

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**June 17, 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, Boston, Goodwin, Saas and Mulvihill.

**ABSENT:** None

Staff present were: Jana King, Deputy Finance Director; Steve Pilcher, Community Development Director; Seth Boettcher, Public Works Director; Andy Williamson, Economic Development Director; Jamey Kiblinger, Police Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk

## **PUBLIC COMMENTS:**

**Jack Sperry, Black Diamond** – commented on the Closed Record Hearings.

**Robert Taeschner, Black Diamond** – addressed Council on the Tree Ordinance.

**Mark Taeschner, Black Diamond** – commented he would like to see something that promotes classic cars and to increase speed limit through town up to 40 miles per hour.

**Cindy Proctor, 718 Griffin Avenue, Enumclaw** – thanked Fire Department on a quick response on an aid call on her father; commented on her agreement of adoption of Agenda Bill No. 10-053; adoption of Agenda Bill No. 10-049; public hearing process; vision of the citizens for the majority of the City.

**Judith Carrier, Green Valley Road** – commented on using the Hearing Examiners recommendations; requested Master Planned Development recommendations be made available at the upcoming hearings; commented on connection to development on Green Valley Road; does not oppose growth.

**Sheila Hoefig, Black Diamond** – question of inquiring about a Letter of Intent to file claim.

City Attorney Bacha explained as this is potential litigation the Council could not talk about the details.

**Cindy Wheeler, Black Diamond** – commented on the communication issues in the City in regards to the tree issue with YarrowBay; treatment of citizens; de-annexation, recall and un-incorporating are all in existence.

**Jean Boston, Black Diamond** – commented on Councilmembers being new to the political arena and understands that there is a lot that Council cannot respond to and in the end will be a good result; communication is key and wanted to say thank you to Council for everything they do and have done.

**Lisa Garvich, Black Diamond** – questioned if Mayor has listened to the Planning Commission meeting tape.

Mayor Olness responded that she has been in a lot of meetings this week, but has listened to 37 minutes of the tape and is not prepared to make any decisions or recommendations at this point.

**Bob Edelmann, Black Diamond** – commented he would like to get an answer on whether the City is going to enforce the six-year suspension on land use issue with YarrowBay.

**PRESENTATIONS: None**

**PUBLIC HEARINGS: None**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**Resolution No. 10-689, adopting a Capital Improvement Plan (CIP) for the years 2011-2016**

Deputy Finance Director King reported tonight before Council is the 2011-2016 Capital Improvement Plan (CIP) for the City of Black Diamond. She explained that this is a plan, not a budget and added this has been reviewed by various Council Committees and two Council Workstudies. Highlighted most changes to the document since the last meeting has been in the Public Works section.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Resolution No. 10-689, adopting a Capital Improvement Plan (CIP) for the years 2011-2016 with a change to the Public Works Yard Project. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-690, adopting the 2011-2016 Six Year Transportation Improvement Program (TIP)**

Public Works Director Boettcher reported the City is required to update its TIP yearly and file with the Washington State Department of Transportation. Updates include some new projects that will add transportation capacity and expected grant funding. This program takes advantage of the quarter of 1% REET for local street improvement and to provide grant matching.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Boston to adopt Resolution No. 10-690, approving the Six Year Transportation Improvement Program (TIP) for 2011-2016. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-691, authorizing an Agreement with Qwest to reimburse the City of Black Diamond for additional storm drainage costs on the Morgan Street Sidewalk Phase II Project**

Public Works Director Boettcher reported the Morgan Street Sidewalk Project is to install new sidewalks on Morgan Street up to City Hall. It was noted early on that the Qwest phone and fiber lines, and Puget Sound Energy (PSE) gas lines would need to be relocated for the new City storm drain piping. Qwest is paying for the cost to relocate and also pay for the cost of overlaying the street. Qwest will be the lead agency and has made arrangements for reimbursement from PSE for their share of the costs.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adopt Resolution No. 10-691, authorizing an Agreement with Qwest to reimburse the City of Black Diamond for additional storm drainage costs on the Morgan Street Sidewalk Phase II Project. Motion **passed** with all voting in favor (5-0).

**Ordinance No. 10-942, relating to vesting of project permit applications and expiration of project permits and adding a new Chapter 18.14 to the Black Diamond Municipal Code**

Community Development Director Pilcher reported this was an ordinance that was adopted on February 26, 2009 and was inadvertently removed from the Code when the new Zoning Code was subsequently adopted in June 2009. Adoption of this ordinance will re-establish Chapter 18.14 of the Black Diamond Municipal Code. The vesting chapter establishes clear guidelines when project permit applications are to be considered vested and also provides for a time frame for “closing out” applications that have become inactive and also provides for opportunities for extensions.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Ordinance No. 10-942, relating to vesting of project permit applications and expiration of project permits and adding a new Chapter 18.14 to the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

**Ordinance No. 10-943, updating the Technical Codes; repealing Chapters 15.04, 15.10, 15.12, 15.16, 15.18, 15.20 and 15.36 of the Black Diamond Municipal Code; amending chapter 15.28 of the Black Diamond Municipal Code; re-enacting Chapter 15.04 of the Black Diamond Municipal Code as the Technical Codes of the City; conforming the Technical Codes to the State Building Code; providing for the administration and enforcement of the Technical Codes; providing for appeals to be heard by the Hearing Examiner; providing for severability; and establishing an effective date**

Community Development Director Pilcher handed out a revised edition of the ordinance and explained the changes can be found on page 6 and deal with the Fire Codes. Every three years, the set International Codes and Uniform Plumbing and Mechanical Codes are updated. These codes are used uniformly throughout the US and State of Washington in the building permit review and inspection process. Staff is recommending adoption of this ordinance.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 10-943, updating the Technical Codes; repealing Chapters 15.04, 15.10, 15.12, 15.16, 15.18, 15.20 and 15.36 of the Black Diamond Municipal Code; amending chapter 15.28 of the Black Diamond Municipal Code; re-enacting Chapter 15.04 of the Black Diamond Municipal Code as the Technical Codes of the City; conforming the Technical Codes to the State Building Code; providing for the administration and enforcement of the Technical Codes; providing for appeals to be heard by the Hearing Examiner; providing for severability; and establishing an effective date. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-692, approving a Cabaret License for The Swinging Arm, located at 30741 Third Avenue, #100 and #105, pursuant to Black Diamond Municipal Code 5.16**

Community Development Director Pilcher reported a public hearing was conducted on June 3, 2010 on approving a Cabaret License for The Swinging Arm. One individual testified of negative noise impacts from the Cabaret, while another individual spoke in favor of having a venue for live music within the City. No decision or direction was made by Council, so staff prepared a resolution to approve.

Police Chief Kiblinger reported that there have been no noise complaint calls.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 10-692, approving a Cabaret License for The Swinging Arm, located at 30741 Third Avenue, #100 and #105, pursuant to Black Diamond Municipal Code 5.16. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-693, authorizing the creation of the position known as “Public Works Administrative Assistant”**

Mayor Olness reported that the Public Works Department is understaffed and needs to increase its staffing to provide effective and efficient core City administrative services.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Mulvihill to adopt Resolution No. 10-693, authorizing the creation of the position known as “Public Works Administrative Assistant”. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-694, authorizing the Mayor to execute an Interlocal Agreement between the City and King County for Animal Control Services**

Mayor Olness reported that on March 26, 2010 the City received notification from King County that our current Interlocal Agreement for Animal Services would be terminated effective June 30, 2010. All cities that have King County provide this service were notified as well. This Interlocal Agreement replaces the expired Animal Services Agreement that has been in place for nearly two decades. Mayor Olness highlighted the three areas the services are divided into.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Saas to adopt Resolution No. 10-694, authorizing the Mayor to execute an Interlocal Agreement between the City and King County for Animal Control Services. Motion **passed** with all voting in favor (5-0).

**DEPARTMENT REPORTS: None**

**MAYOR’S REPORT:**

Mayor Olness reported that the Fire Department will have a satellite office in the Public Works modular as of July 1, 2010; attended the DARE Graduation ceremony; attended the Father’s Day Luncheon at the Community Center; announced Judge Rosen filed for Position No. 3 in Seattle Municipal Court and his last day will be December 31, 2010 and the City will start the recruiting process to fill this position.

**COUNCIL REPORTS:**

Councilmember Hanson thanked citizens for their comments at the last meeting regarding stormwater; thanked Officer Lynch for participating in the dunk tank at the Black Diamond Elementary School Carnival.

Councilmember Mulvihill announced flyers are available to raise funds for the bronze plaque for the Time Capsule Event; commended staff for all their hard work and getting Council all material needed and thanked them.

Councilmember Boston thanked citizens for coming forward and giving input and helping Council to better understand your concerns. Appreciates staff and acknowledged they are all professional people and are often the messengers and take the brunt and thanked the Planning Commission for their time.

## **ATTORNEY REPORT:**

Attorney Bacha announced an Executive Session to discuss potential litigation pursuant to RCW42.30.110 (1) (i) and personnel matters pursuant to RCW 42.30.110 (1) (f).

## **PUBLIC COMMENTS:**

**Mark Taeschner, Black Diamond** – expressed concerns for stormwater, gave ideas for fundraisers.

**Janie Edelman, Black Diamond** – commented on upcoming Master Planned Development process and asked Council not to take it personally.

**Peter Rimbo, Black Diamond** – commented on Six Year Transportation Improvement Program (TIP) adoption and comments citizens made at the public hearing.

**Cindy Wheeler, Black Diamond** – commented on passion that will take place at the upcoming hearings; discussed respect and communication frustrations, YarrowBay tree removal and the process.

**Robert Taeschner, Black Diamond** – discussed Planning Commission meeting he attended and the lack of respect he received.

**Cindy Proctor, 718 Griffin Avenue, Enumclaw** – discussed lack of respect at the last two Planning Commission meetings; exercising First Amendment Rights and vesting issues with the Master Planned Developments.

**Ginger Passarelli, Black Diamond** – announced an auction that is being held for the Soup Ladies, an organization that brings food to “First Responders”. Ms. Passarelli invited everyone to the auction to support this organization on September 10, 2010 at the Lake Meridian County Club.

**Judith Carrier, Green Valley Road** – thanked Ms. Passarelli for all she does and commented on the roundabouts on Highway 169.

**Sheila Hoefig, Black Diamond** – commented she comes before Council asking a question out of frustrations and finds it hard to know if Council has responded and now is forced to go to the other side to find out if the City has responded; thanked Chief Kiblinger for getting buoys out in front of the house for swimming on Lake Sawyer.



**Bob Edelmann, Black Diamond** – commented on the Appearance of Fairness provision raised once they become apparent and intends to make a complaint against the Mayor.

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

**Claim Checks** – June 17, 2010, No. 35713 through No. 35766 in the amount of \$653,289.42

**Payroll** – May 31, 2010 No. 17113 through No. 17184 in the amount of \$259,429.07

**Minutes** – Council Meeting of June 3, 2010

### **EXECUTIVE SESSION:**

Mayor Olness announced an Executive Session at 8:42 p.m. to discuss potential litigation pursuant to RCW42.30.110 (1) (i) and personnel matters pursuant to RCW 42.30.110 (1) (f). No action was anticipated to follow the Executive Session, which was expected to last 45 minutes.

Mayor Olness announced a 20 minute extension.

The regular meeting was called back to order at 10:02 p.m.

### **ADJOURNMENT:**

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk