

BLACK DIAMOND CITY COUNCIL MINUTES

July 19, 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, Goodwin, May, Benson and Taylor.

ABSENT:

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

INTRODUCTIONS:

Mayor Olness announced she does have Council's Approval to change the order of the Agenda tonight and introduced Isaiah Weaver to the Community as our Chief for the Day.

Chief Kiblinger announced that in partnership with other local law enforcement agencies and area hospitals, Chief for a Day is about celebrating the lives of children who have been diagnosed with a chronic life-threatening illness and it is also a celebration of life. This year 26 Police Departments throughout the state are involved in the spectacular and memorable event. On August 16, 2012 there will be a celebration along with 26 other participants. She noted the festivities that will take place that day and invited all to attend as it is open to the public.

PRESENTATIONS:

Suburban Cities Association – What is SCA and their Role in Municipal Governance - Ms. Deanna Dawson

Mayor Olness introduced Ms. Deanna Dawson from SCA.

Ms. Dawson explained what SCA is along with their role of Municipal Governance and presented Council with a PowerPoint presentation.

Mayor Olness announced a short recess to allow Ms. Dawson to take down her equipment from the presentation at 7:16 p.m.

Mayor Olness called the meeting back to order at 7:18 p.m.

PUBLIC COMMENTS:

Janie Edelman, Black Diamond - spoke on comments made by emails and in the local newspaper this past week.

Cindy Proctor, Enumclaw - commented on the change in the form of government; concerns regarding the recent re-post of the preliminary plats on the website.

Cindy Wheeler, Black Diamond - commented on the letter to the editor; initiative and referendum process; change in the form of government; enforcement of codes.

Dave Amber, Black Diamond - commented on coming to Council meetings and the need to have an open process.

Gomer Evans, Black Diamond - commented on the hard work of Council's now and in the past; hopes we keep the strong-mayor form of government.

Erika Morgan, Black Diamond - spoke on what she's learned about this town and how democracy is supposed to work.

Mike Irrgang, Horseshoe Lake - commented on democracy in the City during the recent election; need for change in the current form of government; bad legal advice.

Ginger Passarelli, Black Diamond – spoke on Council agonizing over a purchase for the Police Department; does not agree with changing the form of government.

Jack Sperry, Black Diamond – commented on the past election results; increase in population for the future; agrees with the change in the form of government and asked Council to pass the resolution.

Melissa Ogelsbee, Black Diamond – thanked the Mayor for being a part-time/full-time Mayor and an active volunteer; need for education before this goes on the ballot; maturity and manners of speakers at Council meetings.

Harvey Senecal, Black Diamond – commented on citizens voting Mayor Olness into office; not being able to vote or say in a City Manager.

Vicki Harp, Enumclaw – commented on respecting both sides and agrees with putting it on the ballot for the people to vote.

Mario Sorci, Black Diamond – commented on the resolution regarding changing the form of government and Council not being through a budget cycle; consider putting this on the ballot next year.

Robbin Taylor, Black Diamond – commented on the two sides to this issue and encouraged Council to vote to put this on the ballot.

Bruce Early, Black Diamond – echoed comments from earlier; worthy issue for the ballot.

Rill Roth, Black Diamond – commented that he does not have an issue with this going on the ballot and the need for a public hearing; platform Councilmembers ran on of public involvement.

Johna Thompson, Black Diamond – thanked Councilmembers for attending the Miner's Day event; excited about the organization that is countering Save Black Diamond; need for Council to go through a budget process; more consideration is needed before acting.

Tina McGann, Black Diamond – commented on reflecting the actions of Council and their need for more public involvement; Council not hearing from the majority.

Peggy Sperry, Black Diamond – commented on folks being afraid of putting this issue on the ballot and the need to put it on the ballot.

Brock Deady, Black Diamond – commented on Town Hall meetings.

Howard Botts, Black Diamond – urged Council to give the City Administrator a chance; people should have a choice and the need for meetings on this; need of fiscal impact study.

Gwen Vuckich, Black Diamond – commented on the need for people in Black Diamond to vote on their form of government; folks having a chance to speak and urged Council to put this on the ballot.

Pam McCain, Black Diamond – commented on liking that fact of having a voice to vote for a Mayor and whose voice are we supporting; need for respect for our officials; need for solving current problems before creating more.

Carol Lynn Harp, Black Diamond – reaffirmed her support for the right to vote.

Wayne Anderson, Black Diamond – discussed the elephant in the room – the Mayor having the trust of the majority of the people; need for professional people running the City; like the Council-Manager form of government.

Geoff Bowie, Black Diamond – commented on changing the form of government and the big rush for it to happen; discussed the differences between the two forms of government; need to spend more time; Council’s control over the budget; urged Council to not rush into it.

Susan Harvey, Ravensdale – commented on Black Diamond being run by laws or code and any form of government would abide by these.

Melissa Long, Black Diamond – commented she was a 9 year resident and this is the first Council meeting she has attended; need for public hearing on this matter.

Melanie Gauthier, Black Diamond – thanked the Mayor and Council for hiring a City Administrator; need to go to the ballot in the future after there has been more debate.

Sheila Hoefig, Black Diamond – commented that she supports bringing this to the ballot; loss of faith in Mayor Olness; looking for a different form of government; interested in Mr. Butkus’ view, but would like her right to vote.

Kristine Hanson, Black Diamond – commented the need to take more time before putting this on the ballot; need to look at fiscal impacts as we are stuck with this for six years; Council needs to identify funding for this position; need for wards in the future.

Jack McGann, Black Diamond – stated there needs to be respect for the system that is in place; need to work together as a positive team; get educated before putting it on the ballot.

Tim Nixon, Black Diamond – commented he would like to have had more public involvement but wants his right to vote.

Renee Brealy, Black Diamond – commented that she sees this as an attack on the Mayor; need to work as a team; why is Council doing this? Asked council to get more educated on this issue and get the facts.

Dennis Boxx, Black Diamond – commented that Council are not being dummies; our current system is broke.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to move item number 4 (Administration Report – Changing the form of government) to follow item number 2 (AB12-057) on the current agenda. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-823, declaring the intent of the city Council to adopt the Right of Initiative and Referendum for registered voters of the City

Mayor Olness reported at a Finance committee meeting Councilmembers Goodwin and May requested staff to prepare an Initiative and Referendum process for consideration of adoption by the City Council.

Councilmember Goodwin clarified the motivation for this.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt Resolution No. 12-823, declaring the intent of the city Council to adopt the Right of Initiative and Referendum for registered voters of the City. Motion **passed** with all voting in favor (5-0).

Ordinance No. 12-977, amending the BDMC 2.24 regarding the qualifications and terms of membership for the Planning Commission

Steve Pilcher, Executive Director of Community Development reported Council announced their desire to have changes made to the appointment process. The matter was referred to the Council's Planning and Community Services Committee. He noted the proposed code amendment would reduce the term limits of the Commissioners from six years to four years, effective at the expiration of the applicable position's term. The amendment also creates a list of qualifications for potential commission members, indicating a preference for maintaining equitable geographic representation within the community. Membership is limited to either residents or owners of businesses with a physical presence within the City limits. Finally, the amendment also provides a mechanism for the removal of a Commissioner, should that become necessary. Also attached is the committee approved process for the appointment process. This will involve the participation of both a Councilmember and a Planning Commission member. This will not become part of the Municipal code, but will become a standard policy.

Council consensus was to send this item to a Workstudy and not take action tonight.

Discussion with Mr. Butkus regarding changing the form of government

Interim City Administrator Butkus noted the Council indicated a desire to explore a change in the form of government from a Mayor-Council to that of Council-Manager form might be desired. He reviewed with Council the memo he prepared that placed several issues or questions that could benefit by a response in a matrix to help assist with making this complex issue a bit easier to comprehend. He discussed his recommendation of other steps that might be taken.

Resolution No. 12-824, regarding proposing abandonment of the present form of government (Mayor-Council) to Council-Manager

A **motion** was made by Councilmember Benson and **seconded** by Councilmember

Deady to adopt Resolution No. 12-824, regarding proposing abandonment of the present form of government (Mayor-Council) to Council-Manager. Motion **passed** (4-1, Goodwin).

MAYOR'S REPORT:

Mayor Olness reported on interviews that took place for a Deputy Finance Director; decision on Court Services and reminded folks about National Night Out on Tuesday, August 7th.

COUNCIL REPORTS:

Councilmember Deady reported she will be on vacation starting tomorrow until the 29th.

Councilmember Goodwin discussed graffiti at the park and will be approaching this on a volunteer basis to clean it up.

ATTORNEY REPORT:

City Attorney Bacha noted that at the last meeting Council had discussed bringing back hearing any additional comments to the Fire Impact fees. Councilmember Benson brought up treating mobile home parks the same as single family residence; Councilmember Deady would like Counsel to look into what Maple Valley did.

PUBLIC COMMENTS:

Johna Thompson, Black Diamond – thanked Councilmember Goodwin for his comments and appreciates his leadership; applauded the Interim City Administrator for his comments and disappointed Council would not participate.

Dave Amber, Black Diamond – commented on the decision made tonight and does not envy Councilmember's positions; tables turning and the two camps involved.

Melissa Oglesbee, Black Diamond – stated she appreciated Council listening to the audience tonight; commented on Mayor Olness' participation in the DARE Graduation.

Peggy Sperry, Black Diamond – commented that she was confused with communication on the Council in regards to their involvement.

Brock Deady, Black Diamond – commented on the decision being made and now folks can educate themselves.

Cindy Wheeler, Black Diamond – appreciated Councilmembers notification on the graffiti; discussed folks not being informed and does not see this being an issue; school children in the Enumclaw School district being at a disadvantage.

Elisa Long, Black Diamond – appreciated the hard decision that was made tonight; proud to be part of the Community and the Enumclaw School District.

Tim Nix, Black Diamond – commented on being glad to have a City Administrator.

Beau Burrege, Black Diamond – asked what the cost of the election will be and the cost to change code and Council should consider this.

Bill Roth, Black Diamond – commented he was disappointed by the decision made tonight; feels the majority is not aware of what happened tonight.

Kristine Hanson, Black Diamond – talked about already having a right to vote; perceived as getting rid of the Mayor; finances now need to be dealt with; proud parent of Black Diamond Elementary.

Mira Hoke, Black Diamond – commented that with the decision that was made tonight there will now be skewed meetings.

Pam McCain, Black Diamond – Thanked Councilmember Goodwin for his articulate response tonight; discussed a town with no respect for private property rights; City is now in chaos.

Tina McCann, Black Diamond – commented she is disappointed in what happened; working on getting people involved; children in Black Diamond not being disadvantaged.

Dennis Boxx, Black Diamond – commented he appreciated the votes that were made tonight.

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 (5-0). The Consent Agenda was approved as follows:


- 1.) **Claim Checks** – July 19, 2012 Check No. 38485 through No. 38550 (void Check No. 38486) in the amount of \$107,837.06
- 2.) **Payroll Checks** – June 30, 2012 No. 17755 through No. 17779 (void Check No. 17762) and ACH Pay in the total amount of \$288,759.47
- 3.) **Minutes** – Special Meeting of July 9, 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 (5-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk