

BLACK DIAMOND CITY COUNCIL MINUTES

October 4, 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; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

Ordinance No. 07-838, Continuation of a Moratorium on Manufactured Homes

City Clerk Streepy introduced proposed Ordinance No. 07-838 and reported that adoption of this Ordinance would allow for a six month continuation of the current moratorium already in effect within the City.

Mayor Botts opened the public hearing at 7:05 p.m. No oral or written testimony was heard or received. Mayor Botts closed the public hearing at 7:05 p.m.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Ordinance No. 07-838, continuing a moratorium on the landing of mobile homes or manufactured homes with exceptions and declaring this ordinance a public emergency and thus effective immediately. Motion **passed** with a roll call vote being taken and all voting in favor (5-0).

Ordinance No. 07-837, Continuation of a Moratorium accepting applications for Master Planned Developments, Subdivisions and Planned Unit Developments within the City

City Clerk Streepy reported that 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 March 31, 2008, 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.

Mayor Botts opened the public hearing at 7:07 p.m.

Lori Zeimann, Kent Washington would like to make sure that public has a chance to voice their concerns about development before and after the moratorium is lifted.

Bill Seimann, neighbor of Black Diamond asked if adoption of this proposed ordinance is to allow the City more time to study what the future needs of the City will be.

Pat Vukich wondered if Section 1 of the ordinance is a new section.

Mayor Botts responded that it was brought into effect a while ago.

Mr. Vukich expressed that passage of this ordinance would be a hardship as he is trying to sell his property and this would affect the sale. He feels the City is going in the wrong direction and he is not the only property owner that would be affected by this moratorium.

In response to the opposition City Attorney Combs explained that now since the funding agreement is in place the City now has the funds to hire the personnel needed to keep the regulations moving forward and that substantial steps have been made to implement legislation and it is anticipated that completion of these regulations will be in the first quarter of next year.

Mayor Botts closed the public hearing at 7:19 p.m.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Sorci to adopt Ordinance No. 07-837, continuing 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** with a roll call vote being taken and all voting in favor (5-0).

Draft Critical Areas Ordinance

Mayor Botts opened the public hearing at 7:22 p.m.

Mayor Botts entered into the record two written public comments that were received by Ron Speers and Gary Jensen on the draft critical areas ordinance.

Joan Burlingame 25119 SE 262nd Ravensdale, expressed that she is usually thrilled with Critical Areas Ordinances but is concerned with the categories that are used in this one as it is old language that is no longer used. She further noted that there will be problems when it comes to review time and would suggest that the document be modified to meet the current standard practice.

Kevin Pierotti Renton Washington explained that his family owns property in Black Diamond and has had conversations with Jason Paulsen about the expansion of their property for commercial use. He would like to have the chance for his consultant to review and comment on this proposed ordinance as it might affect the plans they have for the property.

Pat Vukich stated that he agrees with the previous speaker as this is such an important piece of documentation and feels that it is necessary to be able to comment on this at a later date.

Councilmember McPherson expressed that he is very concerned with critical areas and it is his hope that the City can preserve as much environmental areas as possible.

Gary Jensen, Black Diamond said that he has read through the draft critical areas ordinance and noted that his family is involved in agriculture at their home and feels the 100ft setback is extreme and would like Councilmembers to look at his comments that were submitted.

Les Banchemo, Enumclaw Washington a property owner near Boots tavern said that he has not had time to read over this document but does believe that wetland areas and wildlife should be preserved as well as agriculture. He also feels that a 100ft buffer is extreme for what the nursery is trying to do and would like Council to consider a 25ft buffer in some instances as that may be more appropriate.

Joan Burlingame 25119 SE 262nd Ravensdale explained to Council that she has had a lot of opportunity to work with other communities who allow a shorter buffer for agriculture.

Bill Seimann had questions on Chapter 19.52 regarding the settling of an area outside the City limits and had concerns that if this area was opened for development it may effect the City of Black Diamond in regards to the stability of that area for development

Mayor Botts closed the public hearing at 7:41 p.m.

EXECUTIVE SESSION:

Mayor Botts recessed the meeting at 7:41 p.m. for a 30 minute executive session concerning a personnel issue with no action to follow.

Mayor Botts called the meeting back to order at 8:13 p.m.

UNFINISHED BUSINESS:

Ordinance No. 07-834, Special Event Permits

City Attorney Combs re-introduced proposed Ordinance No. 07-834. Mr. Combs reported that this ordinance is different than the one from the last meeting as the previous one was vague in some areas. He brought to the attention of the Council section 2.59.010 concerning the use of property in a master planned community. He explained that he has plugged in language that would allow temporary office space on master planned development property.

Councilmember Sorci felt that events of a business nature should not be handled through a special event permit.

Councilmember Bowie is concerned with dropping a business use in the middle of a residential zone.

Councilmember Sorci feels that an event is not on going, but an event that takes place for a week or less.

David MacDuff, Yarrow Bay explained that currently Yarrow Bay is land owners in the City and there is a need to have office space in the community. They anticipate that their staff who currently is at three would like to be based in the community where they will be building. Yarrow Bay did try to locate there offices on other property in town, but found out that the current zoning did not allow for this type of use. He expressed that Yarrow Bay would be more than happy to talk with neighbors surrounding the area to make sure that this would not adversely affect the surrounding property owners.

Councilmember Bowie requested that fire be added to sections 2.59.040 and 2.59.060.

Councilmember Sorci strongly supports that this type of use go through a formal hearing process.

Councilmember Olness questioned whether we should have a provision that waives the application fee for certain events with proper documentation.

Councilmember Sorci would like to have no application fee, but would like to see a penalty assessed if you do not obtain a permit.

There was Council consensus for Mr. Combs to incorporate the noted changes into the document and bring before Council at the next meeting.

NEW BUSINESS:

Ordinance No. 07-839, 2007 Budget Amendment

City Administrator Luther explained that this issue specifically details two positions within the City and this change is in part due to the new structure of the City's Wage and Salary schedule. Mr. Luther noted that salaries addressed in the City's new Wage and Salary schedule will not receive COLA's in 2008.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Ordinance No. 07-839 amending the budget for the calendar year 2007 by adopting a supplemental wage and salary schedule. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-462, Interlocal with State Archives and Records Management

City Clerk Streepy reported that currently the City of Black Diamond retains all original ordinances, resolutions, and minutes since its incorporation as a city in 1959. The minutes are in permanent-post bound and three- ring binders on shelving in City Hall and ordinances and resolutions are in file folders which are kept in the backroom in a filing cabinet. There is currently no back-up copies or security microfilm available for any of our original records. If a disaster were to occur there is a potential that the City would lose all these essential records.

In April of 2007 the City Clerk was authorized to apply for grant funding from the Washington State Archives Division. On September 28, 2007 the City was notified that they were a grant recipient of the 2007-2009 Washington State Archives Local Records Grant Program for the amount of \$3,205.

This project will solve a critical records need to preserve and protect historical and vital documents. Security microfilm will serve as our much needed security back-up in case of a records disaster. Electronic images of the City's ordinances, resolutions and minutes will be named by type and date, thus allowing for quicker retrieval and access. The images will be delivered to the City on an external hard drive and uploaded onto the City's server, which is backed up daily. The external hard drive will serve as the City's electronic back-up and will be stored off site.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-462, authorizing the Mayor to execute an interlocal agreement between the State of Washington, Office of the Secretary of State, Archives & Records Management Division and the City of Black Diamond for document preparation and imaging services. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-463, Accepting Skate Park Project

Utilities Superintendent Dal Santo reported that in 2006 the City was awarded a Community Development Block Grant (CDBG) to construct a Skate Park Facility. On April 27th, 2007 advertisement was made for bids on the project. Five bids were received, the lowest responsible bid coming from Rainbow Park and Playground. Construction on the facility began in July 2007 with completion on July 23, 2007.

The next and final step is to formally accept this project as complete.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Resolution No. 07-463, accepting the Skate Park Project. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

City Administrator/Police Chief Luther announced to Council that he has decided to retire at the end of 2007 and explained that the City is moving quickly to try and replace him before time runs out. He believes that we have been very fortunate in the past few weeks in our search and would like to introduce to Council our potential City Administrator Gwendolyn Voelpel. He explained that we will be coming back to Council on the 18th of October for confirmation.

Ms. Voelpel expressed to Council and citizens that she is honored to be here and is very impressed as to what the City has done in the past.

MAYOR'S REPORT:

Mayor Botts extended a warm welcome to Ms. Voelpel and noted that she impressed him as someone very interested in a small town city and is looking forward to having her as an addition to the City.

COUNCIL REPORTS:

Councilmember McPherson reported on a meeting he attended concerning Horseshoe Lake and noted that the crew has been monitoring the Lake.

ATTORNEY REPORT:

City Attorney Combs reported that the prosecutor filed charges on the man who was installing cameras for Yarrow Bay's traffic study and his court date is scheduled for next week.

PUBLIC COMMENTS: None

CONSENT AGENDA:

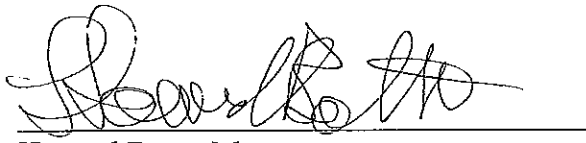
A **motion** was made by Councilmember Sorci and **seconded** by Councilmember Cline to adopt the Consent Agenda. Motion **passed** with all voting in favor (?-0). The Consent Agenda was approved as follows:

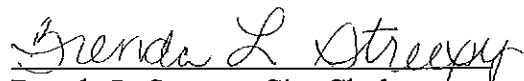
- 1.) **Minutes** – Council Meetings of September 6, 2007 and September 20, 2007
- 2.) **Claim Warrants** – October 4, 2007 No. 30683 through 30738 in the amount of \$39,446.35

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