

BLACK DIAMOND CITY COUNCIL MINUTES
January 15, 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; Seth Boettcher, Public Works Director; Aaron Nix, Natural Resources/Parks Director; Andrew Williamson, Economic Development Director; Steve Pilcher, Community Development Director; Greg Smith, Fire Chief; Tom Guilfoil, Assistant City Attorney and Brenda L. Streepy, City Clerk.

PUBLIC COMMENTS:

Jamie Kuzaro, YarrowBay spoke regarding the vesting ordinance. She stated YarrowBay has submitted written comments on the proposed ordinance and asked Council not to take action on this proposed ordinance tonight, but to leave it open so they have time to work with staff on their concerns.

Brad Habenicht, Maple Valley expressed his concern with not having enough time to review and comment on the proposed vesting ordinance and urged Council not to take action tonight on this item.

PUBLIC HEARING:

Chapter 7, Transportation Plan

Community Development Director Pilcher reported tonight's hearing is on the proposed Transportation Plan Element of the Comprehensive Plan – Chapter 7. He explained a public hearing has already been conducted on Chapters 1-6 and Chapter 8 will be forthcoming.

In addition, Mr. Pilcher added the proposed Transportation Plan Element of the Comprehensive Plan (Chapter 7 of the document) has been reviewed and recommended for adoption by the Planning Commission. Staff is requesting the City Council to conduct the required public hearing on this chapter but defer action until such time as the complete Comprehensive Plan is adopted in the next few months.

The Transportation Plan was developed with the assistance of Fehr & Peers/Mirai Engineers, who performed much of the transportation modeling upon which the Plan is based. Some of the modeling was updated after the Council decided to establish a Level of Service standard of "C" for arterial roadways and intersections. Additional modeling was also completed to reflect additions to the future roadway network recommended by the Public Works Director.

He noted policy revisions and additions have been made and are reflected in the document, which include suggestions made by Council during previous workstudies.

The only testimony received by the Planning Commission was from YarrowBay, which expressed concern regarding some of the future proposed roadway extensions. Staff noted and the Commission concurred that these routes are conceptual in nature and do not indicate a precise route, and therefore should remain as part of the Plan.

Mayor Botts opened the Public Hearing at 7:08 p.m.

Jamie Kuzaro, YarrowBay agrees with having the plan referred to the Council Public Works/Street Committee and was pleased with how productive the first meetings was. In regards to the proposed plan she expressed concerns with the south connector that runs through the core and feels it conflicts with two goals – T1 Roadway Design Police and T-11 Environmental Protection and Conservation Policy, the Southeast Lawson connector, would like to see language added that addresses latecomer fees and asked that a cost benefit analysis be done on roundabouts.

Mayor Botts closed the Public Hearing at 7:13 p.m.

APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS

Washington State Department of Transportation (WSDOT) – Kummer Bridge Update

Mr. Russell East, Assistant Regional Administrator of the Washington State Department of Transportation walked Council through the progress and proposed schedule of the Kummer Bridge repairs on State Route 169. He informed Council their engineers have come up with a plan for the repairs and will be going out to bid soon. Mr. East also mentioned WSDOT estimates that the bridge will reopen around the Fourth of July.

Small Business Administration

Micheal Flores of the Small Business Administration (SBA) explained Governor Chris Gregoire asked the U.S. Small Business Administration to declare an economic injury disaster for our area due to the closure of the Kummer Bridge on State Route 169 between Black Diamond and Enumclaw. He stated the SBA took action on the Governor's request and on January 13, 2009, Acting Administrator of the U.S. Small Business Administration Sandy K. Baruah issued a declaration which immediately made low-interest loans available to help small businesses impacted by the disaster meet their financial obligations. Mr. Flores added the interest rate for the loans is 4% and the deadline for applying is October 13, 2009.

Economic Development Director Williamson reported the City is hosting office space for the Small Business Administration in the Public Works modular. He also discussed the efforts made by the chambers, staff and surrounding cities to alert business owners of low-interest loans.

Mayor Botts recessed the meeting at 8:09 p.m. The meeting was called back to order at 8:12 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 09-892, Vesting Ordinance

Community Development Director Pilcher reported this item was discussed earlier during the workstudy and noted no action will be taken tonight.

Ordinance No. 09-893, Business License Process

Community Development Director Pilcher explained the proposed ordinance deals with the building permit process not the fees. Currently Chapter 2.58 of the Black Diamond Municipal Code establishes the requirement for business to obtain an annual business license from the City. Currently, there are no provisions by which the City may deny an application for a license, even if a proposed business activity would not be allowed within a specific zone district or would not be allowed in a particular building without various upgrades that may be required to comply with building and/or fire codes.

