

BLACK DIAMOND CITY COUNCIL MINUTES

July 7, 2011

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 Goodwin, Boston and Saas.

ABSENT: Councilmembers Hanson and Mulvihill (excused).

Staff present were: Steve Pilcher, Community Development Director; May Miller, Finance Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to change the order of the Agenda to allow for presentations before public comments and to also remove agenda item number 3 from tonight's agenda. Motion **passed** with all voting in favor (3-0).

PRESENTATIONS, ANNOUNCEMENTS, APPOINTMENTS:

Presentation – David Morris, GM Pacific Coast Coal Company (John Henry Mine No. 1) – updated Council on the upcoming mining, he specifically gave details regarding remaining coal reserves, planned annual production, average truck traffic, peak truck traffic, truck routing, mining timing, reclamation plat, reclamation timing, employment, blasting, markets, cultural impact and planning conflicts. Mr. Morris added he would like to see if Council will give their support to the mining and also see if they will send a letter of support to the resumption of mining at the John Henry mine for the next five years to the Office of Surface Mining (OSM). He noted that the projected startup date is in October, discussed requirements regarding stormwater and ground water monitoring.

PUBLIC COMMENTS:

Ron Taylor, Black Diamond – commented he was representing the Planning Commission and which discussed item regarding Urban Agriculture. The Planning Commission held a public hearing and noted there was not a lot of input and the input they received was positive and the Planning Commission decided to forward to Council with a recommendation of approval. The second item is regarding signs, most of the comments received at the public

hearing were to reduce government control and be friendly to businesses and in general support to forward with a recommendation of approval.

Lisa Garvich, Black Diamond – commented on Mr. Morris’ presentation that a notice was posted Voice of the Valley as she does not subscribe to that paper; has concerns about 288th construction and trucks using the road and asked if the weight limit has ever been resolved.

Cindy Wheeler, Black Diamond – commented on the Morris mine notice; she commented it is frustrating to her to be emailed an agenda and to only find out that once you get to the meeting a motion has been made to pull that item from the agenda.

Cindy Proctor, Enumclaw – commented on Tri-party agreement and the legal costs the school district incurred in negotiating the agreement.

Robert Edelman, Black Diamond – commented he sent second letter to city regarding the agenda item that was pulled from tonight’s agenda and feels they deserve an explanation.

Ginger Passarelli, Black Diamond – commented that she appreciates the important work that the councilmembers do with little compensation; thanked them for working so hard for the city and she appreciates it.

PUBLIC HEARINGS:

Proposed 2012-2017 Capital Improvement Plan

Finance Director Miller reported she is pleased to present to Council tonight the proposed 2012-2017 Capital Improvement Plan (CIP). Every year there are minor changes to the plan and she noted it has gone through committees and also two workstudies. She noted the only dollar change from the two workstudy sessions is a \$440,000 reduction in the Springs WSFFA project. She added the adoption of the CIP is required to apply for federal, state or local grants.

Mayor Olness opened the public hearing at 7:34 p.m.

Robbin Taylor, Black Diamond – commented the Capital Improvement Plan is a wish list and encouraged the City to not look at the Fire Department as another department they can look at down the road; She asked that Council please consider seriously looking at the Fire Department as not a wish list as it is a necessity and the city’s responsibility to provide adequate services.

Erika Morgan, Black Diamond – commented how much coordination has happened that interlaces and creates, cohesive and integrated old Black Diamond with the upcoming developments, so it makes sense. They were promised a planned urban development which included the whole area of Black Diamond.

Jack Sperry, Black Diamond – commented he was concerned with project S-3 in the plan, in the description it notes the developer will be building an interim lift station on The Villages and noted it is not actually on The Villages property, but on Palmer Coking Coal (PCC)

property. He stated what is in the plan is a \$400,000 effort to do some design and right of way work and the comment says the City is taking on the lead role with this project. He asked if this will be paid solely by the developer funds or will the City be on the hook for any of the money.

Ron Taylor, Black Diamond – commented that he appreciates the comments on the Fire Department and stepping up to some of those items and urged Council to remember we can't count on development and impact fees to get us out of a hole. Per state law we can only have them pay for their impact not the current deficiency the City is experiencing.

Mayor Olness closed the public hearing at 7:43 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 11-962, relating to agriculture in the Single-Family Residential Districts, R4 & R6; amending BDMC 13.30.010 relating to the intent of Single-Family Residential District; amending BDMC 18.30.020 to permit agricultural uses in Single-Family Residential Districts; amending BDMC 18.50.060 relating to fences and walls in Single-Family Residential Districts; providing for severability; and establishing an effective date

Community Development Director Pilcher reported this was an item that was forwarded to the Planning Commission by the Planning and Community Services Committee to consider potential zoning code amendments that would encourage all forms of agricultural activities in residential zones.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Boston to adopt Ordinance No. 11-962, relating to agriculture in the Single-Family Residential Districts, R4 & R6; amending BDMC 13.30.010 relating to the intent of Single-Family Residential District; amending BDMC 18.30.020 to permit agricultural uses in Single-Family Residential Districts; amending BDMC 18.50.060 relating to fences and walls in Single-Family Residential Districts; providing for severability; and establishing an effective date. Motion **passed** with all voting in favor (3-0).

Ordinance No. 11-964, relating to temporary signs; amending BDMC 18.82.020 relating to sign code definitions; amending BDMC 18.82.050(a) relating to general regulations for signs; amending BDMC 18.82.050(h) relating to sandwich board signs; amending BDMC 18.82.060 relating to temporary signs; providing for severability; and establishing an effective date

Community Development Director Pilcher reported after the Kummer Bridge on 169 reopened to traffic in the summer of 2009, the City Council adopted an ordinance which amended the sign code to allow greater use of banners and other forms of temporary signs. Earlier this year the Council was approached by several business owners asking the City to consider allowing greater use of temporary signs on a continual basis. The Council directed the Planning Commission to formulate a recommendation, which it has done. The proposed

code change will allow the use of one sandwich board sign per business, allow the use of banners a maximum of 180 days per calendar year and generally, no longer than 30 days at a time; continue this prohibition on the use of pennants and other wind-blown devices.

Councilmember Goodwin stated his concern with having the resources for enforcement. Would like to see a time limit put on this ordinance and suggested the end of the year.

Councilmember Boston stated advertising should be a part of each business plan.

Councilmember Goodwin stated that it was Council's consensus for staff to come back with a new ordinance that has a sunset date.

DEPARTMENT REPORT: None

MAYOR'S REPORT:

Mayor Olness reported that on June 24 she attended retirement party for Judith Black, Executive Director of the Black Diamond Community Center and declared that day Judith Black Day; June 28 met with King County Library regarding establishing a library advisory board, city will be participating in a book cover tour and congratulated the King County Library; attended the Growth Management meeting; met with Enumclaw School District superintendent regarding Rachel's Challenge; July 2 attended the re-opening of Wild Waves; met with Joe Fain on how he can help Black Diamond in the next legislative session; reclassification of the City's fire rating.

COUNCIL REPORTS:

Councilmember Goodwin reported that a few meetings ago, Trip Hart was here talking about the domestic violence issues, they had a function at St. Elizabeth Hospital in Enumclaw and the speaker (Maggie Baker) was very impacting, Mr. Goodwin stated this is a large issue and there will be three important upcoming events: 1) National Night Out, 2) Rachel's Challenge and 3) Purple Lights. Mr. Goodwin also gave a report on the Regional Water Quality Committee meeting he attended.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Danielle Bricker, Black Diamond – thanked Council from their careful consideration of the sign code and reported they do have an agreement from the landlord on signage. Commented on sign height limitation and may need Council to take this into consideration when they take this issue up again.

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 (3-0).

The Consent Agenda was approved as follows:

Claim Checks – July 7, 2011, No. 37105 through No. 37151 (voided No. 37109) in the amount of \$95,867.42

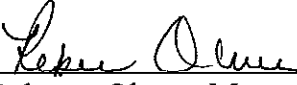
Minutes –Workstudy Notes of June 9, 2011 and Regular Council Meeting of June 16, 2011 and Workstudy Notes of June 23, 2011

EXECUTIVE SESSION: None

ADJOURNMENT:

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adjourn the meeting. Motion **passed** with all voting in favor (3-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk