



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

December 12, 2023

Stowe

PRESENT: Mayor Aletha Howes, Councilmembers Paula Dix, James McCarthy, Stacy Saal, Tom Stowe, and Brad Wheeler.

EXCUSED: None.

STAFF: Clerk/Treasurer Sue Ann Spens.

GUESTS: State Rep. Tana Senn, Steve Mallouk, Christine Chen, Julia Morse, Susan Bogert, Donna Stowe.

Mayor Howes called the meeting to order at 7pm.

MINUTES: Councilmember Stowe moved to approve the November 14, 2023 minutes as amended. Councilmember Wheeler seconded.

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

CLAIMS: Councilmember Stowe moved to approve the December 12 2023 Claims Register for check numbers 16412 through 16431 in the amount of \$33,381.20. Councilmember Saal seconded.

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

CLERK'S REPORT:

WATER DEPARTMENT RESERVE FUND: Clerk/Treasurer Spens reported that she drafted an ordinance to create a Water Reserve Fund and included for the Council's preview tonight. She noted that the Council should decide if they wish to pursue this change, and if so, she will ask Town Attorney Linehan to review the draft prior to passage at a future date. It was the consensus of the Council to table action on this until a future date.

MARSHAL'S REPORT: Mayor Howes reported that the locks on several locking mailboxes were broken.

WATER REPORT: Councilmember Wheeler reported that Water Superintendent Roger Lillejord has purchased the controller needed for repairs and an electrician is expected to install it in the next two weeks.

Councilmember Wheeler also reported that the Department of Health recently completed a 3-year inspection. Water Supervisor Bob Durr is waiting for their written report.

WABA REPORT: Mayor Howes reported on behalf of WABA President Jeff Avansino that WABA seeks members willing to serve as Trustees and that WABA's Winter Dinner is scheduled for February 4th at the Bellevue Botanical Garden.

APPEARANCES: Steve Mallouk and Christine Chen appeared before the Council to discuss challenges with their current building project. Mr. Mallouk explained that last year they relandscaped their backyard to include a Zen garden and began inviting neighbors to participate in yoga sessions. Because the sessions were popular, they decided to add an enclosed pavilion that would allow the sessions to be held year-round. The floor area of the pavilion was small enough that it did not need a building permit, but their contractor failed to recognize that the project still needed to comply with the Zoning Code and began constructing the pavilion in the setbacks. When the error was discovered, the Mallouks were notified that they needed to stop construction and either move the pavilion to a location that conforms with setbacks or seek a variance to allow the pavilion to encroach upon the setbacks. Mr. Mallouk is considering applying for the variance, because moving the structure to a conforming location will destroy other aspects of the existing landscaping, but based on his discussions with Town Planner Stacia Schroeder, he is not confident that he can satisfy the variance criteria. He is appearing tonight to gauge the Council's willingness to consider an appeal of the Hearing Examiner's decision if the variance is denied.

Mayor Howes prefaced the Council's discussion with the comment that the Council is not able to give Mr. Mallouk a definitive answer at this time and added that the Town has not received a request for variance in more than seven years. Councilmembers expressed concerns that the Council's action on such an appeal could create a precedent for other variances and recognized that the Village has many non-conforming situations. Mayor Howes cautioned that it is difficult to compare other non-conformities, because they may have received variances or even been built under a different zoning code.

Julia Morse offered a brief update on the activities of the Trees4BAV citizen group. The group wishes to raise awareness that Village trees are facing a triple threat: from development, from climate change, and from invasive species or neglect. To counter these threats the citizen groups suggests forest/tree preservation should become a priority through education, statements in the Comprehensive Plan and Tree Code revisions.

LEGISLATIVE VISIT WITH STATE REPRESENTATIVE TANA SENN: Rep. Senn thanked Mayor Howes for the invitation to attend the Town Council meeting tonight and noted that the state legislature opens a short session on January 8, 2024, focusing on investments in transportation projects.

She remarked that she understands the Council has particular concerns about recent housing legislation, tree preservation, and related issues and added that she does not believe HB 1110 captures the full impact of the hidden costs created by this legislation, e.g., the cost of adding planning staff to interpret and implement the new legislation. She also commented that she believes the recent housing legislation will help increase the diversity of housing offered in cities, but she does not believe it will solve the affordability issue.

Councilmembers expressed concerns about several issues:

- The conflicts that exist between HB 1110 and HB 1337, particularly where density goals come at the expense of tree preservation.

- The approach of the Model Ordinance in circulation assumes increased density where the Town prefers to enact regulations that are reasonable for Beaux Arts to achieve considering our infrastructure limitations and desire to protect our urban forest.
- The added costs that the legislation will increase permit costs for projects by as much as 24%. Added costs will discourage new construction.
- The anticipated timeline for achieving housing goals.
- The financial burden of adding infrastructure to meet new density goals.

Rep. Senn commented that the Senate revisions stripped some tree protections from the enacted legislation, but the House has plans to rectify that. She also noted that she had no clear answer for the timing question but does expect the adoption of ADU opportunities to have the biggest impact on density. She thinks rules about how real-estate excise tax (REET) funds can be used and an increase in the 1% limit on property-tax increases will be considered.

STATUS OF COMPREHENSIVE PLAN UPDATE: Town Planner Stacia Schroeder directed the Council’s attention to her written status report outlining the Planning Commission’s progress to date. The report also includes proposed revisions to the Zoning Code, which the Planning Commission will review and finalize as part of a public hearing at their January 18, 2024 meeting. Their final recommendations will be forwarded to the Council for action at a second public hearing in either February or March.

Town Planner Schroeder and the Council also discussed the Middle Housing Model Ordinance and what form the Town’s own ordinance should take. Mayor Howes mentioned that she attended an online meeting of planners discussing the Model Ordinance, the majority of whom seem to embrace increased density, and commented that the Town’s ordinance will strive to be far less intrusive than the model and should only include those changes that meet the state’s requirements while being workable for the Village.

AGREEMENT WITH CITY OF BELLEVUE FOR SHARED UTILITY DESIGN / CONSTRUCTION COSTS: Councilmember Wheeler has been working with Town Engineer Stacia Schroeder to develop an agreement with the City of Bellevue to piggyback our design and construction plans for a water main replacement with Bellevue’s plans to upgrade a portion of water main that runs through Town along the Arterial.

Councilmember Stowe commented that he thinks the Town needs a franchise agreement or an easement agreement with Bellevue for this water main that runs through Town property and for the intertie on 108th Avenue SE and that he thinks the need for that agreement should be addressed in this Cost-Share Agreement. He added that Town Attorney Linehan should be consulted about which agreement is appropriate and that he would like the Cost-Share Agreement to specify that the Town and Bellevue will negotiate said agreement.

It was the consensus of the Council that Town Engineer Schroeder will continue to spearhead the development of this agreement and will review the Council’s concerns with Town Attorney Linehan as part of that process.

PROPOSED RESOLUTION NO. 332 SETTING NEW WATER RATES:

Clerk/Treasurer Spens reminded the Council that last month they heard Councilmember McCarthy’s final proposal for a water-rate increase to fund the ongoing maintenance needs of the Water Department and agreed that water rates would increase as follows:

- The base rate will increase from \$80 to \$100 every other month and will include usage up to 500 cubic feet per billing period, and
- The usage rate will increase from \$1.25 to \$1.50 per 100 cf of water used in excess of 500 cf.

She explained that Resolution No. 332 amends the Town’s fee schedule to incorporate these new rates.

MOTION: Councilmember Wheeler moved to adopt Resolution No. 332 setting fees for services provided by the Beaux Arts Water Department. Councilmember Dix seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Councilmember McCarthy will prepare a note for the January newsletter explaining the rate increase, why it is needed, and providing comparative costs for water in surrounding cities.

PUBLIC HEARING: ORDINANCE NO. 468 AMENDING THE 2023 BUDGET:

Mayor Howes opened the public hearing at 9:03 pm. As there were no comments, she closed the hearing at 9:04 pm.

Clerk/Treasurer Spens explained that, because the needed repairs to the tank controller have taken longer than expected, the bill for using Bellevue Water may exceed what we have budgeted. This is the only amendment to the 2023 Budget included in this ordinance.

MOTION: Councilmember Wheeler moved to pass Ordinance No. 468 amending the 2023 Budget. Councilmember Saal seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

ORDINANCE NO. 469 ADOPTING THE 2024 BUDGET: Clerk/Treasurer Spens commented that this budget ordinance and the worksheets that document it includes all Council suggestions and corrections suggested at the November Council meeting.

MOTION: Councilmember Saal moved to pass Ordinance No. 469 adopting an annual budget for 2024, including setting the salary ranges for the Clerk/Treasurer and Deputy Clerk. Councilmember Wheeler seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MAYOR AND COUNCILMEMBER REPORTS:

EMERGENCY MANAGEMENT: Councilmember Saal asked Clerk/Treasurer Spens to arrange for her to be added to the email distribution list for materials related to the Hazard Mitigation Plan.

WATER SHED LOCK: Councilmember McCarthy reported that he has the new lock for the water shed and will coordinate installation with Clerk/Treasurer Spens.

TREE WORK SCHEDULED: Councilmember Dix reported that Seattle Tree Care will be performing tree work in January.

NEXT MEETING: The next Council meeting is scheduled for Tuesday January 9, 2024 at Councilmember Wheeler's house.

ADJOURN: Councilmember Stowe moved to adjourn the meeting at 10:05 pm.
Councilmember Wheeler seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk/Treasurer