

BLACK DIAMOND CITY COUNCIL MINUTES

December 6, 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: Gwendolyn Voelpel, City Administrator; May Miller, Finance Director; Andy Williamson, Economic Development Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

Ordinance No. 07-842, Sewer Rate Increase

Finance Director Miller reported to Council that this Public Hearing will review the proposed 2008 Sewer Rate increase of \$2.60 for pass through Metro and Soos Creek actual rate increases. This amount includes the 2008 Soos Creek increase of .13 and a 2006 Soos Creek increase of .12 that was missed in 2006. It also includes the pass through Metro increase of \$2.35 for 2007 that was not included in last years ordinance. This will increase the base monthly amount from 2007 of \$44.23 to \$46.83 and the extra unit charge for those who use over 750 units from \$3.73 to \$3.98. The rate increase will not be retroactive, and will be effective January 1, 2008.

Ms. Miller further explained that this will true-up the Sewer Rates for pass through amounts to actual costs and also noted that the City portion of the rate is not being increased. Future rate studies will evaluate total Sewer Revenue against future operating and capital costs.

Mayor Botts opened the Public Hearing on the proposed 2008 sewer rate increase at 7:07 p.m.

There were no public comments and the Mayor closed the Public Hearing at 7:07 p.m.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Ordinance No. 07-842, amending Section 13.24.010 of the Black Diamond Municipal Code relating to sewer rates. Motion **passed** with all voting in favor (5-0).

Ordinance No. 07-843, 2008 Final Budget

Finance Director Miller stated that per State guidelines, the City of Black Diamond held a Public Hearing on the 2008 Budget on November 15, 2007 and December 6, 2007. Council also held workshops on November 8, 2007 and November 13, 2007. Using the input from these workshops and hearings Mayor and staff were able to prepare a balanced budget for 2008.

Mayor Botts opened the final Public Hearing on the 2008 Budget at 7:08 p.m.

There were no public comments and the Mayor closed the Public Hearing at 7:08 p.m.

Special Event Permit – Temporary Office Space, Yarrow Bay

City Attorney Combs reported recently the City received a Special Event Permit Application from Yarrow Bay to allow temporary office space in a single family residence located on Master Planned Development property.

On October 18th, 2007 Council adopted Ordinance No. 07-834, which regulates this type of event. Per Section 2.59.040 (2) City Council shall be responsible for approving this type of event after holding a public hearing.

Staff has reviewed this application and attached are their comments and conditions as well a written testimony received from Mr. & Mrs. Ron Taylor.

Mayor Botts opened the Special Event Permit Public Hearing at 7:11 p.m.

Ron Taylor 32110 Botts Drive, Black Diamond expressed to Council his concerns relating to this application. He feels that this is not a special event and should not be considered as one. He further noted that the Ordinance defines an event as temporary, but fails to define what temporary means and would like it clarified.

Robin Taylor 32110 Botts Drive, Black Diamond discussed that in reading the comments from Cliff Brown he states that exterior lighting should be installed. She stated that this would be an intrusion in their back yard as they like to enjoy the night sky. She further noted that Yarrow Bay has been occupying a different residence in the area for over a year and wonders why they are not applying to use this residence as it would be less intrusive.

David MacDuff Yarrow Bay, 825 Fifth Avenue, Kirkland explained that we (Yarrow Bay) has not seen any comment as of yet, but wanted citizens to know that they are trying to do the right thing and are open to suggestions in respect to night skies, parking and mitigation with neighbors. He also noted that they have done some planting to help with the dust issue but our open to ideas to mitigate.

Councilmember McPherson asked Mr. MacDuff if he could define temporary.

Mr. MacDuff explained that the function of this office is to be here while the City and Yarrow Bay are going the process and realistically it would be for a couple of years.

Councilmember Bowie stated that 3(d) of the application states the proposed end date of event is completion of processing of application for master plan community.

Mr. MacDuff clarified this to be when they have entitlement.

Councilmember Bowie asked if this structure would be open to the public.

Mr. MacDuff responded that there probably would be consultants and staff come through so it would not be exclusive to the three personnel, but wanted everyone to know that they would not be hanging a sign advertising.

Councilmember McPherson requested a ten minute recess.

Mayor Botts announced a ten minute recess at 7:36 p.m.

Mayor Botts announced another five minute recess 7:46 p.m.

Mayor Botts called the meeting back to order 7:51 p.m.

City Attorney Combs requested that this public hearing be continued until the December 20th Council meeting.

There was Council consensus for the Special Event Permit Public Hearing to be continued until the December 20th Council meeting.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 07-474, Waiving fee for Comprehensive Plan Amendment Requests

City Attorney Combs reported that the City of Black Diamond has begun a review of the 1996 Comprehensive Plan, which sets the vision and direction for development of the city. The breadth and scope of this review--including review of the land use map--has not been undertaken since the plan was first adopted by the City Council nearly 12 years ago.

The Planning Commission has already conducted several work sessions, joint Council-Commission study sessions and hearings on the matter. The City Council intends to complete the update by April 2008.

The City's fee schedule is authorized in BDMC 2.62.010 and is amended periodically by resolution. The latest fee schedule was adopted by the City Council on October, 19, 2006 (RES 06-406). The schedule included a fee of \$150 and deposit of \$500 per Comprehensive Plan amendment request.

Because of the length of time that has passed since the plan was adopted, many changes have occurred in the City that have not been appropriately documented. Therefore, it is recommended that the City Council waive the fee and deposits for the 2008 annual amendment cycle only. Thereafter, appropriate fees and deposits will be collected by the City.

It is staffs recommendation to adopt this resolution.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-472, modifying the application fee for the 2008 Comprehensive Plan Amendments Applications. Motion **passed** with all voting in favor (5-0).

Ordinance No. 07-844, Relating to 2008 Comprehensive Plan Process

City Attorney Combs explained that the City of Black Diamond has begun a review of the 1996 Comprehensive Plan, which sets the vision and direction for development of the city.

BDMC 16.60.040(B) requires that amendments be accepted between October 1st and December 1st in order to be considered for the next year's Comprehensive Plan amendment process.

BDMC 16.60.040(C) requires that the City Council conduct a public hearing to determine which of the applications shall be initiated prior to April 1st.

BDMC 16.60.040(E) requires the Planning Commission to submit written findings and recommendations prior to August 1st.

The Planning Commission has already conducted several work sessions, joint Council-Commission study sessions and hearings on the matter. The City Council intends to complete the update by April 2008.

It is recommended that the portions of the Municipal Code related to Comprehensive Plan amendment timelines be suspended for the 2008 amendment cycle only to allow the citizens an opportunity to forward their requests and for proper evaluation of such

requests by the City of Black Diamond. Without this action, Comprehensive Plan amendment requests would not be implemented until 2009.

Mr. Combs clarified that this only extends the 2008 amendment cycle and the City will be doing a mass mailing to all property owners within the City limits to remind them of the January 4th deadline for submitting Comprehensive Plan Amendments.

He also noted that a public hearing will be held on January 17th on the Comprehensive Plan Amendment Applications.

A **motion** was made by Councilmember Cline and **seconded** by Councilmember Sorci to adopt Ordinance No. 07-844, relating to the 2008 Comprehensive Plan Amendment process and amending Black Diamond Municipal Code Section 16.60.040. Motion **passed** with all voting in favor (5-0).

Ordinance No. 07-845, Amending BDMC Section 2.16.030, exempting Police Chief from Civil Service.

City Attorney Combs informed Council that this is a cleanup item as earlier this year we changed the code that relates to the Police Chief being civil service. Unfortunately when we were reviewing the code book there is another section that relates to the Chief being under Civil Service, so this is a housekeeping item that is in lined with what was adopted earlier this year.

A **motion** was made by Councilmember Cline and **seconded** by Councilmember Olness to adopt Ordinance No. 07-845, amending Black Diamond Municipal Code Section 2.16.030 to exempt the Chief of Police from Civil Service. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Botts announced that there will be a Council workstudy on December 11th, 2007 at the new City office located at 24301 Roberts Drive at 7:00 p.m.

He also reminded everyone that City Hall will be moving to the new location on December 14th and will be up and running on the 17th of December.

COUNCIL REPORTS:

Councilmember McPherson requested an update on Mr. Rhodes and his parking issue.

Commander Kiblinger responded that she has met with Mr. Rhodes and he is temporarily being allowed to park in the rear on City property. Mr. Rhodes will be installing a mirror to aid in the site issue that arose from parking his work truck on 3rd Avenue.

Councilmember Bowie reported that that the Utility Committee and discussed proposed amendments to the Water System Plan Update.

He also requested that the City of Black Diamond schedule a meeting or workstudy to discuss future growth and needs with Kent, Tahoma, Enumclaw and Auburn School Districts.

ATTORNEY REPORT:

Mr. Combs reported to Council on the SEPA Processing Agreement. A month ago Council authorized the commencement of the SEPA process and we have a proposed a SEPA Processing Agreement to Yarrow Bay and it should be forthcoming in the next few days.

He also noted that the 1st quarter of 2008 will be very busy for both Councilmember and Planning Commission members as we try to get the Comprehensive Plan amendments and Zoning up and running.

PUBLIC COMMENTS: None

CONSENT AGENDA:

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

- 1.) **Minutes** – Council Meeting of November 15, 2007
- 2.) **Claim Warrants** – December 6, 2007, No.30904 through No. 30966 in the amount of \$149,237.84

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting for an Executive Session at 8:28 p.m. to discuss a personnel issue pursuant to RCW 42.30.110(1). No action was anticipated as a result of the Executive Session, which was expected to last twenty minutes.

The regular meeting was reconvened at 8:50 p.m.

ADJOURNMENT: