

BLACK DIAMOND CITY COUNCIL MINUTES

May 3, 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, and Taylor

ABSENT: Councilmembers Goodwin and Benson (excused)

Staff present were: Steve Pilcher, Community Development Director; Aaron Nix, Parks/Natural Resources Director; Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

Mayor Olness thanked the boy Scouts from Troop 581 for leading us in the Pledge of Allegiance, she also reminded folks about the Flag Retiring Ceremony that will take place June 15th at the city shops. Scout Master Luke left cards for folks to fill out if they have a flag that needs to be retired. He noted these will be available tonight as well as at the Police Department and City Hall.

Mayor Olness asked for a motion to excuse Councilmember Benson for this meeting and the next two meetings.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember May to excuse Councilmember Benson from this meeting and the next two meetings. Motion **passed** (3-0).

PUBLIC COMMENTS:

Brian Ross, YarrowBay – discussed the Supreme Court ruling and announced that YarrowBay will be withdrawing their second set of applications; thanked the Mayor for using her discretion for not filing the declaratory judgment as it made a difference between the relationship with the City and YarrowBay.

Gwyn Vukich, Green Valley Road – discussed the Green Valley Road committee meeting and is requesting the Council to look at two problems they are facing, 1) person on the committee to be replaced with a King County representative, and 2) the scope of the committee.

Mayor Olness responded she has been in contact with Lauren Smith at the County, but has not heard back from her.

Robert Taeschner, Black Diamond – commented on meeting Mr. Ross before; new movie called “Bully” and also on how bully’s operate; letter Mr. Ross wrote to Council; tree incident on YarrowBay property; David vs. Goliath, commented on the Seattle Times article.

Bill Roth, Black Diamond – supported comments made by Mr. Ross regarding of the Mayor not filing the judgment against YarrowBay.

Jean Boston, Black Diamond – stated that Council is to represent the best interests of the City which could be the opposite of others and her; Council being called to be visionaries; making the City a whole rather than a piece meal like other communities; we need to find respect for YarrowBay; excited for the growth of a future MPD and looks forward to the building process to begin as our city needs the growth to be vibrant and sustaining.

Erika Morgan, Black Diamond – commented on the Comprehensive Plan and not being able to find it on the website; commented on the Aquatic Weeds on Lake Sawyer and we also need to think about Rock Creek.

George Calbom, Black Diamond – urged the City to move on in a fear-not way and process the MPD; wanting to see Black Diamond grow and it’s time to move forward.

Dianna Boxx, Black Diamond – discussed living in town 44 years and on the Fire Department for 22 years; stated we have needed businesses in town for the past 44 years; commented on the size of the development; does not see folks trying to get businesses in town; need for honesty and the past City Council not being honest with the people.

Mario Sorci, Black Diamond – stated he was glad to see the Supreme Court has ruled and that it’s behind us, time for Council to move forward; Rural by Design; need to put growth in perspective as the market will determine the timing; need for population to support local businesses and the City’s need for the revenue from growth.

Robert Edelman, Black Diamond – commented on the Supreme Court decision; LUPA will be heard within the next month and heard on its merits.

Johna Thompson, Black Diamond – thanked the Mayor for not pursuing the lawsuit being filed; commented on the current form of government being the best form of government for the city; commented on Town Hall meeting and the need for parameters; agreed with Ms. Boxx statement regarding businesses having to fight to stay in business here; need to become more business friendly; commented on the Earth Day events and the Mayor being in attendance.

Kristine Hanson, Black Diamond – thanked the Mayor for using her discretion regarding the lawsuit; no parking on 312th; Lawson Hill Estates basketball court and park.

PRESENTATIONS:

Mayor Olness read into the record the following proclamation regarding Building Safety month:

WHEREAS, our City's continuing efforts to address the critical issues of safety, energy efficiency and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and

WHEREAS, our confidence is achieved through the devotion of building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry, who work year-round to ensure the safe construction of buildings; and

WHEREAS, the dedicated members of the International Code Council develop and implement the highest-quality codes to protect citizens in the buildings where we live, learn, work, worship, play; and

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, have been adopted for use in Washington State and in Black Diamond; and

WHEREAS, Building Safety Month is sponsored by the International Code Council and International Code Council Foundation, to remind the public about the critical role of our local code officials, who assure us of safe, efficient and livable buildings; and

WHEREAS, "Building Safety Month: An International Celebration of Safe and Sensible Structures", the theme for Building Safety Month 2012, encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety; and new technologies in the construction industry. Building Safety Month 2012 also encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local building departments in protecting lives and property;

NOW, THEREFORE, I, Rebecca Olness, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council do hereby proclaim in the City of Black Diamond, the month of May 2012 as

BUILDING SAFETY MONTH

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

Mayor Olness announced an email from Councilmember Benson stating giving her proxy vote to Councilmember May in favor of the Grant for Aquatic Weeds.

NEW BUSINESS:

Resolution No. 12-796, authorizing the Mayor to execute an agreement with the Washington State Department of Ecology for the acceptance of grant monies to be used towards the Development of an Integrated Aquatic Weeds Management Plan for Lake Sawyer

Parks/Natural Resources Director Nix reported the amount of the grant is \$25,000 from the Department of Ecology. The total contract amount is about \$35,000; discussed this is an opportunity to develop an Integrated Aquatic Weeds Management Plan, it has a large public participation process; survey the Lake to identify the weeds and then put together a plan to treat the weeds whether naturally or chemically; \$7,000 is coming out of our grant matching and another \$8,000 will be from his time spent on this; having this plan in place will qualify the City towards future grant monies that could be used in alleviating identified problem weed areas. In 2016 need to report back to Ecology on how it is working.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember May to adopt Resolution No. 12-796, authorizing the Mayor to execute an agreement with the Washington State Department of Ecology for the acceptance of grant monies to be used towards the Development of an Integrated Aquatic Weeds Management Plan for Lake Sawyer. Motion **passed** (4-0 – with proxy vote of Benson).

Resolution No. 12-798, approving a Washington State Military Department Public Assistance Grant

Public Works Director Boettcher reported he is pleased to bring the grant to Council and when we had this storm in January we were not sure if a disaster would be declared to help with the clean-up, but a disaster was declared and money is available to help with these costs. Most expenses have already been incurred by the City, so they will be reimbursed while others will be to pay for fence repairs and debris clean-up, Mr. Boettcher recommends adoption.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Deady to adopt Resolution No. 12-798, approving a Washington State Military Department Public Assistance Grant. Motion **passed** (3-0).

Resolution No. 12-797, designating various staff the authority to sign FEMA funding documents

Public Works Director Boettcher reported this is an administrative piece that falls on the last action Council just took. The Federal Government and the Washington State Emergency Management Agency require that the City designate signature authority to anyone responsible for approving FEMA paperwork by resolution.

A **motion** was made by Councilmember May and **seconded** by Councilmember Deady to adopt Resolution No. 12-797, designating various staff the authority to sign FEMA funding documents. Motion **passed** (3-0).

Resolution No. 12-799, authorizing the Mayor to execute an Aquatic Lands Lease Agreement with the State of Washington Department of Natural Resources to allow the City to operate and maintain the Lake Sawyer Boat Launch

Public Works Director Boettcher reported this last summer we were able to get all the permits to repair the boat ramp and through this process it was discovered that the City did not have an Aquatic Lease with DNR for the Boat Launch. He noted there was not much that could be negotiated in the lease and highlighted there is no charge or bond for the lease. Mr. Boettcher recommends Council approval.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Taylor to adopt Resolution No. 12-799, authorizing the Mayor to execute an Aquatic Lands Lease Agreement with the State of Washington Department of Natural Resources to allow the City to operate and maintain the Lake Sawyer Boat Launch. Motion **passed** (3-0).

Resolution No. 12-800, authorizing the purchase of a 2012 Ford Escape for the Master Development Review Team

Community Development Director Pilcher reported the Funding Agreement includes a provision the Master Development will pay for three vehicles to be used by the MDRT, this is the first purchase of those vehicles; he noted we were able to find a 2012 Ford Escape that will meet the needs of the MDRT and the price is \$19,934.77, there are three of these vehicles for purchase and we are asking approval so we can move forward on this purchase. He highlighted this expenditure will be paid by the Master Developer.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember May to adopt Resolution No. 12-800, authorizing the purchase of a 2012 Ford Escape for the Master Development Review Team. Motion **passed** (3-0).

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Taylor to add a resolution regarding an amendment to the Preliminary Plat appeal process of Title 18 of the Black Diamond Municipal Code to the Planning Commission for their recommendation. Motion **passed** (3-0).

Resolution No. 12-801, referring an amendment to the Preliminary Plat Appeal process of Title 18 of the Black Diamond Municipal Code (BDMC) to the Planning Commission for their recommendation

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-801, referring an amendment to the Preliminary Plat Appeal process of Title 18 of the Black Diamond Municipal Code (BDMC) to the Planning Commission for their recommendation and to also review sections 18.08.210 and 18.08.220. Motion **passed** (3-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness reported she attended the WRIA 9 meeting; met with Covington Mayor Harto; LEMAP meeting on the report submitted to the BDPD; letter of engagement with Pacifica Law Group regarding providing legal advice on CFDs; working on scheduling NIMS training for Council and staff; 4 Culture Grant; upcoming Workstudies are May 24 MDRT process; May 31 SMP; and June 5 Fire Impact fee and Town Hall meeting next May 10.

COUNCIL REPORTS:

Councilmember Taylor commented on creating more business activity and they are trying to cultivate some communication with the business community; hoping to set some parameters to Town Hall meetings; reported Public Safety members are nearly finished with CERT class being offered by the Fire Department and encouraged folks in the community to try and attend one when it becomes available.

ATTORNEY REPORT:

City Attorney Bacha reported that a lawsuit was filed by New Cingular Wireless last week and Black Diamond is one of 132 municipalities that are named in the lawsuit. We are coordinating with all jurisdictions on what to do next. He also added these coordinating efforts will keep cost sharing comparable to the amount of the claim.

PUBLIC COMMENTS:

Tammy Calbom, Black Diamond – thanked Mayor Olness for everything she has done and to the Councilmembers that have reached out to her.

Erika Morgan, Black Diamond – discussed her Ford Escape Hybrid.

Bill Boston, Black Diamond – commented on supporting the Mayor and staff; City needs and has a strong Mayor; discussed being able to vote for a Mayor and not being able to vote for a City Manager; need to study going to seven Councilmembers and not a change in the form of government; staff being dedicated professionals who work for the city to make sure it prospers; commented on Supreme Court ruling; need to unite the city and make decisions that are legally best for the City as a whole; find common ground; CFD being a good start and stated he appreciates the Council.

Carol Lynn Harp, Black Diamond – seconded Ms. Morgan's love for the Escape Hybrids.

Robert Edelman, Black Diamond – commented on Supreme Court action; quasi-judicial mode regarding plat appeals.

Mira Hoke, Black Diamond – commented that she is thrilled to hear the announcement of listening to businesses in Black Diamond; concerned with how folks prosper in this town.

CONSENT AGENDA:

A **motion** was made by Councilmember May and **seconded** by Councilmember Deady to adopt the Consent Agenda. Motion **passed** with all voting in favor (3-0).

The Consent Agenda was approved as follows:

Claim Checks – May 3, 2012 Check No. 38201 through No. 38248(voided Check No. 37920) in the amount of \$64,612.54

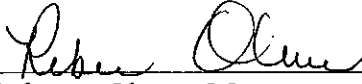
Minutes – Town Hall Meeting Minutes of April 12, 2012, Council Workstudy Notes of April 17, 2012, and Council Meeting Minutes of April 19, 2012

EXECUTIVE SESSION: None

ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk