

BLACK DIAMOND CITY COUNCIL MINUTES

April 1, 2010

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 Hanson, Goodwin, Boston, Saas and Mulvihill.

ABSENT: None

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

PUBLIC COMMENTS:

Richard Pierstraski, Black Diamond – commented on the reasons of importance for City Council to avoid rushing to any decisions on the proposed YarrowBay developments.

Bob Edelman, Black Diamond – commented on a question regarding the change in the Parametrix contract and a statement that was made at the last Council meeting where Councilmember Hanson was asked to be recused and wondered what happened with that.

Councilmember Hanson stated that she was not asked to be recused.

Mayor Olness replied that Councilmember Hanson was asked to disclose information as all Councilmembers have been asked and have done so before we get in to deliberation, any Councilmember will have to disclose and then it will be up to us to decide if anyone has to recues themselves.

Mr. Edelman asked what the process is for requesting recusal.

City Attorney Bacha clarified the process.

Sean Taeschner, Black Diamond – stated that he had two comments, 1) Chief of Police and staff and being very impressed with them as well as the Public Works Department and how hard they work and 2) Commented on the removal of trees for development.

City Attorney Bacha advised that the last comment by Mr. Taeschner goes into testimony that was heard at the hearings and cautioned Council.

Mayor Olness stated that Council needed to be careful as they are still in a quasi-judicial state and they have not received any information from the hearings at this point.

Robert Taeschner, Black Diamond – questioned if the Council read or listened to all the comments regarding the YarrowBay plans for this area and hopes they will listen to the citizens before considering anything that will affect us all.

Vicki Harp, Black Diamond – commented on what a fine job the Police Department does.

Cindy Proctor, Black Diamond – commented on the March 4 meeting and the vote for disapproving King County and also commented on the minutes for that meeting.

City Attorney Bacha responded and clarified the requirements of the minutes.

Vicki Harp, Black Diamond – commented on the context of the March 4 minutes.

Cindy Proctor, Black Diamond – commented on technical difficulties.

Sheila Hoefig, Black Diamond – commented on the March 4 minutes not being reflective of the meeting.

Cindy Wheeler, Black Diamond – commented on the lack of communication, March 4 minutes and response time from staff.

Sheri Miller, Black Diamond – commented on Council not attending the public hearings.

Lisa Garvich, Black Diamond – commented on the levy and the public hearings.

Jack Sperry, Black Diamond – commented on the FEISs and the public hearings.

Sean Taeschner, Black Diamond – commented about the Council minutes being available in audio on the website.

Cindy Wheeler, Black Diamond – commented on communication between staff and citizens and lack of response from staff that are sick or on vacation regarding the deadline for the FEIS.

Harvey Senical, Black Diamond – commented on City Attorney instructing Council to not hear or respond to certain issues and needed clarification.

City Attorney Bacha clarified the process regarding a quasi-judicial process.

Melody Gauthier, Black Diamond – commented she was one of the appellants and that Council should also look at the tapes and understands why Council was not in attendance.

Cindy Proctor, Black Diamond – commented on the depth of knowledge and commitment from citizens and Council should be proud.

Sheila Hoefig, Black Diamond – commented about influence from YarrowBay in the changes of the code and the City's code of ethics.

Mayor Olness introduced City Attorney Bacha for those who have not met him and explained that he is our new City Attorney.

Sheri Miller, Black Diamond – stated that she wanted to make it clear that it was recommended that Council did not attend the hearings, but they could attend.

City Attorney Bacha discussed the closed record process for more clarification to public.

Councilmember Goodwin commented that Council has not had a change to discuss what process will be taken and he believes it is premature to provide an answer.

Mayor Olness commented that Council will have workstudies regarding this.

Robert Taeschner, Black Diamond – commented on false impressions.

Bob Edelman, Black Diamond – asked where to address letters to City Attorney.

City Attorney Bach responded that they can send letters directly to him in care of his Law Firm.

Gil Sieman, Black Diamond – commented that Council take in the economy when making their decision.

Max Beers, Green Valley Road – commented that Council should take in to consideration the involvement of residents outside city limits and the implications to surrounding areas of the Plum Creek logging.

PRESENTATIONS:

Mayor Olness read the following Proclamation:

WHEREAS, sexual assault affects women, children and men of all racial, cultural and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor; and

WHEREAS, no one person, organization, agency or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victim/survivors and their significant others, and increase support for agencies providing services to victim/survivors; and

WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens to learn more about preventing sexual violence;

NOW, THEREFORE, I, Rebecca Olness, Mayor of the City of Black Diamond, do hereby proclaim April 2010 as Sexual Assault Awareness Month.

Judge Rosen presented his State of the Court address to Council stating how happy he is to be the Judge for Black Diamond and how passionate he feels about the court and the entire court system and then recapped the year.

UNFINISHED BUSINESS: None

PUBLIC HEARING: None

NEW BUSINESS:

Resolution No. 10-680, authorizing the Mayor to execute contract Amendment No. 6 with Parametrix, originally authorized under Resolution No. 08-496, for the purposes of continued participation in the appeal hearings on the Final Environmental Impact Statements (EIS) for the Villages and Lawson Hills Master Planned Developments

Community Development Director Pilcher reported that this resolution relates to the appeal process and being able to respond to some issues that came up. He stated that this is a pass-through cost.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adopt Resolution No. 10-680, authorizing the Mayor to execute contract Amendment No. 6 with Parametrix, originally authorized under Resolution No. 08-496, for the purposes of continued participation in the appeal hearings on the Final Environmental Impact Statements (EIS) for the Villages and Lawson Hills Master Planned Developments. Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-937, amending the 2010 Budget Ordinance No. 09-928 to reflect changes in revenues and expenditures

Finance Director Miller reported that the budget amendments are housekeeping items and the amount is less than two percent of the budget. The primary reason for the amendment is to reflect current beginning balances in the budget. Also included are the carry-over projects from last year. She added that in the Capital Improvement Plan, minor amendments include carry-over of the unused cash. Another amendment was the classification of the Building Inspector/Code Enforcement Officer from a contract position to a salary and benefit category. Ms. Miller also noted this resolution has been reviewed by the Finance Committee and they recommend approval.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adopt Ordinance No. 10-937, amending the 2010 Budget Ordinance No. 09-928 to reflect changes in revenues and expenditures. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness discussed the workshop that she and Councilmember Boston attended regarding the Emergency Management Plan. Mayor Olness also reported that she attended the Easter luncheon at the Black Diamond Community Center for seniors and wanted to say how proud she was of Police and Fire for providing blood pressures and for helping serve lunch and wanted to publicly thank them.

COUNCIL REPORTS:

Councilmember Hanson thanked all the residents for the time and effort they have spent during the process and glad they took the time and stated that Council will take their time to do it right.

Councilmember Boston reported he attended the tri-meeting supporting the feasibility study of the train that would connect to the rail system in Auburn. He reported that this is moving forward and it has been added by folks in Pierce County to study the ridership out of Puyallup; however there is not money for this.

Councilmember Goodwin reported that the walking tour of the John Henry Mine was educational and the mine is going to be mining again effective as early as July.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Sean Taeschner, Black Diamond – commented that he has great faith in the current Council and is impressed with them.

Shelia Hoefig, Black Diamond – commented that she appreciated Ms. Hanson’s remark and also commented on communication, packet material and minutes. She also commented on the public hearings and Council not attending; and Council vote regarding the King County resolution at the March 4 meeting.

Ryan Kohlmann, Black Diamond- thanked Judge Rosen for his presentation.

Vicki Harp, Black Diamond- thanked Ms. Martinez for being very helpful and asked about Resolution No. 10-680 that passed tonight.

Economic Development Director Williamson clarified the passing of Resolution 10-680.

Shelia Hoefig, Black Diamond – commented on potholes and Resolution No. 10-680.

Mayor Olness stated that there were many Council meetings where only Council and staff were present and it is nice to see all the public involvement.

CONSENT AGENDA:

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Goodwin to adopt the Consent Agenda. Motion **passed** (5-0)

The Consent Agenda was approved as follows:

Claim Checks – April 1, 2010 No. 35365 through No.35415 in the amount of \$75,552.20
Minutes – Council Meeting of March 18, 2010

EXECUTIVE SESSION: None

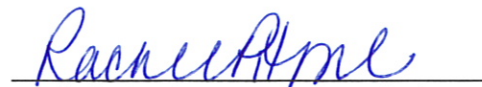
ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk