



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

January 9, 2024
Wheeler

SWEARING IN: Clerk/Treasurer Spens administered the Oath of Office to re-elected Councilmember Dix and newly elected Councilmember Saal. (Councilmember McCarthy will be sworn in in February.)

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

EXCUSED: Councilmember James McCarthy.

STAFF: Clerk/Treasurer Sue Ann Spens.

GUESTS: Lindsey & Mike Jacobson, Mirikeen Homes; Kevin Price, Architect for Mirikeen Homes. Residents: Eugenia Yen, Jay Jacobsen, Ray Crerand, Julia Morse, Eric Christofferson, JoAnn Bromberg, Susan Bogert, and Tom Garvey.

Mayor Howes called the meeting to order at 7pm.

MINUTES: Councilmember Stowe moved to approve the December 12, 2023 minutes as amended. Councilmember Saal seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

CLAIMS: Councilmember Wheeler moved to approve the December 31, 2023 Claims Register for check numbers 16432 through 16449 in the amount of \$14,599.18.

Councilmember Saal seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Saal moved to approve the January 9, 2024 Claims Register for check numbers 16450 through 16459 in the amount of \$27,631.89. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT:

DEPT OF COMMERCE GRANTS: Clerk/Treasurer Spens reported that Town Planner / Engineer Stacia Schroeder needs the Council to authorize the Mayor to execute the three grants from the Department of Commerce (DOC) associated with the 2024 Comprehensive Plan update. The grants are:

- Interagency Agreement No. 23-63210-004 GMA Periodic Update Grant for FY 2023 in the amount of \$50,000.
- Interagency Agreement No. 24-63335-204 GMA Periodic Update Grant for FY 2024 in the amount of \$50,000.

- Interagency Agreement No. 24-63326-104 Growth Mgmt. Services for Middle Housing Grant in the amount \$35,000.

MOTION: Councilmember Saal moved to authorize Mayor Howes to execute the listed DOC grants. Councilmember Wheeler seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MARSHAL’S REPORT: Nothing to report.

WATER REPORT: Councilmember Wheeler reported that the tank-filling controller has been repaired, that Water Superintendent Lillejord is weather-proofing above-ground pipes and valving, and that Water Supervisor Durr is waiting for a report from the Dept of Health outlining the results of their recent Sanitary Survey.

WABA REPORT: Mayor Howes reported on behalf of WABA President Jeff Avansino that:

- WABA’s Winter Dinner starts at 4:30pm on February 4th at the Bellevue Botanical Garden.
- Dock fees will be increased to fund future docks repairs/replacement.
- WABA’s new building-plan review process is being evaluated and developed.

APPEARANCES: Julia Morse commented that the King Conservation District recently issued recommendations regarding the use of hedgerows as wildlife habitat. Those recommendations, which can be found on the KCD website at <https://www.kingcd.org/wp-content/uploads/2018/05/Hedgerow-2014.pdf>, include details about placement, plantings, and site preparation.

Eugenia Yen noted that the City of Bellevue is updating their canopy goal and that Trees4BAV is continuing their work surveying the various tree protection codes in the area.

MIRIKEEN REQUEST TO RELOCATE DRIVEWAY AND REMOVE ROW TREES ON SE 29TH AND 105TH AVE SE: Kevin Price, Mirikeen’s architect, introduced himself and described the design process they have been following for this property, noting that Mirikeen was unaware when they purchased the property that the driveway was required to remain roughly in its existing location. He stated that after many attempts to meet that requirement without success, Mirikeen has decided to ask for permission to move the driveway closer to 105th Ave SE. That move also entails the removal of a couple of Town trees, which would be mitigated with the replanting of appropriate replacements.

Councilmember Stowe commented that he was on Council when the boundary-line adjustment that created this lot was reviewed by the Council and added that, while preserving street trees is important to Beaux Arts, the requirement to keep the driveway as far from the intersection as possible was based solely on safety concerns.

Mayor Howes asked if any residents attending wished to register their thoughts; all seven who commented opposed the move. Clerk/Treasurer Spens noted that she received five

written comments from residents, all five opposing the driveway relocation.

Mr. Price stated that the proposed new driveway location is about fifty feet west of the existing driveway and that moving it creates more buffer between the neighbor's driveway and the new one.

Mike Jacobsen with Mirikeen Homes stated that the request to move the driveway is driven by the Town's height restrictions and that moving the driveway helps soften the street appearance of the new house.

MOTION: Councilmember Dix moved to approve the Mirikeen request to relocate the driveway for the property at SE 29th Street and 105th Ave SE to the proposed western location. Councilmember Stowe seconded.

Vote: 0 For, 3 Against, 1 Abstain. Motion failed.

PROPOSED RESOLUTION NO. 333 APPROVING THE ARCH BUDGET AND WORK PROGRAM FOR 2024: Clerk/Treasurer Spens explained that Beaux Arts has participated in A Regional Coalition for Housing (ARCH) for at least 20 years to meet the Washington State mandate to develop housing affordability. This year, the Town's proposed contribution to ARCH's operating expense is \$3,019, a 14% increase.

Councilmember Stowe asked if the recent state legislation may force the Town to accommodate affordable housing internally. Mayor Howes answered that the answer is not clear, and until we know more about how legislation will be implemented, we should continue participating in ARCH.

MOTION: Councilmember Wheeler moved to adopt Resolution No. 333 approving the ARCH Administrative Budget and Work program for 2024. Councilmember Saal seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

PROPOSED RESOLUTION NO. 334 INCREASING THE MECHANICAL PERMIT FEE: Clerk/Treasurer Spens explained that last Fall the inspection cost associated with mechanical permits increased from \$125 to \$135. The Town's mechanical permit fee includes one inspection, which means the fee needs to be increased to cover the Town's costs. She recommended that the Council increase the mechanical permit fee to \$150.

MOTION: Councilmember Stowe moved to adopt Resolution No. 334 setting the mechanical permit fee for the Beaux Arts Building Department. Councilmember Wheeler seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

GLEN PATH IMPROVEMENT PLANS: Mayor Howes opened the discussion by reminding Councilmembers that this project has been on the Town's CIP for several years. She added that in 2004/5, the path was restored by clearing out the weeds and invasive plants without additional improvements.

Councilmember Dix then explained that money the Town receives from the King County

Parks Levy has now accumulated to an amount that is usable for a project of this size. She reminded the Council that Lumo Landscape Design, the firm that designed the Academy Path improvements, was hired to design a visually appealing corridor to walk through and added that Lumo's plan also enhances bird habitat, eliminates invasives, particularly laurel, and uses native plantings to minimize maintenance and promote drought tolerance. She closed by stating that she seeks the Council's approval to proceed.

Councilmember Stowe remarked that the money has been approved in the 2024 Budget and the project has been approved via the CIP. He has heard comments from residents who use this path that the bamboo encroaches on the path entrance on SE 28th and that if the bamboo is removed, a screening plant other than mahonia should be used. He would also like to see the design incorporate one more Coast Redwood.

Councilmember Dix mentioned that the Town is allocated one design update as part of the contract price for the design and asked if other Councilmembers had other changes or additions to suggest.

Councilmembers offered the following comments:

- Rather than plant alder, can we substitute cedar or hemlock?
- Is it possible to incorporate more trees to mitigate some of the trees we have lost in other parts of the Village?
- Are we still planning to install bollards and a small parking area on the end at SE 29th St.

Councilmember Dix will summarize these suggestions and work with Lumo to revise the plan as appropriate.

Mayor Howes mentioned that we also want the neighbors to offer their feedback in advance of or at the next meeting.

COUNCILMEMBER ROLES AND RESPONSIBILITIES: Mayor Howes explained that one of her goals for the coming couple of years is cross-training so that any Councilmember can step in for another if needed. She suggested tabling this discussion until next month when Councilmember McCarthy is present.

WATER SHED ACCESS: Mayor Howes reminded the Council that we need a policy outlining who will have access to the Water Shed using the new electronic locking system, noting that the issue is really who will have access to the restroom. It was the consensus of the Council that only staff and contract staff, i.e., the Water Superintendent, the Town Engineer/Planner, and the Building Official are eligible for access.

LEGISLATIVE PRIORITIES: Mayor Howes commented that this topic is of interest to our neighbors, but the list will not be published until the Council approves. She added that she will send out an updated list for the Council to use during next month's ranking discussion.

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.

MAYOR AND COUNCILMEMBER REPORTS:

KING COUNTY ROAD MAINTENANCE: Councilmember Wheeler reported that Town Engineer Schroeder met with King County Road Maintenance to discuss our needed repair on 104th Ave SE.

AGREEMENT WITH CITY OF BELLEVUE FOR SHARED UTILITY DESIGN / CONSTRUCTION COSTS: Councilmember Wheeler reported that Town Engineer Stacia Schroeder has continued working with City of Bellevue on the cost-share agreement with the City of Bellevue for our water line repair on 104th Ave SE. Town Attorney Linehan's involvement is impacted by a potential conflict created by work he is doing on Bellevue's behalf, but he is working to resolve the conflict or have someone else in his firm oversee this work.

Councilmember Stowe reiterated that the Town needs a franchise or interlocal agreement that addresses issues of risk, replacement, and responsibilities for each party. He does not want the Town to issue a Commercial ROW Permit until a backbone agreement is in place.

TREE-RELATED ACTIVITIES: Councilmember Dix reported that a tree along the beach road will be removed. She also has submitted an application to the King Conservation District for a grant to fund a new canopy study and attended an urban forestry seminar.

MAYOR PROTEM: Mayor Howes reported that it is time to select the Mayor ProTem for the coming year. Councilmember McCarthy was selected by unanimous vote.

TOWN ARBORIST CONTRACT: Mayor Howes reported that she has started a review of the contract with Tree Solutions to streamline the process and control administration time and costs.

NEXT MEETING: The next Council meeting is scheduled for Tuesday February 13, 2024 at Councilmember Dix' house.

ADJOURN: Councilmember Saal moved to adjourn the meeting at 9:40 pm.
Councilmember Wheeler seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk/Treasurer