

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 1, 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: Leonard Smith, City Administrator; May Miller, Finance Director; Steve Pilcher, Community Development Director; Seth Boettcher, Public Works Director; Steve Munson, Planner; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Rachel Pitzel, Deputy City Clerk.

Mayor Botts announced that there will be a change in the order of the agenda. The executive session will be held prior to item 2 under new business.

## **PUBLIC COMMENTS:**

**Mike Bryant – 25729 Pacific Street, Black Diamond** – reported to Council that currently he bought his mobile home pre-Hud which means he could not get conventional financing at the time. Currently he wants to replace the older mobile home with a new manufactured home and everything is in order to do so. He stated that it is a private residence and that he was notified that he could not get a building permit because the water main is not up to standards.

Councilmember Bowie wanted to reiterate that Mr. Bryant wanted to remove his mobile and upgrade to a newer home and that the City was telling him he couldn't because there was inadequate fire flow.

Mr. Bryant stated that was correct and he did not understand 1) why he needed a building permit and 2) why the issue of the water main is his problem since there is currently a home already there.

City Attorney Combs replied that administration needed to look into this and get back to Mr. Bryant.

**PUBLIC HEARINGS: None**

## **PRESENTATION:**

**David Vines – 32600 Fifth Avenue, Black Diamond-** addressed Council that he was speaking tonight about Railroad Avenue. Mr. Vines passed out maps of the area and asked Council who owned Railroad Avenue.

Councilmember Bowie stated that because we have been working on a City project, the City has stumbled across some right-of-way issues. He noted that the City also had an opportunity to look at ownership North of Railroad Avenue and on the North and West it appears that the property is owned by Palmer Coking Coal (the property in the middle on the map). Mr. Bowie stated that he believed the City owned the right-of-way that Mr. Vines had highlighted in yellow and the West side appears to be owned by Palmer.

Mr. Vines reported that he looked up the records with King County regarding Railroad Avenue and the original plat was owned by Palmer Coking Coal and Palmer designated that plat to be opened to the public forever. Mr. Vines gave to Council another handout regarding Black Diamond Townsite, he stated that the original plat Council was looking at highlighted in yellow designated it open to the public forever and stated that he would like to use that road.

City Administrator Smith noted that the real question was if the road is open or unopened and suggested that staff prepare a report for Public Works committee for ramifications.

City Attorney Combs replied that Council needed a report on this issue as it was not as straight forward as it may seem.

Mayor Botts directed staff to prepare a report with what should be done or can be done with this issue regarding Railroad Avenue.

## **UNFINISHED BUSINESS: None**

## **NEW BUSINESS:**

### **Ordinance No. 09-924, amending Chapter 17 of the Black Diamond Municipal Code concerning Division of Land**

City Planner Munson recapped the history of this item to Council. He reported that amending the existing Subdivision Ordinance (Divisions of Land), Chapter 17 is another step in the City's continued update of its Development Regulations. The Planning Commission and staff began work in the late summer/early fall of 2008 and reviewed several drafts of proposed changes before they were presented to the Planning Commission in public hearing on April 21, 2009. At the public hearing the Commission voted 6-0 to pass on the proposed amendments to include revised definitions of Short Subdivision and Subdivision; definition of Paper Plats; and elimination of Sec. 17.36.040 (3) to the City Council for its review and consideration.

Councilmembers discussed the paper plats, short plat process on page 34 and how Council would be involved in that process and Fire Department and Public Works role in determining fire flow on page 31 section B-1.

Councilmember Boston noted a typo on page 12, section 11, line item 14.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to **postpone** until November 5, 2009 Ordinance No.09-924, amending Chapter 17 and replacing it with the new Chapter 17 of the Black Diamond Municipal Code concerning Divisions of Land. Motion **passed** with all voting in favor (5-0).

Mayor Botts announced that instead of people having to wait, he will take public comments before recessing for an executive session.

### **PUBLIC COMMENTS:**

**Troy Boxx- 32522 Railroad Avenue, Black Diamond** – stated that his residence in on the East side of Railroad Avenue and currently maintains the property that Mr. Vines spoke of earlier. He stated that he is not trying to deny Mr. Vines access, but would like to see it used within reason.

**Tami Deady – 32424 First Avenue, Black Diamond** – stated that the houses connected to Railroad Avenue and the street access is maintained by all the homeowners that surround it and Mr. and Mrs. Vines have never been out there to help maintain it, they store their firewood and leave it a mess with the bark from the firewood. She stated that it was sad to see one family come in to destroy it with no respect for the stuff that the homeowners do to maintain it.

Mayor Botts reported that city staff will take all the comments into consideration.

### **EXECUTIVE SESSION:**

Mayor Botts recessed the regular meeting for an Executive Session at 7:58 p.m. regarding personnel to evaluate the qualifications of an applicant for public employment pursuant to RCW 42.30.110(1)(g) with action to follow the Executive Session, which was expected to last thirty minutes.

Mayor Botts announced a fifteen minute extension of the executive session.

The regular meeting was called back to order at 8:45 p.m.

### **Resolution No. 09-642, confirming the Mayor's appointment of Leonard Smith as City Administrator and authorizing the Mayor to execute an employment agreement**

Mayor Botts recommends confirmation of Leonard Smith as City Administrator.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Resolution No.09-642, confirming the Mayor's appointment of Leonard

Smith as City Administrator and authorizing the Mayor to execute an employment agreement. Motion **passed** with all voting in favor (5-0).

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Botts reported that he was pleased the Council agreed with the hiring of Leonard Smith.

**COUNCIL REPORTS:**

Councilmember Boston suggested that he set up a meeting with Wayne Snoey, Mayor Botts, City Attorney Combs and himself regarding the Diesel Motorized Unit (DMU) project to bring Leonard up to speed.

**ATTORNEY REPORT:**

City Attorney Combs reported that Council is aware that the public hearing on the draft EIS has been extended to October 9, 2009. He mentioned that the quasi judicial things are moving forward and projected timelines are getting firmed up. He wanted Council to be reassured that they will have plenty of time to go through all the material before the Council meeting.

**CONSENT AGENDA:**


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


**Claim Checks** – October, 1, 2009 No. 34660 through No. 34693, Handwrites No. 34085 through No. 34092 in the amount of \$80,136.17

**ADJOURNMENT:**

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

ATTEST:

  
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Howard Botts, Mayor

  
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Rachel Pitzel, Deputy City Clerk