

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**September 20, 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:** None

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

Mayor Olness asked for a motion to put Presentations first on the agenda.

A **motion** was made by Councilmember May and **seconded** by Councilmember Goodwin to amend the agenda to have the Presentations first. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Taylor to substitute the ordinance on Item #1 with the revised ordinance by City Attorney Bacha. Motion **passed** with all voting in favor (5-0).

## **PRESENTATIONS:**

### **Presentation – Labor Day Awards**

Mayor Olness introduced the Executive Director of Labor Days, Leih Mulvihill. Ms. Mulvihill distributed the following awards:

- Citizen Award – Jack McGann
- Business owner of the Year – Val Westover of The Loft Salon
- Hometown Hero Award – Garrett McGann

## **PUBLIC COMMENTS:**

Janie Edelman, Black Diamond – echoed her congratulations to all the recipients; commented on the issue of conduct in the City being us and them; right to assemble and frequent businesses.

Cindy Proctor, Enumclaw – commented on any updates of redistricting from the Enumclaw School District; Minor and Major Amendments discussion at Workstudy and would like clarification on Type 2 decisions; Mitigated Determination of Non-Significance (MDNS) notices and their requirements.

Cindy Wheeler, Black Diamond – commented on seeing something that spoke to her “we are what we repeatedly do” and the City continues to fail to give public notice as required by law; Minor and Major Amendment discussion at Workstudy; selection of Planning Commissioner members and Code of Conduct.

Terri Roberts, Black Diamond – requested City put online all the plat information; transparency; customer service and the residents being the customer.

Mario Sorci, Black Diamond – commented on item #4 on the agenda and encouraged Council not to take action on this tonight.

Erika Morgan, Black Diamond – commented on documents for development being online.

Kristen Bryant, Bellevue – commented on getting plat material online.

Susan Harvey, Ravensdale – commented on Minor and Major Amendments discussed at Workstudy and suggested language change.

Kristine Hanson, Black Diamond – commented on plat information and access should be given; commented on accepting funds from Save Black Diamond for K-9 Fundraiser and read email from Save Black Diamond.

Ginger Passarelli, Black Diamond – commented on email she sent to City Councilmembers.

Glen Parker, Black Diamond – commented on his involvement with the K-9 Fundraiser.

## **PUBLIC HEARINGS: None**

## **UNFINISHED BUSINESS:**

**Ordinance No. 12-978, amending Black Diamond Municipal Code 18.14 regarding the vesting period for previously approved project permits**

Executive Director of Community Development Pilcher reported from the study session held earlier there is a revised ordinance before Council that would extend the expiration of a previously approved site plan.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Taylor to adopt Ordinance No. 12-978, amending Black Diamond Municipal Code 18.14 regarding the vesting period for previously approved project permits. Motion **passed** with all voting in favor (5-0).

**Ordinance No. 12-979, amending Black Diamond Municipal Code 17.16 and 18.08 regarding administrative appeals of preliminary plat decisions**

Executive Director of Community Development Pilcher reported at the September 6, 2012 regular meeting, the City Council directed the Attorney to prepare an ordinance to amend Title 17 so that appeals of the Hearing Examiner decision on preliminary plats would proceed to Superior Court.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Taylor to adopt Ordinance No. 12-979, amending Black Diamond Municipal Code 17.16 and 18.08 regarding administrative appeals of preliminary plat decisions. Motion **passed** with all voting in favor (5-0).

**NEW BUSINESS:**

**Resolution No. 12-830, establishing a policy for and authorizing acceptance of donations for support of the City of Black Diamond Police Department K-9 fundraiser**

Councilmember Benson reported there was some discussion at the workstudy to make this resolution more broad, but will do that in the future.

Councilmember Goodwin stated his personal preference is to accept after the budget process and does not support approving it now, stated it should come forward when the budget is before Council.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-830, establishing a policy for and authorizing acceptance of donations for support of the City of Black Diamond Police Department K-9 fundraiser. Motion **passed** (4-1, Goodwin).

**Ordinance No. 12-980, relating to development of Impact Fees updating Chapter 3.50 of the Black Diamond Municipal Code; implementing a Fire Impact Fee; providing for severability; and establish an effective date**

City Attorney Bacha reported this is a clean-up version of what council has previously seen.

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

adopt Ordinance No. 12-980, relating to development of Impact Fees updating Chapter 3.50 of the Black Diamond Municipal Code; implementing a Fire Impact Fee; providing for severability; and establish an effective date. Motion **passed** with all voting in favor (5-0).

**Resolution No. 12-831, awarding the low bid on the concrete equipment wash pad project to Rainier Asphalt and Concrete**

Executive Director of Economic Development and Engineering Services Williamson reported this is the award of the bid to Rainier Asphalt and concrete to construct an equipment wash pad as part of the Department of Ecology Stormwater grant in order to meet Best Management Practices (BMPs) for vehicle washing; this contract will cover the concrete portion of the work needed for this project. The city received 3 bids and staff recommends awarding to the lowest bidder, Rainier Asphalt and Concrete. The low bid was for \$22,996.05. Project costs will be covered by the Stormwater Capacity grant received from Department of Ecology.

A **motion** was made by Councilmember May and **seconded** by Councilmember Benson to adopt Resolution No. 12-831, awarding the low bid on the concrete equipment wash pad project to Rainier Asphalt and Concrete. Motion **passed** with all voting in favor (5-0).

**Resolution No. 12-832, confirming Melanie Thomas Dane as Municipal Court Judge and Authorizing the Mayor to enter into a Judicial Services Contract**

Mayor Olness reported Judge Bowman has been appointed to a Superior Court position commencing October 1, 2012. His appointment runs through December 31, 2013 so this will be the term of this appointment. The City received 14 applications and interviewed 4. It was the unanimous decision of the selection committee to select Melanie Dane as the most qualified candidate.

Ms. Melanie Dane commented it was a pleasure to attend the meeting that evening and gave her background information. She stated her excitement to work with the community as Judge and is eager to start October 1, 2012.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Resolution No. 12-832, confirming Melanie Thomas Dane as Municipal Court Judge and authorizing the Mayor to enter into a Judicial Services Contract. Motion **passed** with all voting in favor (5-0).

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Olness reported she attended the Suburban Cities Association meeting on September 11<sup>th</sup> and discussed proposed changes to the GMA; September 12<sup>th</sup> lunch meeting with Donna Russell Cooke and ways to do outreach in the Community; she reported she also attended on September 12<sup>th</sup> a PIC meeting and noted items discussed; Association of

Washington Cities Candidate Forum on September 18<sup>th</sup> along with Councilmember Deady; attended Sheriff Forum on September 19<sup>th</sup>; Suburban Cities Association networking dinner on September 19<sup>th</sup>; announced October 4<sup>th</sup> Workstudy and Public Hearing; October 11<sup>th</sup> SEARCH meeting replacing the Town Hall meeting and announced that on October 18<sup>th</sup> there will be the first Workstudy on 2013 budget.

## **COUNCIL REPORTS:**

Councilmember Taylor commented on supporting the change in the City org chart; preliminary plat documents being made public and supported volunteerism on this project and support changing code that applicants must submit all documents electronically; school redistricting and would like to see someone in the Community to act as a Liaison.

Councilmember Benson reported she spoke with Mr. Butkus regarding the plat material being online and is looking forward to hearing back on what the budget costs would be; noted the need to make these documents available to the public.

## **PUBLIC COMMENTS:**

Cindy Wheeler, Black Diamond – commented on the Planning Commission and Conduct of City Officials; document availability; donation oversight.

Cindy Proctor, Enumclaw – commented on FTP sites; need for access to the documents; PDR process; Fire Safety; police reductions; conduct at Council meetings.

Mario Sorci, Black Diamond – commented on Fire Impact Fees and the work that went into it; need for small business here and urged Council to look at this in the Fire Impact Fee ordinance as the charges are not fair to small businesses.

Johna Thomson, Black Diamond – stated she agreed with Ms. Proctor about putting positive energy into the Council meetings; read letter from Sandy Sutton of Dazzled Dame regarding K-9 fundraiser; overturning decision made by Mayor and the current Form of Government working.

Kristen Bryant, Bellevue – read statement from Steering Committee of Save Black Diamond.

Karen Waitlin, Black Diamond – commented on K-9 fundraiser and highlighted businesses that helped and presented the City with a check for \$1,561.00 for the K-9 department.

## **CONSENT AGENDA:**

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


- 1.) **Claim Checks** – September 20, 2012 Check No. 38726 through No. 38802 (voided check Nos. 38729, 38735, 37840 and 37825) in the amount of \$233,459.57
- 2.) **Payroll Checks** – August 31, 2012 No. 17835 through No.17848 and ACH Pay in the total amount of \$160,903.69
- 3.) **Minutes** – Town Hall Minutes of June 14, 2012 and Council Minutes of September 6, 2012

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

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

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk