

BLACK DIAMOND CITY COUNCIL MINUTES
September 16, 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, Boston, Goodwin, Mulvihill and Saas.

ABSENT: None

Staff present were: Seth Boettcher, Public Works Director; Aaron Nix, Natural Resources /Parks Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS:

Peter Rimbos, Maple Valley – discussed not being able to attend the last City Council meeting and distributed copies of the handout from last week’s meeting by Mr. May from Mr. Rimbos.

Judith Carrier, Green Valley Road – discussed exparte communication.

Gwendolyn Vuckich, Black Diamond – commented on vandalism in cemetery and the approval of the 6,000 homes; increase in vandalism will occur.

Mayor Olness asked Ms. Vuckich to stop by City Hall with the names of the grave stones that were vandalized.

Melissa Oglesbee, Black Diamond – addressed bike rodeo permits; flag retiring and will bring back a list of ideas for volunteer events at the next Council meeting.

Monica Stewart, Black Diamond – commented that one of the issues before Council tonight is whether to have the development agreement approved by the Hearing Examiner or the City Council.

Mayor Olness stated no that is not on the agenda this evening and the Council is still in exparte communications and cannot hear anything regarding the MPD agreements.

Steve Garvich, Black Diamond – commented on the painted buildings on Highway 169.

Jack Sperry, Black Diamond – commented on Council meeting two weeks ago and the water level material he handed out and thanked Councilmember Goodwin and staff for their attention to this matter; discussed new water level today, it is now 10 inches above average.

Mayor Olness stated that staff has been working diligently on this and have run into road blocks.

PUBLIC HEARINGS:

Proposed Amendments to the Zoning Code

Community Development Director Pilcher reported that staff will not be asking for Council action this is for public comments only as we experienced technical difficulty at the City today and could not get the final ordinances needed for possible adoption. Noted areas that should not be considered due to a lack of quorum from the last Planning Commission meeting; so there is no recommendation from them at this time; noted major changes to the code (1) deleting all references to the SEPA process, as that is addressed in BDMC 19.04, (2) making all shoreline permits require Hearing Examiner review; and simplifying the various table located in this chapter, (3) Planning Commission recommends retaining Hearing Examiner Review of any proposed development agreement; the remaining amendments clean up erroneous cross references, resolve conflict, etc.

Councilmember Goodwin noted on page 3, not seeing a Community Financing District (CFD) and would this be appropriate; page 3 type 2 Administrative, need clarification.

Community Development Director Pilcher clarified that at the time it was drafted it was not approved by the State Legislature yet, and believes that is why it is not in there.

Mayor Olness opened the public hearing at 7:21 p.m.

Peter Rimpos, Maple Valley – commented on the Hearing Examiner not being taken out of the code.

Lisa Garvich, Black Diamond – clarification we are not removing the Hearing Examiner but is it clear in the code which ones he will hear and see.

Council referred Ms. Garvich to page three.

Jay McElroy, Black Diamond – stated he had a question on the Hearing Examiner.

Mayor Olness instructed Mr. Macheral that this is a hearing on the proposed amendments to the code and he could address this under public comments at the end of the meeting.

Jack Sperry, Black Diamond – confused on the shoreline and gave example of a person building a new home on a lot.

Community Development Director Pilcher responded single family homes are specifically exempt.

Mayor Olness closed the public hearing at 7:26 p.m.

Proposed Amendments to Chapter 19.04, Environmental Policy

Community Development Director Pilcher reported that the proposed amendments will (1) clarify the position of SEPA responsible official; (2) augment notification requirements for SEPA actions; and (3) delineate the fee and billing process to be used during the preparation of environmental impact statements.

Councilmember Hanson asked about what is a reasonable administrative fee in regards to page 4 section C.

Community Development Director Pilcher responded around a year ago we put in the provision code to grant the Mayor the authority to determine what these fees would be.

Mayor Olness opened the public hearing at 7:31 p.m.

Peter Rimbo, Maple Valley – commented on 19.04.300 section B paragraph 3, it appears staff is recommending the developer only pay 50 percent to prepare the EIS; what possible rational is there for a change, what can be gained and what can be lost by the City.

Lisa Garvich, Black Diamond – stated she does not see where it addresses anywhere in here retroactive; are these changes retroactive on the current MPDs.

City Attorney Bacha responded that procedural issues can be retroactive, but cannot tell you definitively if this will be applied retroactive.

Judith Carrier, Green Valley Road – questioned the public notice part C, thinks it is terrific and part D suggested having it posted on the website within ten days too; addressed section H and would like to have the mailing timed better so folks received the notice in a timely manner.

Mayor Olness closed the public hearing at 7:39 p.m.

Councilmember Hanson asked a question regarding SEPA fees.

Community Development Director Pilcher clarified a fee and a deposit is collected up front, the concept is to before commencing work at least 50 percent of the total project amount be paid by the applicant and then ask for replenishment from the applicant throughout the process.

Councilmember Goodwin stated the applicant is still responsible for 100 percent of the cost the only change is now the applicant must pay 50 percent down; they still much pay the whole thing.

PRESENTATIONS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 10-710, regarding Final Acceptance of the Railroad Avenue Improvements Project

Public Works Director Boettcher reported this is a formal action required by the Council that starts a 45-day waiting period to where an outside vendor, supplier or laborer would have an opportunity to file a claim against this project pursuant to RCW 60.28.011(2). After 45 days the retainage being held by the City can be release once the City has received certain documents.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No. 10-710, accepting the Railroad Avenue Improvements Project by J.R. Hayes and Sons according to the contract documents. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness reported that she attended the Suburban Cities Association networking dinner on redefining King County Metro Transit; attended Rainier Foothills Community Health Networking Steering Committee with Economic Development Director Williamson; attended King County budget meeting and it was all gloom and doom; Executive Office proposed cuts; State making 7 percent cut in budget in October; Council Workstudies on the 23rd on Tree preservation; September 30 first budget workshop, 29th Tri-City Council meeting; reminder on King County Animal Control has extended the deadline to get your pet license to Sept 30; closed Record Hearing continues on Monday, Sept 20 at 4 p.m. and Council is still in quasi judicial; announced technical difficulty with City email.

COUNCIL REPORTS:

Councilmember Mulvihill announced that Black Diamond Labor Days was a huge success.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Peter Rimbo, Black Diamond – discussed future hearings in front of the Hearing Examiner, does not understand why you cannot be present; commented on hearing on development agreements.

CONSENT AGENDA:

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

Claim Checks – September 16, 2010, No.36051 through No.36054, and No.36056 through No. 36107 (voided No. 36055) in the amount of \$227,621.47

Payroll – August 31, 2010, No.17231 through No. 17252 and ACH Pay in the total amount of \$271,501.95

Minutes – Council Meeting of September 2, 2010

EXECUTIVE SESSION: None
UNFINISHED BUSINESS: None

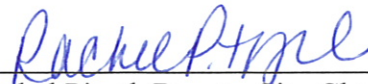
ADJOURNMENT:

A **motion** was made by Councilmember Boston 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