

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**June 21, 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; Judge Platter; Jamey Kiblinger, Police Commander; Greg Smith, Fire Chief; Loren D. Combs, City Attorney; Kaaren Woods, Court Administrator; and Brenda L. Streepy, City Clerk.

**PUBLIC COMMENT:** None

### **APPOINTMENTS, PRESENTATION, ANNOUNCEMENTS:**

#### **Auburn Paranormal Activities Research Team (A.P.A.R.T.)**

Regan Vacknitz founder of A.P.A.R.T. asked Council for permission to do a night time investigation on paranormal activity at the Black Diamond Cemetery. Ms.Vacknitz also explained that they would be willing to do a PowerPoint presentation on their findings and would also volunteer time in the cemetery on beautification projects.

There was Council consensus to allow A.P.A.R.T. to do a night time investigation on paranormal activity in the Black Diamond Cemetery and to report back to Council on their findings.

#### **Lake Sawyer Park Development Concept Plan**

Brian Bowden, National Park Service presented to Council the review draft of the park plan. Mr. Bowden explained that in the late 1990's King County purchased 165 acres of land on the south shore of Lake Sawyer. King County and the City of Black Diamond negotiated an open space agreement that allowed for the Lake Sawyer Park site to count toward the Black Diamond urban growth area open space requirements and in April, 2006, 150 acres were transferred at no cost to the City of Black Diamond. King County

retained 15 acres from the original 165 for the future development of a regional trailhead parking area.

Mr. Bowden further noted that legal conditions and requirements transferred to the City along with the property require the City to finalize and adopt a plan, develop for active regional recreation, manage the property around Frog Lake for open space purposes, maintain a trail route through the property with specific functions and to not discriminate between city and non-city residents with respect to the imposition of any user fees.

To be in compliance with the legal conditions and requirements the City submitted a grant application to the National Park Service for technical planning assistance to prepare a development concept plan for Lake Sawyer Park and to help organize a public involvement component. The grant application was successful and planning began in the spring of 2006.

The draft Lake Sawyer Park Develop Plan is now complete. The next step in the process is to get Council authorization to release the draft plan for public review and comment.

Councilmember Olness thanked Mr. Bowden for the hours he has spent on this project.

Councilmember Olness recommended authorizing the draft plan be released for a 30 day public review and comment period.

There was Council consensus and Mr. Bowden was directed to release the document for the 30 day public review and comment period.

## **UNFINISHED BUSINESS:**

## **NEW BUSINESS:**

### **Ordinance No. 07-830, Adopting 2006 Building Codes**

Auburn Building Official Jim Tinner introduced this proposed ordinance and reported that the Legislature has established the State Building Code Council (RCW 19.27.031) to require the application of uniform construction codes for the state. The Legislature has adopted the 2006 International Codes as the new “minimum” construction codes for the State of Washington. The new International Codes become effective July 1, 2007 and must then be adopted and enforced by local jurisdictions statewide.

As a local jurisdiction in the State of Washington the City of Black Diamond desires to comply with mandated enforcement of the newly adopted codes effective July 1, 2007. The draft ordinance will adopt the new International Codes and repeal the International Codes presently adopted in BDMC Title 15 and add a new section 15.04.040 regarding a Board of Appeals.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Ordinance No. 07-830, adopting the 2006 International Building Codes and adding a new section 15.04.040 to the Black Diamond Municipal Code regarding a Board of Appeals. Motion **passed** with all voting in favor (5-0).

#### **Resolution No. 07-449, Building Services Fee Schedule**

Mr. Tinner explained to Council that the City charges for building permit applications and related building services and from time to time this schedule needs to be amended to reflect the reasonable costs for said services and attached to the resolution is the newly revised Building Services Fee Schedule.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-449, adopting a new Building Services Fee Schedule. Motion **passed** with all voting in favor (5-0).

#### **DEPARTMENT REPORTS:**

**Police** - Commander Kiblinger passed out the May crime stats and reported that all cars have been surplused.

Councilmember Olness asked what has been the marine patrol emphasis during the nice weather we have experienced lately.

Commander Kiblinger responded that there has not been much activity lately.

**Administration** – Administrator Luther reported on the frontage improvements along Highway 169 and reminded Council that at the last meeting they discussed maybe putting this money in to a fund and utilizing at a later date when the vision for Highway 169 has been addressed. Mr. Luther now recommends that the City move forward with having the business owners do these improvements.

There was Council consensus and Mr. Luther was directed to move forward with this issue.

Administrator Luther also informed Council that the City has received the signed Interlocal Agreement with the City of Auburn for providing plan review and inspection services to the City.

Mr. Luther thanked Mr. Tinner for volunteering his own time to help the City prepare the ordinance and resolution concerning the adoption of the 2006 UBC Codes and the building fee schedule.