Similarly, in the event of an unresolved code violation or other issue, the Code currently does not provide the opportunity to revoke a business license.

The recommended amendments to the business license code will provide the authorization to allow staff to deny or suspend/revoke a business license when conformance with other code provisions becomes an issue. This will help ensure that businesses are not being conducted in violation of City codes and ordinances.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 09-893 amending Black Diamond Municipal Code Chapter 2.58 to clarify the terms under which a business license may be applied for, approved, denied, and suspended or revoked, as well as the procedures for appealing such actions. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-572, Authorizing Execution of Pivetta Brothers Construction Contract for Emergency Repairs on Roberts Drive

Public Works Director Boettcher reported during the recent Northwest flood event the road bed washed out underneath Roberts Drive on the east side of the Ginder Creek culvert forcing a temporary closure between State Route 169 and Morgan Street. Mr. Boettcher stated staff conducted a small works solicitation for bids on the emergency repairs to the Ginder Creek culvert and of the three bids received Pivetta Brothers Construction, Inc. was the low bidder. He also added due to budget constraints items 2, 6, and 9 shall not be performed.

Councilmember Bowie commented this is a bandaid repair – the long term goal would be to change the style of culvert to a box style. He also questioned whether we should take out the builder’s risk insurance provision in the contract.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 09-572, authorizing the Mayor to execute a contract with Pivetta Brothers Construction, Inc. for emergency repairs to Roberts Drive subject to the attorney review of the builders risk insurance provision.

Finance Director Miller added the funds to pay for the emergency repairs will come from the stormwater fund. Staff will also be looking into getting emergency assistance funds.

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

DEPARTMENT REPORTS:

Natural Resources/Parks

Director Nix reported on the recent grant he applied for the Lake Sawyer Boat launch. He mentioned our match is the money that is already budgeted and the intent is to have the low impact development parking done and out to bid by the end of 2009. He also added he is hopeful construction will start in 2010.

Mr. Nix spoke in regards to Lake Sawyer and the new foundation that is being established. He explained it is non-profit with its main mission being to secure funding for the Lake Sawyer Regional Park. Mr. Nix stated he feels this would be a good partnership for the City as it would open up different pots of money that are only available to non-profits. Mr. Nix ask Council is they would be willing to show support for this group in the form of a letter.

There was Council consensus for the Mayor to write a letter of support to the foundation.

Mr. Nix reported that he will be meeting with the Office of Surface and Mining in regards to the John Henry Mine and updated Council on discussions with Department of Ecology.

Public Works

Director Boettcher spoke in regards to the policy decision from Council concerning underground power for the Railroad Avenue project. Mr. Boettcher reminded Council the cost is approximately \$137,000, which is pricey.

Mayor Botts asked Council what their feeling was on this.

Councilmember Mulvihill stated she would like to see the power put underground on this project.

Councilmember Bowie discussed the need for stormwater detention for this project and the associated costs.

Councilmember Hanson stated she feels the vaults are more important for this project then underground power.

Councilmember Boston stated he would like to see all costs associated with both before making a decision.

Administration

City Administrator Voelpel reported to Council on the potential Nestle water bottling facility in Black Diamond. Ms. Voelpel stated bi-weekly meetings have been set up to discuss such issues as the permitting process, location of the pipe, and right of way issues. She also noted Nestle has not set up the community meeting yet and is not sure when they plan to do this.

MAYOR'S REPORT:

Mayor Botts announced his office hours at City Hall will be 9:30 to noon Monday through Friday.

COUNCIL REPORTS:

Councilmember Boston thanked both Seth and Dan for the great response during the snow and ice.

Councilmember Mulvihill announced she will miss the next Council as she will be on vacation.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Darryl Buss, Black Diamond spoke in regards to power poles on Railroad Avenue. He feels the power poles are part of the historical look of the city and should not be taken down.

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 – January 15, 2009, No. 32734 through 32738, No. 32795 through 32796, No. 32739 through 32740, No. 32793 through 32794, No. 32804 through 32806, No. 32807-32838 (voided checks No. 32797 through 32803, 32823) in the amount of \$34,241.13.

Payroll Checks – December 2008, No. 15549 through 915447 in the amount of \$283,257.00.


Minutes – Council Meeting of January 8, 2009 and Workstudy Notes of January 8, 2009.

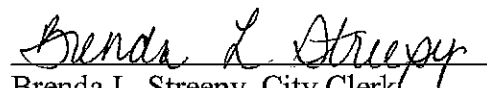
EXECUTIVE SESSION: None

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