

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**June 4, 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 Bowie, Boston, Olness and Mulvihill.

**ABSENT:** Councilmember Hanson (Excused)

Staff present were: Gwendolyn Voelpel, City Administrator; Dan Dal Santo, Utilities Supervisor; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda L. Martinez, City Clerk.

## **PUBLIC COMMENTS:**

**Paula Boyd, 30409 Blaine Avenue, Black Diamond** addressed Council regarding the overgrown sticker bushes at the entrance to Diamond Glen. She passed around pictures along with a signed petition from homeowners in the development agreeing there is a sight issue for motorists. She also handed out to Council a copy of a bid proposal she received regarding placing goats in this area. Another area of concern she spoke on was the condition of the Coal Cars. She would like to see them cleaned up and planted with more efficient plants that are low maintenance.

Public Work Director Boettcher reported he investigated the site distance issue and found motorists have an unencumbered view north and south from the stop bar. He also added that the pictures are taken from a view further back from the stop bar.

Ms. Boyd stated she is not concerned with the plants and shrubs that were planted when the neighborhood was established and would like to see the vegetation pruned back to the fence.

Councilmember Bowie recommended this be sent back to the Public Works department for further investigation. There was Council consensus to do so.

**Ryan Kohlmann, YarrowBay Holdings** read the following modified statement:

This evening the agenda was expected to have an item regarding holding a public meeting for the two proposed annexations related to the MPDs; East annexation and South Annexation. Back in April, shortly before submitting our MPD applications, a pre-application agreement was executed that is also pertinent to the annexation process. The City has determined that the public meetings that were expected to occur this evening cannot occur due to certain clauses in this agreement. One in particular relates to the negotiation of a pre-annexation development agreement. Four weeks ago, on May 7, a draft pre-annexation agreement for the East Annexation area was sent to the City. Just a couple of hours ago we received an email from staff outlining a number of steps that need to occur and we will be contacting them tomorrow regarding that. Regardless there has been at least a four week delay in the process. We are concerned the process is being held up because up until now, a lack of response. Preventing this public meeting to occur this evening undeniably causes additional delay, which will likely impact the MPD schedules. In addition, the MPDS cannot be approved with the annexed areas included until the annexations are complete. Allowing the public meeting to occur this evening allows the 60% petition to be finalized, which would then allow the full package to be sent to the Boundary Review Board, starting a 45 day clock. We fully intend to continue negotiating in good faith a pre-annexation development agreement, which must be done prior to the City accepting the annexation. Although the previously executed agreement contemplated that this public meeting would not occur until the pre-annexation development agreement was negotiated, we do not think it is appropriate to enforce this clause given the delay. We request the City this evening to hold the public meetings so the 60% petitions can be circulated and then submitted to the Boundary Review Board, and the parties finalize the pre-annexation development agreements during that period.

**Jamie Balint, YarrowBay Holdings** addressed Council concerning research she has been asked to do by YarrowBay staff on exparte communications, since they have filed their MPD applications. She distributed and referred to an MRSC Question and Answer handout regarding the Appearance of Fairness Doctrine and pointed out #15 on the memo as being most pertinent to YarrowBay and their communications with Councilmembers.

## **PUBLIC HEARINGS:**

### **Proposed Capital Facilities Plan**

Community Development Director Pilcher reported this is the last element of the Comprehensive Plan that requires a public hearing. He explained only public testimony will be taken tonight, therefore no Council action is required.

In addition, he explained the Capital Facilities Plan was developed with the assistance of Berk and Associates, who prepared the basic draft for initial staff review and editing. Consultation with both city staff and the Fire Department was part of the process. Significant editing was completed to the Utilities section to reflect the most current status of planning efforts in these areas.

Policy revisions and additions have been made and are reflected in the draft document. These include suggestions made by Council during its worksessions.

The Planning Commission conducted a public hearing on the proposal in May; there were no public comments. The Commission voted to recommend the Council approve the document.

Public Works Director Boettcher explained that updates included in earlier chapters were not in the sewer section and staff will be making those corrections. Additionally, he presented new language that is being suggested for Objective CF-7 which will allow folks to use their land but assist the City and Soos Creek to eventually bring sewers in around Lake Sawyer.

