

BLACK DIAMOND CITY COUNCIL MINUTES

November 4, 2010

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Hanson, Goodwin, Boston, Mulvihill and Saas.

ABSENT: None

Staff present were: Seth Boettcher, Public Works Director; Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; May Miller, Finance Director; Stephanie Metcalf, Court Administrator; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS:

Dan Meredith, Black Diamond – concerned with 169 corridor increases in traffic and there has been no talk in utilizing the Cedar River Trail and wonders why it has not come up in discussion.

Councilmember Boston stated that the South County Area Transportation Board (SCATB) has been talking about this issue and there is a lot of red tape and how do you put rails and rails together, discussed the Diesel Multiple Units (DMU) and the talks that have taken place on this.

Councilmember Goodwin commented on how important mass transit is today and we need to be realistic of what we can do today.

PRESENTATIONS: None

PUBLIC HEARINGS:

Comprehensive Plan Amendments

Community Development Director Pilcher reported before Council is the First Annual Amendment to the updated comprehensive Plan that was adopted in June 2009. Last year Council adopted revisions to Title 16 of the Black Diamond Municipal Code, which

established local procedures for considering Comprehensive Plan amendment requests. Pursuant to Black Diamond Municipal Code 16.30.070 earlier this year, the Planning Commission initiated a series of primary housekeeping amendments to the plan. Mr. Pilcher also noted there were no privately-initiated requests, he highlighted areas of the code that were addressed; he further added the Planning Commission conducted two separate hearing sessions on the Proposed Amendments, with only one individual providing comments. The Commission subsequently took action at its October 12 meeting, recommending approval.

Mayor Olness opened the public hearing at 7:12 p.m.

Brian Derdowski, 70 East Sunset Way, Issaquah – representing the signatories on the public comment page submitted. Mr. Derdowski stated several fatal flaws that are identified in the document that cannot be fixed as they are linked to the earlier MPD decision of the Council. Concerns addressed were: discussed system being broken for public participation; City stating in the document it is not consistent with the King County Planning Policies; second issue pages 2-1 through 2-18 deletes 34 policies that have governed development within the City’s UGA for the last nine years; thirdly population forecasts; page 4-3 deletes Horseshoe Lake from the Planning Area and page 4-5 states that Jones Lake is 20 acres in size. Previously, Jones Lake was listed as 23 acres in size, this new determination means that Jones Lake might not be subject to the Shoreline Management Act; page 8-50 adds a new policy that was described during Planning Commission deliberations as being proposed by a utility company; lastly in conclusion with your decision of a few weeks ago, you marched your City down a path that changes everything and in this new time you have to be extremely diligent to protect, because you are playing in a big arena with folks with a lot of resources.

Mayor Olness closed the public hearing at 7:25 p.m.

YarrowBay Special Event Permit

Community Development Director Pilcher reported in late 2007 the Special Events process went into effect and pursuant to Black Diamond Municipal Code 2.59 to allow YarrowBay to conduct an office use within a residence in order to facilitate preparation of the MPD applications. The original approval was granted for six month, at which time the Council was to revisit the permit. On July 17, 2008, Council considered the request of YarrowBay to extend the approval. Partially based upon citizen comments, the permit was extended for a limited time period of three months, on November 6, 2008, the Council voted to extend the permit for one additional year. On November 5, 2009, although the applicant had requested a two-year approval, the Council voted to extend the permit for only one additional year. The applicant is once again requesting a two-year approval. Mr. Pilcher noted that other than the concern from the Taylors, staff has not received any comments on the request, nor has it experienced any issues with the use of the structure for an office.

Councilmember Saas asked about the term used as “temporary”.

Mayor Olness opened the public hearing at 7:30 p.m.

Ron Taylor, Black Diamond – speaking for his wife, he read an email she submitted to staff earlier this week, incorporated into the record.

Councilmember Goodwin stated it appeared Mr. Taylor's comments are more directed at the principle of this not being a special events and not being a complaint against this being detrimental.

Mr. Taylor responded that it was understood by them that YarrowBay wanted to use this as an existing construction office once space construction begins; bottom line we feel like there is more appropriate office space and this would fit under a zoning variance instead of a special events permit.

Councilmember Saas questioned the last sentence in Ms. Taylor's letter, and are they against this property being rented out as a residence.

Mr. Taylor responded that this was to enforce it commercially.

Councilmember Mulvihill asked what the traffic levels are like.

Mr. Taylor responded it is not bad.

Councilmember Hanson stated that it appears the issue is with the zoning and feels if it was rented out to a family there would be more traffic and is he ok with that.

Mr. Taylor responded right now the impact is minimal and when the development ramps up it could get substantially more and that is part of our thought.

Councilmember Boston noted the definition of temporary from the Webster dictionary; feels the intent is temporary and it does fit the criteria of the code.

Mr. Taylor stated that Ryan Kohlmann has been great to work with and there is no personal beef.

Ryan Kohlmann, YarrowBay, Black Diamond – addressed some of the concerns heard. Commented on temporary and does not consider using this house as a construction office and YarrowBay would set up that office in The Villages until buildings on the Villages site can be constructed and then move the office to this site. Discussed the need to establish a presence here and there was no office space available for general offices, does not intend to use as a construction office, it's not right for that area. When there are buildings that can house general offices, we do intend to move.

Councilmember Goodwin asked Economic Development Director Williamson on general office space being available.

Economic Development Director Williamson stated areas in the City that are zoned

general office space in the City; it does not fit the category where Diamond Square is or where the Teriyaki place is, there is no current space available within the City that they could utilize as general office space.

Mayor Olness closed the public hearing at 7:46 p.m.

Councilmember Goodwin suggested condition being that any extension of the permit not allowed a general construction office use as part of that and further condition when suitable and reasonable space is available in general office space that YarrowBay will move within a reasonable amount of time.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to approve the YarrowBay Special Event Permit subject to those conditions for one year on permit #10-0012 for a period extending through November 4, 2010.

Councilmember Saas opposes on the basis of the permit being temporary and does not feel the length of time has been temporary.

Vote: Motion **passed** (4-1 Saas).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 10-716, authorizing a grant agreement with the Department of Ecology for Phase II Stormwater Permit requirement assistance

Public Works Director Boettcher reported the purpose of this grant is to provide additional assistance to the City of Black Diamond with Phase II of our Municipal Stormwater Permit requirements. The grant is expected to be used over the next two year. He identified the general categories in which the City intends to utilize the grant funds. The grant runs through June of 2012.

Councilmember Goodwin asked how much of the funding will be spent on consultants vs. being done by staff.

Public Works Director Boettcher responded for street sweeping and the Architect for the warehouse building.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No. 10-716, authorizing the Mayor to execute a grant agreement with the Department of Ecology for Phase II Stormwater Permit Requirement Assistance. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Public Works Director Boettcher updated Council on the Morgan Street Sidewalk Project and stated it should be wrapped up in a week and a half; paving tomorrow, then landscaping, striping, etc.

Economic Development Director Williamson updated Council on the bids received on the Police remodel. Discussed receiving two submittals with one not being a complete submittal so it had to be rejected, the other submittal was complete however it was \$60,000 over the budgeted amount. Working with Legal on who we can be the General Contractor and sub out the tasks.

MAYOR'S REPORT:

Mayor Olness reported she attended the Maple Valley Rotary meeting on October 22, she and Councilmember Boston went to the Association of Washington Cities Regional Dinner; meeting on Jails with Chief Kiblinger; Mayor's meeting with Buckley and Enumclaw; Suburban Cities Association meeting; observing in Court, Judge interviews; reminders Saturday November 6 is the Black Diamond Community Center Annual Dinner Auction; Sunday, November 7 at 2:30 p.m. a 30 minute ceremony to commemorate the 100 year Anniversary of the mine explosion; 18th Council meeting will be cancelled and then reschedule for November 23 following the Workstudy.

COUNCIL REPORTS:

Councilmember Mulvihill reported on the Public Safety meeting regarding the Engine 98-1 repairs are needed in the Fire Department. Cost to repair will be under \$23,000.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to authorize the repairs to Engine 98-1 Fire Engine, not to exceed \$23,000.

Councilmember Hanson asked if the Fire Department has another pump truck.

Fire Chief Smith replied yes, at other stations.

Councilmember Goodwin clarified on the budget from the Mayor.

Finance Director Mayor stated this amount would come from the fire reserves account where there is \$45,000.

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

Councilmember Goodwin reported last week he met with King County Metro Wastewater staff and distributed information and referred to the 3% increase in rates from 2011 and then again in 2012, he noted this amount is for debt repayment; staff and Councilmember Goodwin met with the Office of Surface Mining and the Department of Ecology related to the John Henry Mine, the Office of Surface Mining indicated no and the courts upheld the decision that they must reclaim. What impact will it have on

phosphorous loading and the discussion with Ecology; permit has not been re-issued and is set to expire in 2013; doing homework to see what risk we are at.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Brian Derdowski, 70 East Sunset Way, Issaquah – discussed the numbers not tracking on the stormwater grant; sewer hookup fees; seeing higher participation.

Ron Taylor, Black Diamond – commented on being behind the eight ball on fire services and feels it has been ignored for too long and encourages Council to make this a priority.

Val Jones, Black Diamond – commented he is not for YarrowBay.

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 (5-0).

The Consent Agenda was approved as follows:

Claim Checks – November 4, 2010, No.36220 through No.36259 (voided check No. 36329) in the amount of \$71,739.03

Minutes – Special Meeting Minutes of June 21 through June 24, June 28 through June 30, July 6 and July 7, July 14 and July 19 through July 20, Workstudy Notes of October 14, 2010 and Council Meeting of October 21, 2010

EXECUTIVE SESSION:


Mayor Olness announced an Executive Session at 8:14 p.m. to discuss potential litigation pursuant to RCW 42.30.110(1) (i) which was expected to last approximately 10 minutes, with no action to follow.

The regular meeting was called back to order at 8:25 p.m.


UNFINISHED BUSINESS: None

ADJOURNMENT:

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



Rebecca Olness, Mayor

ATTEST:


Rachel Pitzel, Deputy City Clerk