

BLACK DIAMOND CITY COUNCIL MINUTES

April 5, 2007

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 Sorci, Bowie, Cline, McPherson and Olness.

ABSENT: None

Staff present were: Rick Luther, City Administrator/Police Chief; Dan Dal Santo, Public Works Director; May Miller, Interim Finance Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS:

John Morris 29819 SE 392 Enumclaw (TRM Owner) addressed Council with regards to the possible move of his lumber yard TRM into Black Diamond. The area he is talking about is a parcel between Diamond Glen and Diamond Square. He would like to see the zoning of this parcel changed from residential to light industrial/commercial.

Shane Davies, 21333 SE 277th Place is concerned that his short plat project has been put on hold again and his having difficulty getting a response from the City as to where the project is at.

Mr. Davies also requested clarification on the B&O Tax the City imposes.

Mr. Combs responded that he would get information to him concerning the City's B&O Tax.

PUBLIC HEARINGS:

Ordinance No. 07-824, continuing a moratorium on mobile and manufactured homes

City Attorney Combs introduced proposed Ordinance No. 07-824 and explained that adoption of this Ordinance would allow for a six month continuation of the current moratorium on the landing of mobile homes or manufactured homes, except within previously approved and existing mobile home parks sites and upon commercially zoned property and except the placement of new manufactured homes within the City. Mr. Combs requested that Council adopt this ordinance.

Councilmember Sorci would like to see the ordinance state that any mobile or manufactured home landing be 1996 or newer.

Mr. Combs explained that staff had researched extensively on this issue previously and that is why 1986 or newer is reflected in the ordinance.

Mayor Botts opened the public hearing at 7:27 p.m. No public testimony was heard or received and the hearing was closed at 7:28 p.m.

Ordinance No. 07-824, continuing a moratorium on mobile or manufactured homes with exceptions

A **motion** was made by Councilmember Cline and **seconded** by Councilmember McPherson to adopt Ordinance No. 07-824, continuing a moratorium 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 and declaring this ordinance a public emergency ordinance and thus effective immediately. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 07-825, imposing a moratorium on accepting applications for Master Planned Developments, Subdivisions and Planned Unit Developments within the City

Currently the City is in the process of updating its Zoning Code and development regulations in compliance with the Growth Management Act in order to implement the Comprehensive Plan provisions.

Due to the complexity of some of the update elements it has taken the City longer to finish the Comprehensive Plan implementation steps. The Critical Areas Ordinance, Zoning Regulations and Public Works Standards updates are not yet completed, but is anticipated that the implementation regulations will be completed and adopted by December 31, 2007, if not sooner.

The City has many large undeveloped parcels that have consolidated into large tracts of land controlled by a few persons and if developed before the new development regulations are in place, could result in the development plan for the entire City that is contained in the Comprehensive Plan being severely compromised.

At this time the City does not have sufficient funding to hire staff, purchase equipment, or facilities necessary to handle increased development activity, but does anticipate funding for this within the next year, so until then it would be detrimental to allow further large scale master plan development and subdivision of properties within the City until the new development standards are adopted by the City.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Ordinance No. 07-825, imposing a moratorium on accepting applications for Master Planned Developments, Subdivisions and Planned Unit Developments within the City, and declaring this Ordinance a public emergency ordinance and thus effective immediately. Motion **passed** by a unanimous roll call vote (5-0).

Resolution No. 07-432, Anchor Environmental

City Administrator Luther introduced proposed Resolution No. 07-432 and explained to Council that adoption of this resolution would authorize Anchor Environmental to provide consulting services for the Lake Sawyer Boat Launch Improvements. We have asked the consultant to break this project into tasks and are asking for authorization to complete tasks 1 and 3 of the Scope of Work.

Under Task 1, work products would consist of preliminary program of elements and design criteria and a base map (based on available information). Task 3 work products consist of conceptual design plan, colored and to scale, including one cross section, conceptual level cost estimate, meeting minutes and concept plan for grant application.

With the completion of this first phase the City will then be able to apply for grant funds using the work products produced in Tasks 1 and 3.

Councilmember Bowie asked what 30% design means.

Mr. Luther responded that he believes this to be 30% of the original project.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-432, authorizing the Mayor to execute the consultant services agreement between Anchor Environmental LLC and the City of Black Diamond.

Councilmember Sorci would like to see the "BE IT FURTHER RESOLVED" paragraph removed from the resolution.

A **motion** was made by Councilmember Sorci and **seconded** by Councilmember Cline to add to the end of the motion “and delete the BE IT FURTHER RESOLVED paragraph from the resolution”. Motion **passed** with all voting in favor (5-0).

Vote: Main motion passed as amended (5-0).

Resolution No. 07-433, Catalyst Award Based Services

A **motion** was made by Councilmember Cline and **seconded** by Councilmember Bowie to adopt Resolution No. 07-433, authorizing the Mayor to enter into a Professional Services Agreement with Catalyst Award Based Services for providing planning assistance to the City. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-434, Lake Management Technical Services – King County

Councilmember McPherson introduced Resolution No. 07-434 and explained that last year the City had a one year with King County for this service. Adoption of Resolution No. 07-434, will allow for 2007 and 2008, that King County Water and Land Resources Division will provide services through the Lake Stewardship Program (KC-LSP) to the City of Black Diamond for monitoring water quality and quantity on both an annual and seasonal basis in Lake Sawyer and for measuring inlet streams water quality from January through May. Additional services such as technical assistance and education outreach for the City to citizens will be provided on an as-requested basis.

Monitoring will include assuring the quality of the compiled data and providing pertinent information on analyses, reporting back to the City and citizen volunteers, and providing technical assistance to the City and the public on questions concerning water quality results or problems.

The seasonal and annual monitoring elements will be covered by a flat fee on a per element basis with a total of \$5,275 for 2007 and \$5,403 for 2008.

This Agreement will be effective upon signatures by both Parties and will remain in effect until March 31, 2009.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Cline to adopt Resolution No. 07-434, authorizing the Mayor to enter into a Technical Services Agreement with King County to provide Lake Management Services to the City. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-435, PacWest Engineering

City Attorney Combs introduced proposed Resolution No. 07-435 and informed Council that this resolution authorizes PacWest Engineering to provide services to the City in

connection with the wholesale water agreement between the City of Tacoma and the City of Black Diamond.

Mr. Combs also recommended to Council to strike the last “BE IT FURTHER RESOLVED” paragraph from the resolution and recommends Council approval.

Councilmember Bowie thanked Mr. Dal Santo for truly making the Council aware of what chlorine contact time means.

A **motion** was made by Council member Bowie and **seconded** by Councilmember Sorci to adopt Resolution No. 07-435, regarding its intent to enter into a contract with PacWest Engineering of Washington, LLC for services in connection with the wholesale water agreement between the City of Tacoma and the City of Black Diamond. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Public Works -

Public Works Superintendent Dal Santo discussed with Council the bids he received concerning the plugging of the storm drains due to the recent storm in December and asked for approval to have the vactor truck pump these drains.

Councilmember Bowie asked if the costs in the proposal are daily costs.

Mr. Dal Santo responded that yes they are daily costs with the total amount being about \$30,000. He further noted that we do need to get this done as we are receiving complaints about the water coming over the road during heavy rains.

Councilmember Bowie agreed we need to get this done and noted that the City is lucky to have money in reserves to authorize Dan to move forward on this matter.

There was Council consensus for Mr. Dal Santo to move forward on getting the vactor truck to pump the plugged storm drains due to the recent storm in December.

Mr. Dal Santo also informed Council that the road patch on HWY 169 by Diamond Square did not meet state standards, so they overlaid it again and it still does not quite meet the standards. He has talked with the state and they feel with all the heavy traffic on the highway and with warmer weather coming that the patch would true itself out and is recommending that the City accept this patch as is and put it in a two year maintenance bond.

City Attorney Combs stated that we need to get them to put it in writing that this patch will true itself out and then it is okay to put this patch in a two year maintenance bond.

Administration –

City Administrator Luther informed Council that Horseshoe Lake is not pumping at this time. They pumped for a few days and then went to a different schedule. The turbidity stayed clear and the phosphorus up from the pumping site (up stream) was actually higher than at the pumping site.

The City did its due diligence on this issue and it worked out very well in the end and the County has now assigned a new staff member to work on a plan to resolve this issue so that pumping will not have to be done again.

Mr. Luther informed Council that Mary Ausburn resigned as Community Development Director and that he is trying to find an emergency replacement as well as a long term hire.

MAYOR'S REPORT:

Mayor Botts informed Council that he will be out of town April 13 – April 28 and that Councilmember Sorci will preside over the April 19th meeting.

COUNCIL REPORTS:

Councilmember McPherson discussed with Council the workshop he and Mayor Botts attended concerning Stormwater Management and outlined the different highlights of the workshop concerning low impact development.

ATTORNEY REPORT:

City Attorney Combs requested a 20 minute executive session on potential litigation with no action to follow.

PUBLIC COMMENTS: None

CONSENT AGENDA:

A **motion** was made by Councilmember Sorci and **seconded** by Councilmember Cline to adopt the Consent Agenda. Motion **passed** with all voting in favor (3-0). The Consent Agenda was approved as follows:

- 1.) **Minutes** – Council Meeting of March 15, 2007
- 2.) **Warrants** – April 5, 2007 No.29807, 29953 – 29959, 29960 through No. 30021 in the amount of \$132,193.99

EXECUTIVE SESSION:

Mayor Botts recessed the meeting at 8:29 p.m. for a 20 minute executive session on potential litigation with no action to follow.

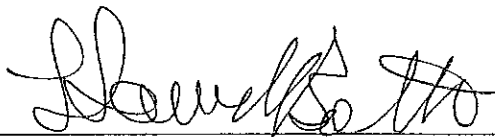
Mayor Botts announced a five minute continuance of the executive session.

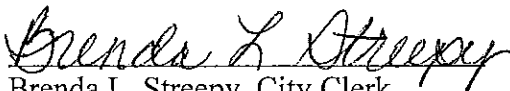
Mayor Botts called the reconvened the meeting at 8:52 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk