

BLACK DIAMOND CITY COUNCIL MINUTES

March 5, 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: Councilmembers Hanson, Bowie, Boston and Mulvihill.

ABSENT: Councilmember Olness (excused)

Staff present were: Gwendolyn Voelpel, City Administrator; May Miller, Finance Director; Andy Williamson, Economic Development Director; Aaron Nix, Natural Resources/Parks Director; Seth Boettcher, Public Works Director; Dan Dal Santo, Public Works Supervisor; Tom Guilfoil, Assistant City Attorney; Loren D. Combs, City Attorney; and Rachel Pitzel, Deputy City Clerk.

PUBLIC COMMENTS:

Wayne Courtney, Diamond Square, Black Diamond asked Council why he is being charge \$1,040 a month for stormwater when he has his own stormwater system.

Jason McLurgh, Lake Sawyer, Black Diamond stated that for years there had been talk about putting a sewer around the Lake. Mr. McLurgh mentioned that Lake Sawyer residents signed a petition to annex with Black Diamond and there hasn't been talk of a sewer to date. He stated the only thing that has happened is his taxes have increased and he does not see a benefit for the stormwater charge. Lastly, Mr. McLurgh stated that if he is paying for stormwater will that money help to pay for the sewer installation at the Lake and also wanted to know why his taxes continue to increase.

Brian Ross, YarrowBay stated that with his surprise and disappointment from last weeks Maple Valley Council minutes the Mayor of Maple Valley reported to the Maple Valley Council that Mayor Botts stated, "to not trust YarrowBay". Mr. Ross stated that YarrowBay has poured out all that they have to the City of Black Diamond and in different jurisdictions and he was at a loss of what to say and do about the statement.

Robert Taeschner, Lake Sawyer, Black Diamond stated that the stormwater tax which is new, he finds to be disturbing for a number of reasons. Except for his house which is sitting on concrete, he feels there is not impervious surface on his parcel. He stated that

his home is located on a gravel road that is not maintained by the City and he doesn't see any benefit from the tax. Mr. Taeschner also stated that \$13 may not be much, but as a senior who is retired and with his taxes doubling since he moved to the Lake in 1994, it is an impact to his finances. He also stated that there should be a senior discount.

Mario Sorci, 24303 Roberts Drive, Black Diamond stated that he spent a long time to avoid the stormwater charge from happening when he was on City Council. He stated he understood the need, but was also wise enough to understand that there was no one in the utility prior to it being established and all of the sudden now we have funded it with 80,000 all benefits etcetera with a person who happened to be funded somewhere else in the budget before this happened. Mr. Sorci stated that it was a hidden tax and said that there may be a need for it but then to mandate businesses like his to put in a parking lot and then maintain it and then turn around and charge the impervious surface that the city required businesses to put in. Mr. Sorci stated that he felt that the way the charge was established was wrong but more importantly he stated that we established the tax to bury the city for its employees instead of doing what other businesses had to do by rescinding raises or asking for the upper management to take a pay cut. He stated that he felt that the city needed to take a look at reducing the operating costs.

Jaqueline Taeschner, Lake Sawyer, Black Diamond stated that those who live on the outskirts of the city have tall trees and clean up after them which are a help to the whole City. She stated that trees do a lot of the job for stormwater pickup and wanted Council to look at the areas where people are living and adjust the cost of stormwater. She stated that they decided to have a gravel driveway to avoid cement just for that reason.

Gomer Evans, 25331 Lawson Street, Black Diamond stated that he wanted Council to not adopt the resolution to allow Nestle to purchase the water source. He stated that the City has had its spring water for years and that the Council needed to take a hard look at the resolution and stop looking at Nestle for the sale of the spring water.

Paul Kryskowski, BD Auto Wrecking, Black Diamond stated that he wrote a letter to Council with his concerns which discussed that industries have to pay the EPA based on income. He stated that the City may want to consider an annual fee and to base the charge on what the businesses can afford to pay based on their gross income. He also stated that the City needed to get away from impervious surface and focus on a flat rate that businesses can afford and felt that should have been looked at a head of time.

Chad Leatham, St. Barbara's Church, Black Diamond stated that he works for the church and was surprised to see how much the stormwater charge for the church was. He stated that he talked to the city workers who were out and about re-measuring the surface and wanted to know if there would be a reimbursement.

Craig, Lake Sawyer, Black Diamond stated that he would like clarification on the roof space and asked if the fee was being charged on roof structures.

Councilmember Mulvihill thanked everyone for attending the meeting and speaking. She stated that when Council first passed the stormwater charge, Council had no idea how much of an impact it would affect everyone. Councilmember Mulvihill also noted that the Council feels the citizen's pain and hopes Council can make changes that will make everyone happy.

PUBLIC HEARINGS:

Ordinance Continuing Mobile Home Moratorium

City Attorney Combs stated that the Emergency Ordinance would allow for an extension of the continuation of the current moratorium already in effect within the City. Mr. Combs stated that the continuation of the moratorium is necessary to avoid severely compromising or entirely negating the goals of the City's updated Comprehensive Plan.

Mayor Botts opened the Public Hearing at 7:29 p.m.

No public comments

Mayor Botts closed the Public Hearing at 7:29 p.m.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Bowie to adopt Ordinance No. 09-894, placing a temporary prohibition on the landing of mobile homes or manufactured homes, except within previously approved and existing mobile home park sites and upon commercially zoned property and except the placement of new manufactured homes within the city and declaring this ordinance a public emergency ordinance and thus effective immediately. Motion **passed** with all voting in favor (4-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 09-582, Authorizing the Execution of Amendment #7 to the Professional Services Agreement with PacWest Engineering to Study the Financial Impact of Selling Water to Nestle

Public Works Director Boettcher reported to Council that the City needed to understand the financial effects of adding a large water customer to the city utility. He added that it is known that operational costs will be higher with growth and reliance on the City of Tacoma Water and that operational costs decrease with the addition of new customers, but the overall financial impact upon the city's water utility of Nestle Waters North America bottling plant in Black Diamond is unknown. Mr. Boettcher stated that the study from PacWest will clarify the financial impact to the water utility of the sale of water to Nestle for a bottling plant.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-582, authorizing the Mayor to execute an amendment to the agreement with PacWest Engineering for a water rate study related to a potential Nestle Waters North America water sale. Motion **passed** with all voting in favor (4-0).

DEPARTMENT REPORTS:

Natural Resources/Parks Director Nix reported that an application from Brad Habenicht regarding the property at the North end of town was received regarding Transfer of Development Rights and “potential treasured status” for that parcel. Mr. Nix explained to Council the area of discussion on the paperwork handed out. Mr. Nix asked for the Council’s direction on which direction he should take.

Councilmember’s directed Mr. Nix to look into expanding the sending area and if it makes sense and to get more data on public ownership/public access.

Public Works Director Boettcher stated that he wanted to give Council an update on the contaminated soil located on Railroad Avenue during the waterline project. Mr. Boettcher stated that near the end of the workday a load was rejected from Cadman that tested between 900-1300 parts per million. Mr. Boettcher stated that the project has been put on hold until the City can determine whether it is safe for the workers. Mr. Boettcher stated that a field survey would be done to see if the layer is consistent and if it reached 100 parts per million then work can resume on Monday.

MAYOR’S REPORT: None

COUNCIL REPORTS: None

ATTORNEY REPORT:

City Attorney Combs stated that he heard from the Police Association that they ratified the contract, with minor clarification on wages. Mr. Combs also stated that on Ordinance No. 09-894, there is a scrivener’s error on the date; it should read August 30, 2009 not September 31, 2009.

A **motion** was made by Councilmember Boston and seconded by Councilmember Mulvihill to make the scriveners error read August 30, 2009 in section 3 of Ordinance No. 09-894, placing a temporary prohibition on the landing of mobile homes or manufactured homes, except within previously approved and existing mobile home park sites and upon commercially zoned property and except the placement of new manufactured homes within the city and declaring this ordinance a public emergency ordinance and thus effective immediately. Motion **passed** with all voting in favor (4-0).

PUBLIC COMMENTS: None

CONSENT AGENDA:

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

- 1.) **Claim Checks** – March 5, 2009 No. 33081 through No. 33094, No. 33107 through No. 33162 (voided checks no. 33095-33106) in the amount of \$185,618.45.
- 2.) **Minutes** – Council Meeting of February 19, 2009, February 26, 2009 and Workstudy Notes of February 26, 2009.

EXECUTIVE SESSION: None


CONTINUED STUDY SESSION:

Council continued discussion of the workstudy held prior to Council meeting regarding stormwater and requested that Finance Director Miller bring back to Council other options discussed regarding rate options and low income/senior discounts.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Rachel Pitzel, Deputy City Clerk