

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**August 7, 2008**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

## **CALL TO ORDER, FLAG SALUTE:**

Mayor Botts called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

## **ROLL CALL:**

**PRESENT:** Mayor Botts, Councilmembers Hanson, Bowie, Boston, Olness and Mulvihill.

**ABSENT:** None

Staff present were: Gwendolyn Voelpel, City Administrator; Seth Boettcher, Public Works Director; Aaron Nix, Natural Resources Director; Steve Pilcher, Community Development Director; Andy Williamson, Economic Development Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

**PUBLIC COMMENTS:** None

**UNFINISHED BUSINESS:** None

## **APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:**

### **Middle Green River Coalition Presentation**

Lisa Parsons, Executive Director of the Middle Green River Coalition (MGRC) presented an overview of the Coalition and its work highlights. The Coalition's mission is "protecting and enhancing open space in the Middle Green River watershed to insure long-term habitat health and passive recreation opportunities by acquiring land and conservation easements and using other conservation tools, working with willing landowners and other partners, informing and engaging a broad range of people and the community and promoting environmentally sustainable forest production".

Ms. Parsons explained the Coalition is working on land preservation in the Middle Green River watershed that will create a Mountain to Valley Greenway. This Greenway will tie the foothills of the upper Green River watershed to the Puget Sound lowlands of the Green River Valley at Flaming Geyser State Park.

Ms. Parson mentioned the Coalition is applying for a National Park Rivers and Trails Grant for technical assistance to develop a comprehensive management and conservation plan for the Greenway, which is a key step in coordinating efforts for conservation and management of the Greenway.

Lastly, Ms. Parsons stated the Coalition would like to work actively with the City on the Greenway project and invited Councilmembers on a tour of the area.

## **PUBLIC HEARINGS:**

### **Resolution No. 08-508, Latecomer's Agreement**

Mayor Botts announced the Public Hearing on the Latecomer's Agreement will be continued until the August 21, 2008 Council meeting as staff is waiting for additional information from the developer.

### **Resolution No. 08-531A – Six Year Transportation Improvement Plan**

Public Works Director Boettcher reported the City is required to update its Six Year Transportation Improvement Program (TIP) per RCW 35.77.010 and file the TIP with Washington State Department of Transportation.

Mr. Boettcher mentioned that some capacity adding projects have been added to the TIP and expected grant funding. This program takes advantage of the ¼ of 1% of Real Estate Excise tax for local street improvements and to provide grant matching.

**Mayor Botts opened the Six Year Transportation Improvement Plan Public Hearing at 7:42 p.m.**

**There were no public comments and Mayor Botts closed the Six Year Transportation Improvement Plan Public Hearing at 7:42 p.m.**

## **NEW BUSINESS:**

### **Ordinance No. 08-867, Amending Chapter 6.08 of the Black Diamond Municipal Code relating to Animal Control**

Community Development Director Pilcher explained in drafting the new Zoning Code currently under consideration by the Planning Commission and City Council, staff noted that the code language concerning the keeping of animals was at times unclear and also in need of updating. Staff examined several codes from other communities in drafting the proposed revisions.

Under the proposals, the keeping of animals is permitted in all zones within the City, subject to standards. A total of six (6) household pets (dogs, cats, etc.) are allowed, but no more than four (4) dogs or cats. A litter may be kept until the animals are weaned.

Up to four (4) small domestic animals (rabbits, ducks, chickens, etc.) may be kept on lots less than ½ acre and a ratio of five (5) per acre for sites greater than ½ acre. Livestock and larger farm animals (horses, cows, and sheep) may be kept on lots greater than ½ acre in size at varying numbers, depending on the type of animal.

Mr. Pilcher noted that many of the circumstances which might require a conditional use permit have been eliminated in favor of specific standards. Hobby kennels will still require approval of a conditional use permit by the Hearing Examiner.

He also mentioned that other minor revisions are included in the proposed ordinance.

Councilmember Bowie requested that the Ordinance clarify slaughtering of livestock by residents, trapping of raccoons and the amount of livestock on acreage.

After discussion, there was Council consensus to have staff make the necessary changes and bring back before Council at a future meeting.

#### **Resolution No. 08-532, Amending General Fee Schedule**

Community Development Director Pilcher reported adoption of this resolution amends the current City of Black Diamond 2008 Fee Schedule that was last amended on July 17, 2008. At the same meeting, the City Council adopted Ordinance 08-886, which established Chapter 19.30, Tree Preservation, of the Black Diamond Municipal Code.

Mr. Pilcher explained these new regulations require a permit to remove trees (above a minimum threshold) for both developed and undeveloped properties (Level I and Level II Tree Removal Permits). Staff is recommending a \$250.00 fee for a Level I Permit and a \$500.00 fee for a Level II Permit.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 08-532, amending the general fee schedule to include fees for tree removal permits. Motion **passed** with all voting in favor (5-0).

#### **Resolution No. 08-533, Protective Services Agreement with Brinks**

Economic Development Director Williamson reported City Hall offices will be moving soon to the old library space and will need to have a new alarm system installed with a monitoring system. Mr. Williamson stated that Brinks has provided this service to the City for many years and is the current vendor for all other City buildings. Cost breakdown would be: Installation \$534.24 / monthly monitoring fee \$42.49.

Councilmember Bowie asked if the City owns the equipment or does Brinks.

Mr. Williamson responded that he believes the City owns the equipment.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to adopt Resolution No. 08-533, authorizing the Mayor to execute a Protective Services Agreement with Brinks Security for the New City Hall building. Motion **passed** with all voting in favor (5-0).

Councilmember Bowie requested that before the signed agreement is mailed out to have staff clarify with Brinks who owns the equipment.

#### **Resolution No. 08-534, Commercial Services Agreement with Orkin**

Economic Development Director Williamson explained the City currently has a contract with Orkin for the Council Chambers and Police Station. The Community Development and City Hall buildings are experiencing a problem with ants and need the same pest control services. Cost associated with this service would be first month at \$245.25 and then a monthly rate of \$80.66.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 08-534, authorizing the Mayor to execute a Commercial Services Agreement with Orkin. Motion **passed** with all voting in favor (5-0).

#### **Resolution No. 08-535, King County Comprehensive Plan Amendment Withdrawal**

Mayor Botts reported on September 28, 2007 the City submitted to King County a request that the County amend its Comprehensive Plan so that the John Henry Mine site would be added to the City's Urban Growth Areas as a potential annexation area. One stipulation would be for the County, City and affected property owners to enter into a planning agreement with regards to the John Henry Mine site prior to the amendment of the King County Comprehensive Plan. Unfortunately it appears that such an agreement will not be able to be negotiated within the time frames of the 2008 Comprehensive Plan amendment cycle and it would be in the City's best interest to withdraw the request.

Mayor Botts also mentioned that he received a letter from YarrowBay stating that they have reached an impasse with the property owner to purchase the John Henry Mine site.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to adopt Resolution No. 08-535, authorizing the Mayor to withdraw the City's request for the John Henry Mine Amendment to the King County Comprehensive Plan. Motion **passed** with all voting in favor (5-0).

#### **DEPARTMENT REPORTS: None** **MAYOR'S REPORT:**

Mayor Botts explained that Council, Planning Commission and staff have all been working on an aggressive schedule to update the City's Comprehensive Plan, Public Works Standards, Zoning Code, Design Guidelines and the Sensitive Areas Ordinance.

Staff had a meeting with Parametrix today concerning the Sensitive Areas Ordinance and the initial schedule for this Ordinance will need to be moved out to allow for more work to be done before bringing it to Council. Mayor Botts stated that this is a lot of information for the Council to assimilate in a short amount of time as the current moratorium expires October 3<sup>rd</sup>. Given the amount of work left to be done, Administration recommends advertising for the public hearing for the moratorium extension, which would be placed on the September 18<sup>th</sup> Council agenda. Council may choose to direct staff to schedule more study sessions than the four a month we are holding now, which may expedite the process of completing the development regulations. However, given that we are already scheduling more committee meetings and more council study sessions than our normal two per month, we don't want to assume that's the Council's wish. In either case, we will be covered with the notification process if we aren't able to lift the moratorium by advertising on September 2, 2008.

Councilmember Olness stated she is tired of extending the moratorium and would do whatever it takes to come out.

Councilmember Bowie expressed his concern with rushing the process as it affects the quality of work and recommends we slow down so we do get quality work.

City Attorney Combs mentioned that once you leave moratorium people can vest as to what is currently on the books.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson authorizing the Mayor to direct staff to advertise for the public hearing extending the moratorium.

Councilmember Boston mentioned that he would like to see special sessions added in order to get it done and come out of moratorium as soon as possible.

Councilmember Olness wanted to make clear that we do whatever possible to make this quick and come out of moratorium before the six month extension.

**Vote:** Motion **passed** with all voting in favor (5-0).

Mayor Botts announced that Black Diamond Labor Day's will be here soon and wanted to reiterate that this is the only City sponsored celebration.

## **COUNCIL REPORTS:**

Councilmember Olness reported on the Xterra Triathlon that took place in Black Diamond recently and thanked everyone involved in this event for helping to make it a huge success.

Councilmember Hanson thanked the Utility Crew for all their hard work in getting the park into shape for this event.

Councilmember Bowie asked that staff extend an invitation to the Nestle group to come before Council and make a presentation.

**ATTORNEY REPORT:**

City Attorney Combs reported that the Ecret lawsuit has been settled. Mediation took place this past Monday and it resulted in a favorable decision. All officers named were dismissed today and the City will be dismissed in the next few weeks.

Mr. Combs requested an executive session for property acquisition with no action to follow.

**PUBLIC COMMENTS: None**

**CONSENT AGENDA:**

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

**Claim Checks** – August 7, 2008 No. 31993 through 31996, 31999 through 32007, 32008 through 32068 (voided checks 31997, 31998, 32069) in the amount of \$204,593.28.

**Payroll Checks** – June 2008 No. 14993 through 15098 in the amount of \$271,183.72

**Minutes** – Council Meeting of July 10, 2008 and July 17, 2008

**EXECUTIVE SESSION:**

Mayor Botts recessed the regular meeting for an Executive Session at 8:24 p.m. to discuss property acquisition. No action is to follow the Executive Session, which was expected to last ten minutes.


The regular meeting was reconvened at 8:32 p.m.

**ADJOURNMENT:**

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

  
Howard Botts, Mayor

ATTEST:

  
Brenda L. Streepy, City Clerk