Councilmember McPherson inquired about the status of the Library building permit.

Mr. Luther reported that the plans are back from the building inspector and are now with the fire department and will be reviewed by the planner and public works superintendent and should be done within the next 7 to 10 days.

**Court** - Court Administrator Woods gave a brief overview of the conference her and the Judge attended in Pasco. She also reported that the Court has decided that Monday's are not the best day for court and have changed all court dates to Wednesday, which seems to be working better. Ms. Woods invited all Councilmembers to attend a court session to see how things are going and would appreciate any feedback they might have.

### **MAYOR'S REPORT:**

Mayor Botts informed Council that he has received Cris Kandior's resignation. The City will be presenting Ms. Kandior with a plaque honoring her 28 years of faithful and dedicated service to the City.

### **COUNCIL REPORTS:**

Councilmember Olness reminded everyone that this Saturday morning is the Grand Opening of the Community Gym and hopes that everyone will attend.

Councilmember McPherson updated everyone on the Water Resource Inventory Areas (WRIA) 9 meeting he attended.

### **ATTORNEY REPORT: None**

### **PUBLIC COMMENT: None**

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Sorci 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 July 6, 2006 and June 3, 2007
- 2.) **Warrants** – June 21, 2007 No.30266, 30267, 30209, 30268 through 30320 for \$423,986.70
- 3.) **Resolution No. 07-450**, Amendment #1, to Ridolfi Inc. Prof. Services Agreement

### **EXECUTIVE SESSION:**

Mayor Botts recessed the meeting at 8:21 p.m. for a 30 minute executive session on potential litigation with possible action to follow.

Mayor Botts reconvened the meeting at 8:51 p.m.

## **Resolution No. 07-451, Staff and Facilities Funding Agreement**

City Attorney Combs presented this proposed resolution and explained that the vision of Black Diamond is now starting to become real. Tonight we have another step in that process, a partnership with a large developer who wants to help bring the City's vision to reality.

Mr Combs stated currently the City is under staffed and the developer realizes that the City can not do the basic core services that are needed. Over the past few months Mr. Luther and himself have been working with the developer to help the City provide and hire for those core services. YarrowBay is operating on good faith and has come up with something that makes financial sense to them in helping the City grow. To highlight a few things from the agreement, they (YarrowBay) agreed to fund up to two million dollars a year on core city staff by advancing the money to the City and putting up 10 million dollars worth of collateral and will fund up to \$15,000 a month for furniture, equipment and office space. Another good example is the definition of Legal Costs. Where not only are they funding the things agreed to that are associated with the stuff the City will do to help them, but they have even agreed to fund stuff that really helps the Moms and Pops as well. For example, being able to put together a system of checklists that everyone who comes to City Hall will be able to benefit from, whether they came in to apply for a lot line adjustment of some other kind of minor permit. YarrowBay has agreed to fund this because it is what is needed to make the City functional. Mr. Combs introduced John Hempelmann.

John Hempelmann, YarrowBay Attorney reported to Council that he has been working at this since 1992 and wants to see our vision happen. Mr. Hempelmann further noted that Mr. Combs has accurately described the agreement and touched on all the major points within it. He stated YarrowBay doesn't have to enter into this agreement, but wants to because the City can't realize the vision and YarrowBay can not proceed with their MPDs and achieve the vision unless the City has adequate core staff. He then thanked City Attorney Combs and Michael Burnett his colleague for being available to make the changes and see this through

Mr. Hempelmann stated that it was YarrowBay's intent that the reimbursement pertain to land use permits only and feels that the exemptions have been stated very clearly. He then clarified the EIS process and how it runs concurrently and an environmental appeal may slow the process down, but not like it did in the earlier years. Mr. Hempelmann stated that the default provisions in this agreement were solid.

City Administrator/Police Chief Luther explained that the language on the appeal actually starts from an earlier draft, so we left this in.

Councilmember Bowie asked that the agreement defines land use permits.

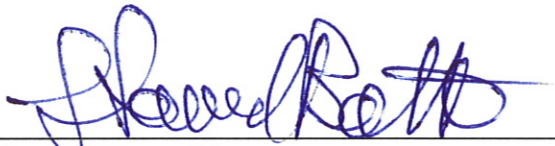
City Attorney Combs stated that we would have to define it, so there is no room to interpret it. Mr. Combs recommended that the City try to define what we want it to include and suggested that Council consider adopting the agreement subject to the changes on page 9.

A **motion** was made by Councilmember Sorci and **seconded** by Councilmember McPherson adopting Resolution No. 07-451, Staff and Facilities Funding agreement with changes noted to permit language on page 9. Motion **passed** with all voting in favor (5-0).

### **ADJOURNMENT:**

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

ATTEST:

  
Howard Botts, Mayor  
Brenda L. Streepy, City Clerk