**Mayor Botts opened the Public Hearing at 7:31 p.m. With no public testimony being heard Mayor Botts closed the Public Hearing at 7:32 p.m.**

#### **Resolution No. 09-610, Proposed Sign Code Amendments**

Economic Development Director Williamson reported the closure of the Green River bridge has had a major impact on Black Diamond businesses. Fortunately, the bridge is scheduled to reopen on July 4, 2009. Staff is asking the Council to allow certain types of signs that are prohibited under the City code to be used from July 1 thru September 12 so that businesses in our community can attempt to rebuild their customer base. This resolution would allow businesses to use banners and sandwich board signs, and to place such signs closer to the right of way than is usually permitted. However, no sign would be allowed to obstruct pedestrians or car traffic, or otherwise create an unsafe situation.

Mr. Williamson also noted this resolution would automatically expire after September 12, and the temporary signs permitted under this resolution would again become prohibited. Businesses that failed to remove such signs could be fined and the signs removed by the city.

In addition, he added several emails were received from business folks supporting this action. The City also received a letter from the Chamber asking that the timeline be extended beyond September 12 and to have the effective date change so it starts immediately.

Councilmember Olness believes it makes sense to extend as it would benefit the businesses.

Councilmember Mulvihill recused herself from the vote and left the Council Chamber as she is a business owner.

**Mayor Botts opened the Public Hearing at 7:38 p.m.**

**Robin Taylor, Botts Drive, Black Diamond** stated she understands the issue and how signs can look cluttered, but wondered if the City wants to create economic development

why the City would have these restrictions in the first place. She added the City could still allow these types of signage with limits and still help build the economy.

**Mayor Botts closed the Public Hearing at 7:40 p.m.**

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-610, relating to the temporary suspension of certain side code restrictions and amending the start date to be June 5, 2009. Motion **passed** with all voting in favor (4-0).

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**Resolution No. 09-608, Support for Lake Sawyer Regional Park Foundation**

Natural Resources/Parks Director Nix explained the Lake Sawyer Regional Park Foundation approached the Council in late April 2009 identifying their organization and expressing a strong interest in helping the Parks and Recreation Division accomplish its goal of establishing a regional park facility at the southend of Lake Sawyer. He noted staff has been supporting the formation of this group in an ex-officio manner for the past several months.

Director Nix also added that now established and seeking exempt status under the federal government, the Lake Sawyer Regional Park Foundation is seeking the support of the Black Diamond City Council in order to help implement the Lake Sawyer Regional Park Plan and obtain monetary resources in support of this. This resolution supports their efforts in this process.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 09-608, expressing the City's support for the Lake Sawyer Regional Park Foundation. Motion **passed** with all voting in favor (4-0).

**DEPARTMENT REPORTS:**

Economic Development Director Williamson reported staff members and elected officials from surrounding communities met with the Department of Transportation concerning rumors on the Kummer bridge progress. Mr. Williamson explained the state is focused on hitting the target date of July 4<sup>th</sup> for the bridge reopening. However, should something major happen on the site it could push the bridge opening date out to July 8.

In addition, Mr. Williamson mentioned there is a time constraint issue for the reopening celebration as the City will only have a three to five day window to plan the event. He added the state will not allow a community-wide walk across the bridge due to liability issues, however cars will be allowed.

City Administrator Voelpel explained that one of the punch list items – landscaping will not be completed until fall.

**MAYOR'S REPORT: None**  
**COUNCIL REPORTS: None**

**ATTORNEY REPORT:**

Attorney Combs reported there will be an executive session on potential litigation and personnel with no action to follow.

**PUBLIC COMMENTS: None**  
**CONSENT AGENDA:**

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

**Claim Checks** – June 4, 2009 No. 33575 through 33585 and 33591 through 33641 in the amount of \$418,298.33

**Minutes** – Workstudy Notes of May 14, 2009 and Council Meeting of May 21, 2009

**EXECUTIVE SESSION:**

Mayor Botts recessed the regular meeting for an Executive Session at 8:08 p.m. to discuss potential litigation, personnel and real estate acquisition. No action was anticipated to follow the Executive Session, which was expected to last one hour.

Mayor Botts announced a twenty-minute minute extension of the executive session.

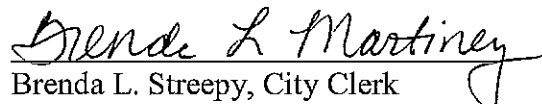
The regular meeting was called back to order at 9:28 p.m.

**ADJOURNMENT:**

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

ATTEST:

  
Howard Botts, Mayor

  
Brenda L. Streepy, City Clerk