

BLACK DIAMOND CITY COUNCIL MINUTES
April 2, 2009
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; Dan Dal Santo, Utilities Supervisor; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS:

Colin Lund, YarrowBay Group spoke in regards to their comments on the proposed Master Planned Development code changes. Mr. Lund stated that YarrowBay provided to Council for consideration to allow up to 30 units per acre rather than the 18 units per acre as currently written. Mr. Lund passed out pictures showing a 30 unit per acre project for Council reference. He noted this has been done in other communities and asked Council to consider the language YarrowBay has provided.

PUBLIC HEARINGS:

Ordinance No. 09-895, Minor Changes to the City's Transfer of Development Rights Program

Natural Resources/Parks Director Nix reported minor changes the City's Transfer of Development Rights (TDR) program were needed in order to allow the program to run more efficiently and effectively to meet the needs of the City. Mr. Nix also noted that one additional change was made to the definition of "treasured place" – uniqueness was added.

Mr. Nix distributed to Council a "white paper" and discussed areas already provided under the City's new Sensitive Areas Ordinance, lands eligible for sending area

designation under the current TDR program, optimal bonus option, and “treasured place” as defined in the current City code.

Mayor Botts opened the Public Hearing at 7:12 p.m.

Mario Sorci, 24303 Roberts Drive, Black Diamond feels it is important that treasured places be property that can stand on its own. It should not require any additional property to make it treasured.

Mayor Botts closed the public hearing at 7:14 p.m.

Councilmember Olness and Mulvihill thanked Mr. Nix for providing them with this white paper as it makes it easier to understand how the TDR program works.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 09-895, making minor changes to Chapter 19.24 relating to the City’s Transfer of Development Rights program. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 09-587, Authorizing Execution of Professional Services Agreement with Beckwith Consulting Group

Natural Resources/Parks Director Nix discussed in order to help staff compete for granting opportunities, help the council make decisions as it pertains to the City’s Transfer of Development Rights (TDR) program and general priority setting, staff is seeking approval of a contract with Beckwith Consulting Group in the development of a non-motorized transportation and park trail plan.

Mr. Nix also noted City staff solicited consulting services from the small works roster. Two firms submitted scopes of work and staff proposes to accept the low bid, offered by Beckwith Consulting Group, not to exceed \$19,120. Consistent with the City approved Capital Improvement Program, Real Estate Excise Tax (REET) monies will be utilized in order to complete the plan.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-587, accepting the bid from Beckwith Consulting Group, not to exceed \$19,120 and authorizing the Mayor to execute a contract for the development of a non-motorized transportation and park trail plan with a September 2, 2009 deadline. Motion **passed** with all voting in favor (5-0).

Ordinance No. 09-896, Amending Black Diamond Municipal Code Section 10.12.020 Exceptions to Maximum Gross Weight

Mayor Botts reported last year Council adopted an ordinance imposing gross vehicle weight limit to protect the City streets from further serious damage or destructions. Now it is necessary to protect the local businesses. Adoption of this ordinance would allow vehicles exceeding the gross weight limits to make deliveries into the City and remove materials from within the City for delivery outside of the City in vehicles that may exceed the gross vehicle weight. Mr. Botts also mentioned this ordinance is a public emergency ordinance and effective upon its adoption.

Councilmember Olness asked that section 1 (G) of the ordinance be changed to read mined, manufactured or created within the City.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 09-896, amending Black Diamond Municipal Code section 10.12.020 to allow goods and materials to be delivered to and picked up from locations within the City by vehicles exceeding the posted gross vehicle weight limit and changing section 1 (G) read Vehicles transporting materials, such as rock and gravel, that are mined, manufactured or assembled within the City limits for transport to locations within or outside of the City. A roll call vote was taken and motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Community Development

Director Pilcher reported Council direction is needed on section 18.98.120 MPD standards- Permitted uses and densities. Mr. Pilcher stated this section is what Mr. Lund referred to earlier and asked Council do they want to see certain areas in an MPD be allowed up to 30 dwelling units per gross acre as proposed in YarrowBay's suggested language.

Councilmember Hanson expressed concerns to the proposed language and would like to see a draft showing which areas this would apply to. Mr. Pilcher clarified that this deals with code and not a specific area.

Councilmember Mulvihill stated she agrees with only the first and last two lines of the proposed language.

Councilmember Olness referred to the proposed language and pointed out it says that Council may allow and does not say Council will allow. She is also concerned with a fixed number and likes having a range for more flexibility.

Following discussion direction was to allow up to 30 dwelling units per gross acre.

Natural Resources/Parks

Director Nix updated Council on the life safety projects at the City's BMX park, Union Stump park and Lake Sawyer Boat Launch. He also updated Council on the Conservation Futures (CFT) 2010 annual Collections Application for Funds he recently submitted for the future Jones Lake acquisition. He explained there is a matching funds requirement for this grant and the City can use lands donated as open space such as the In-City Forest for the match.

MAYOR'S REPORT:

Mayor Botts reported the Washington State Department of Transportation is still reporting the Kummer Bridge project will be done in July.

COUNCIL REPORTS: None

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Mario Sorci, 24303 Roberts Drive, Black Diamond expressed he's glad to hear Council is entertaining YarrowBay's proposal for density units and noted he would like to see the flexibility to put it where they need it so long as the total project density does not change.

CONSENT AGENDA:

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

Claim Checks – April 2, 2009, No. 33240 through 33316 in the amount of \$212,563.74


Minutes – Council Meeting of March 19, 2009 and Workstudy Notes of March 19, 2009

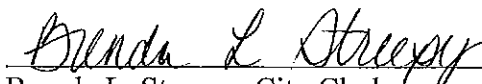
EXECUTIVE SESSION: None

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).

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk