Town's character and appearance.

Ms. Keifer also explained that while the FCC has determined that individual state approvals are not needed for this technology, she believes that our small size, physical distance from major travel corridors (e.g. I-5, I-90, and SR-520), and heavily treed landscape will slow interest in Beaux Arts for a year or two. The Council should work to complete its work on these ordinances by the end of the year. At that point, because these regulations affect land use, the Planning Commission must hold a public hearing and forward the findings of that hearing and their recommendation to the Council for action. The Town will also have to submit the proposed regulations to the state Department of Commerce for review.

Ms. Keifer anticipates having drafts of both ordinances in time for the Council to review them at their November meeting.

**PROPOSED RESOLUTION NO. 313 AMENDING THE TOWN'S PROCUREMENT POLICY:** Clerk/Treasurer Spens commented that this resolution increases the dollar thresholds for bidding public-works projects as adopted by the State of Washington last July.

MOTION: Councilmember Howes moved to adopt Resolution No. 313 amending the bid

limits in the Town's Procurement Policy for purchasing services, equipment, materials, and supplies. Councilmember Corra seconded.

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

**DRAFT HAZARD MITIGATION PLAN:** Councilmember Howes noted that she has completed updates to the Town's Hazard Mitigation Plan, and with the Council's approval, she will submit them to King County for final review and preliminary approval. The County will incorporate our plan as a chapter (annex) of the County's plan, which the Town will then adopt in its entirety by resolution.

It was the consensus of the Council that the draft is ready to submit to the County for preliminary approval.

**PROPOSED STORMWATER UPGRADE PROJECT:** Councilmember Stowe reported that he is working to complete details for the funding agreement with the State and for a public meeting about the project to explain it to Villagers. As part of that process, he is making arrangements for a meeting with representatives of the State, Town Engineer Schroeder, Mayor Gillem and Clerk/Treasurer Spens to sign documents. He will provide more details when available.

**MAYOR AND COUNCILMEMBER REPORTS:**

**TREE WORK:** Councilmember Dix presented a list of tree work to accomplish in the next few months, including tree removals, some of which may be turned into snags. The Council will monitor the budget impacts and increase her tree budget if needed.

**CHIP PILE AT ACADEMY PATH:** Councilmember Dix commented that the chip pile near the Academy Path has been cleared enough to reveal the meter that was accidentally buried.

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

**STAIRS FROM 103<sup>RD</sup> TO SE 28<sup>TH</sup>:** Councilmember Dix noted that these stairs need a handrail.

**GREAT SHAKE OUT:** Councilmember Howes reported that this year's Great Shake Out, a regional emergency-preparedness exercise, is scheduled for October 17<sup>th</sup>. Beaux Arts will hold its own exercise on Wednesday October 9<sup>th</sup> at 6:45 pm. She asked all Councilmembers who are available to attend and bring their emergency backpacks.

**2Q2019 TREASURER'S REPORTS:** Councilmember Juhle reported that he has completed his review of the 2Q2019 Treasurer's Reports and signed them indicating his approval.

**NEXT MEETING:** The next regular Council meeting is scheduled for 7:00 pm on Tuesday November 12, 2019 at Councilmember Gillem's house.

**ADJOURN:** Councilmember Howes moved to adjourn the meeting at 9:25 pm. Councilmember Stowe seconded.

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

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer