

BLACK DIAMOND CITY COUNCIL MINUTES

January 5, 2012

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the regular meeting to order at 7:01 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, May, Goodwin, Taylor and Saas.

ABSENT: None.

Staff present were: Steve Pilcher, Community Development Director; Andrew Williamson, Economic Development and Engineering Services Executive Director; Mayene Miller, Finance Director; Aaron Nix, Natural Resources/Parks Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Mike Kenyon, City Attorney and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Saas to amend the agenda to add an item relating to Resolutions No. 11-770 and 11-779 adopted at the last Council meeting. Motion **passed** (5-0).

EXECUTIVE SESSION:

Mayor Olness announced an Executive Session at 7:02 p.m. to discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i). No action was anticipated to follow the Executive Session, which was expected to last approximately 20 minutes.

The regular meeting was called back to order at 7:16 p.m.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Goodwin to rescind Resolutions No. 11-770, authorizing the formation of Black Diamond Community Facilities District No. 2011-1 and rescinding Resolution No. 11-779, authorizing the Mayor to execute an Interlocal Agreement between the City of Black Diamond and Community Facilities District No. 2011-1 adopted at the last Special Council meeting, December 27, 2011.

Councilmember Goodwin commented this is a very complex issue and there are a lot of questions and it is hard to cram it all into your brain and Council hasn't had all the answers to all the questions asked. He stated this new Council would like to have the questions be answered so we know what we are being asked. He gave one example of the Fire Station and

who is going to pay for the on-going operations and where do we get the funds and the answer that was given was not adequate. He wondered if a Fire Station was the most appropriate expenditure, suggested forming a special committee of the Council to work their way through this process and we need to move forward deliberately and constructively and we know what the risks and benefits are to the City.

Councilmember Deady commented that she agreed with Councilmember Goodwin and said Council needed to get the questions answered and need to get the opinion of a Municipal Finance person and have a committee to work on these issues and believes the Resolutions need to be rescinded.

Councilmember Saas commented he did vote for this at the last council meeting and went home and was not at peace with the decision he made, he looked forward to seeing the proper steps taken to make the best decision for the City and the Developer.

Councilmember Taylor commented he is not opposed to the CFD and believes it is a good tool; learned once the CFD is created it triggers more than one timeline that has to be done and we are not prepared to meet the deadlines as more research needs to be completed. He encouraged the applicant to bring the CFD back at a future date. Councilmember Taylor stated growth needs to pay for growth and the CFD will do that however, the money will come from citizens who are not here yet and we need to be able to explain to them why their tax base is higher than other citizens.

Councilmember May commented he followed the CFD process as closely as he could and in his opinion there was not reasonable due diligence in considering the CFD last year and expressed this to the Mayor in a meeting yesterday. He agreed with the other Councilmembers and stated that questions needed to be answered, suggested a special committee of the Council needed to be formed and someone from Municipal Finance should be added to aide in answering these questions.

Roll Call Vote: Motion **passed** (5-0).

PUBLIC COMMENTS:

Cindy Wheeler, Black Diamond – congratulated and welcomed the new Councilmembers; discussed message was simply about reform; City continuing to violate its own Code and State Law and gave examples.

Bob Edelman, Black Diamond – commented on an item of business that still needs to be done regarding CFDs as a clock started running and we need to complete this action by denying the CFDs.

Cindy Proctor, Enumclaw – gave a John Wayne quote; noted a decision needs to be made within 30 days regarding the CFDs; commented on the Funding Agreements approved in the Development Agreements.

Rich Ostrowski, Black Diamond – commented on his grandparents coming from Poland and being expert drinkers and offered a Polish toast to the new and returning Councilmembers.

Peter Rimbos, Maple Valley – welcomed new and returning Councilmembers; need to get facts, data and analysis and then question everything.

Mike Irragang, Black Diamond – congratulated new and returning Councilmembers; discussed replacement of City Attorney.

Colin Lund, Yarrow Bay – welcomed the new Councilmembers and noted it is a difficult job; discussed rescinding the CFD; learning to work together; commented on first Stormwater Committee meeting held last night; January 10 they will be hosting the next meeting regarding Green Valley Road.

Brock Deady, Black Diamond – congratulated the three new Councilmembers and noted citizens will be there for them.

Bruce Early, Black Diamond – commented on large participation at these meeting and needed to consider a bigger facility.

APPOINTMENTS:

AB12-001- Appointment of Mayor Pro Tempore

A **motion** was made by Councilmember Saas and **seconded** by Councilmember May to appoint Councilmember Goodwin as Mayor Pro Tempore. Motion **passed** (5-0).

AB12-002- Confirmation of Council Standing Committee Appointments

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Taylor to confirm the 2012 appointments to the Council's Standing Committees. Motion **passed** (5-0).

AB12-003 – Confirmation of Mayor's Appointment to Planning Commission

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to confirm the Mayor's appointment of Kyle Danielson to Position #3 of the Planning Commission. Motion **failed** (3-2, Deady, May and Saas).

AB12-004- Appointment of CFD Board of Supervisor Members

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Saas to withdraw agenda item number 4 from the agenda. Motion **passed** (5-0).

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 12-780, authorizing the Mayor to execute a Waste Reduction and Recycling Grant Agreement

Natural Resources/Parks Director Nix reported approval of the resolution is for distribution of grant funds by the King County Solid Waste Division, Waste Reduction and Recycling Program. The City has been awarded \$10,000 each year for the years 2012 and 2013. These monies will help the City's consultant; Olympic Environmental Services conduct an Annual Spring Recycling event.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Goodwin to adopt Resolution No. 12-780, authorizing the Mayor to execute a Waste Reduction and Recycling Grant Agreement. Motion **passed** (5-0).

Resolution No. 12-781, authorizing the Mayor to enter into a Memorandum of Understanding with Olympic Environmental Resources

Natural Resources/Parks Director Nix reported the Council needs to authorize the mayor the ability to enter into a Memorandum of Understanding with Olympic Environmental Resources in order to implement the City of Black Diamond's 2012 Spring Recycling Collection Event.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt Resolution No. 12-781, authorizing the Mayor to enter into a Memorandum of Understanding with Olympic Environmental Resources. Motion **passed** (5-0).

Resolution No. 12-782, authorizing the Mayor to execute a contract with Parametrix for on-call surveying services

Community Development Director Pilcher reported the city is often in need of on-call surveying services to meet short timeframe response deadlines on various land use applications. Many land use applications such as lot line adjustments, short plats; preliminary and final plats, etc. require surveyor peer review to determine accuracy and completeness. The City does not have a surveyor on staff nor does current staff have the expertise to perform this work. In addition, there may be instances on city public works projects where it is necessary to use surveying services. This proposed contract is intended to meet those needs by allowing the Mayor to sign various task orders within the Mayor's purchase authority; city budget, permit fees or developer funding to reimburse the city; this type of on-call service contract provides many advantages; announced staff interviewed the three most qualified firms and the panel of staff unanimously recommended Parametrix as the firm most capable of providing surveying services as desired.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Taylor to adopt Resolution No. 12-782, authorizing the mayor to execute a contract with Parametrix for on-call surveying services. Motion **passed** (5-0).

DEPARTMENT REPORTS:

Economic Development Director Williamson reported on issues raised by a citizen during the December 1, 2011 Council meeting; he provided Council with a written statement and corresponding documentation.

MAYOR'S REPORT:

Mayor Olness reported on December 16, 2011 she attended graduation of Chief Kiblinger from the School of Police Staff and Command, we are very proud of her and glad to have her back with us; attended on December 21 the Chamber Luncheon, Eastside Legislative Conference; attended meeting regarding shared Animal Services; noted a Workstudy is scheduled on January 17, 2012 to address questions raised by Councilmember Goodwin.

COUNCIL REPORTS:

Councilmember Deady reported she would like to see a sign-up sheet for the email distribution list here at every meeting; Council will be hosting a forum the 2nd Thursday of every month at the Community Center from 6:30 p. to 8:30 p.m.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Janie Edelman, Black Diamond – congratulated the new members; commented on the refreshing tone of the meeting.

Mark Davidson, Black Diamond – commented he appreciated all six members; taking emotion out of the decisions; disappointed in the December 27 meeting and felt it was unnecessary.

Cindy Proctor, Enumclaw – commented on good questions asked; procurement process and the need for outreach; need for a good surveyor.

Brain Derdowski, Issaquah – commented he was speaking on behalf of Save Black Diamond, commented on City's Planning Commission, appointments and emotion.

Mike Irragang, Black Diamond – expanded on the comments made by Mr. Derdowski and Mr. Davidson.

Tina McGann, Black Diamond – congratulated the new Councilmembers and expressed her excitement to work with them as a new Enumclaw School Board member.

Cindy Wheeler, Black Diamond – commented on department report and mistakes made; transparency and the importance of the Planning Commission and the illegal process on the former appointment.

Pat Pepper, Black Diamond – congratulated new and returning Councilmembers; noted Black Diamond Councilmembers being recognized in the King County Library.

Vicki Harp, Black Diamond – commented on the refreshing tone of the meeting.

Bob Edelman, Black Diamond – commented on process regarding the Executive Sessions.

Dave Amber, Black Diamond – congratulated the new Councilmembers and Chief Kiblinger; offered his services to the City; discussed committees and requirements.

Colin Lund, YarrowBay – noted he would love to hire local folks and get started; discussed process regarding executive session.

Kristine Hanson, Black Diamond – congratulated new Councilmembers; commented on Doctrine of Sovereignty; personal liability of Councilmembers; disappointed on the rescinding of the CFDs; MPD application on file and Council being quasi-judicial; need to move forward; need to address animal control.

Rich Ostrowski, Black Diamond – commented on MPD application on file; Mr. Lund's comment of CFDs not raising taxes of the future residents.

Larry Banchemo, Black Diamond – commented on growth vs. anti-growth going on and the certainty of growth coming and the need for a balance of growth.

Courtney Feeney, Black Diamond – commented on growth and why is Diamond Square not full of businesses.

CONSENT AGENDA:

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

The Consent Agenda was approved as follows:

Claim Checks – January 5, 2012 No. 37746 through No. 37759, No. 37761 through No. 37792 (voided No. 37760) in the amount of \$90,782.57

Minutes – Council Meeting of December 15, 2011 and Special Meeting of December 27, 2011


Councilmember May asked City Attorney Kenyon regarding quasi-judicial for the MPD applications.

City Attorney Kenyon responded you should not be discussing with proponents or opponents the applications on file.

ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk