

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**October 4, 2012**  
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 Deady, Goodwin, Benson and Taylor.

**ABSENT:** Councilmember May (excused).

Staff present were: Steve Pilcher, Executive Director of Community Development, Andrew Williamson, Executive Director of Economic Development and Engineering Services, Seth Boettcher, Public Works Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Greg Goral, Police Commander; Brian Lynch, Acting Police Sergeant; Jeff Boone, Police Officer; Pete Butkus, Interim City Administrator; Chris Bacha, City Attorney and Rachel Pitzel, Deputy City Clerk.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to excuse Councilmember May from the meeting. Motion **passed** with all voting in favor (4-0).

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to amend the agenda to have the Presentations first. Motion **passed** with all voting in favor (4-0).

**PRESENTATIONS:**

**Presentation – Awards**

Mayor Olness introduced Chief Kiblinger who presented the following awards:

- Certificate of Recommendation Award – Acting Police Sergeant Lynch
- Certificate of Appreciation – Ron Olness
- Chief for a Day slideshow – Isaiah Weaver

Ms. Weaver commented that Chief for a Day was an awesome experience and brought their family closer together. She also stated that having the whole community come together for

Isaiah and his family you do not get that any place else, she said it was such a privilege. She thanked everyone again and said they were very grateful.

Mayor Olness presented Isaiah with a photo book of the events for Chief for a Day.

## **PUBLIC COMMENTS:**

Janie Edelman, Black Diamond – echoed Ms. Weavers comments, stated it was a great example of citizens for this town; discussed the marijuana business in town and her disapproval of it.

Mira Hoke, Black Diamond – announced that YarrowBay is trying to come up with something to satisfy everyone regarding the plats and applications being available online; stated that a digital copy is not a requirement, they understand everyone's frustrations and are trying to come up with something.

## **PUBLIC HEARINGS:**

### **Stormwater Program Update**

Executive Director of Economic Development and Engineering Services Williamson reported this is a requirement of the National Pollutant Discharge Elimination System (NPDES) permit and Department of Ecology Clean Water Act; he noted this is updated annually. Mr. Williamson stated this plan went through the Public Works Committee and a Workstudy was held, staff received one official comment from Mr. Rothschilds.

Mayor Olness opened the public hearing at 7:17 p.m.

Bob Rothschilds, Black Diamond – stated he appreciated the opportunity to comment and the plan has come a long way. He stated he had three additional comments regarding 1) Illicit Discharge, 2) Catch Basins and 3) Street Sweeping.

Erika Morgan, Black Diamond – commented her concern was about silting in the natural area.

Mayor Olness closed the public hearing at 7:28 p.m.

Mayor Olness thanked the public for their comments and stated any revisions will be brought back to Council.

## **UNFINISHED BUSINESS:**

**Ordinance No. 12-981, amending Black Diamond Municipal Code 2.24 regarding the qualifications and terms of membership for the Planning Commission**

Executive Director of Community Development Pilcher reported this was brought before Council a few meetings ago, a workstudy was held and it is being brought back tonight for adoption.

Councilmember Deady asked if Council can remove/suggest Planning Commission members to the Mayor so they are all on the same page.

City Attorney Bacha noted the ordinance states that already, if the Council doesn't agree with the Mayor's recommendation the Mayor doesn't have the authority.

Councilmember Deady asked about Council authority.

City Attorney Bacha stated if Council has independent authority without the Mayor's concurrency, the Council can recommend to Mayor and it works both ways.

Councilmember Benson commented on term expirations and dates not being longer than 4 years.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Ordinance No. 12-981, amending Black Diamond Municipal Code 2.24 regarding the qualifications and terms of membership for the Planning Commission.

Councilmember Deady commented on excused and unexcused absences.

City Attorney Bacha stated built in to this draft there is a mechanism for addressing Planning Commissioners who don't meet their obligations.

Councilmember Taylor noted this is a volunteer position; you have to give some leeway there.

Councilmember Goodwin stated Council has enough authority; there is adequate provision in the code.

Councilmember Taylor agreed with Councilmember Goodwin, he stated you have to allow flexibility, these are volunteers it is a small community.

Vote: Motion **passed** with all voting in favor (4-0).

## **NEW BUSINESS:**

### **Resolution No. 12-833, authorizing the Mayor to sign the Easement and the Maintenance Agreement for water line work at Fire Station 98**

Interim City Administrator Butkus reported this is a two part action item, 1) Easement for water line and 2) Maintenance agreement. He noted a typo in Exhibit A (the 'Grantor' name states KC Fire District 44 instead of City of Black Diamond) and staff will correct it before execution by the Mayor.

Councilmember Goodwin asked about the maintenance and who's responsible for it.

Fire Chief Smith noted that there is no hydrant on site.

Councilmember Taylor stated he wanted to clarify the water line recently put in was to support sprinklers at the Station; an easement was needed to access that water line.

Interim City Administrator stated yes, that was correct.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-830, authorizing the Mayor to sign the Easement and the Maintenance Agreement for water line work at Fire Station 98. Motion **passed** with all voting in favor (4-0).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Olness reported on September 26<sup>th</sup> she observed in Court with the new Judge Melanie Dane presiding; she also attended on September 26<sup>th</sup> the Southeast Area Transportation Solutions (SEATS) coalition in Covington with Interim City Administrator Butkus; September 29<sup>th</sup> attended the Tough Mudder event; October 1<sup>st</sup> attended an assembly at Black Diamond Elementary School where Commander Goral and her presented student Garrett McGann with his "Hometown Hero" award; interviewed two candidates for the Police Sergeant position and also attended a Chamber of Commerce roundtable discussion with Brad Toft, candidate for Senate in the 5<sup>th</sup> District. Mayor Olness also noted that the new Organizational Chart is up on the website and thanked Mrs. Boxx for the suggestion.

## **COUNCIL REPORTS:**

Councilmember Deady reported she also attended the Tough Mudder event and thought it was very impressive.

Councilmember Benson reported she attended the Tough Mudder event and thought it was extremely well organized; she noted she drove down for traffic purposes and noted it took an hour to go four miles; she also stated she has been receiving a lot of phone calls regarding the Preliminary Plat being available online and would like Mr. Butkus to give a status on where he is at in regards to his research.

Interim City Administrator Butkus stated this was brought to him 2 weeks ago and he has contacted Sound Legal, they sent a preliminary cost analysis but it wasn't complete, Mr. Butkus sent it back to them yesterday and is looking to get back to them quickly. He explained they work like a Google or Bing search engine.

Councilmember Taylor reported he attended the Tough Mudder event as well and it was impressive, well organized but the one disappointment was it didn't bring more benefit to local businesses and would like to see a way to stimulate our local businesses better.

Chief Kiblinger asked if she could speak on behalf of the event and the traffic issues stemmed from the organization taking money at the time of parking instead of parking and then collecting or having the participants pay for parking with registration; explained that it wasn't an event that people stick around after they are done, they are tired, hurt and want to leave.

Executive Director of Economic Development and Engineering Services Williamson noted that they did invite the businesses to get active and to contact Tough Mudders to be a part of that event; he stated next year if they come back a coupon pack or something that they can give out to the people would be beneficial to the businesses.

Councilmember Benson stated the businesses didn't understand how the event worked and she didn't think the participants wanted to stay around after racing in that type of event. She noted there was a lot of parking available and thought they did the best job they could do.

Councilmember Goodwin stated he has heard some rumors about the Hearing Examiner and the Preliminary Plats, and wanted to know what the schedule was.

Executive Director of Community Development Pilcher reported there is a pre-hearing conference at 1 p.m. in Council Chambers tomorrow for the appellant group, city staff and applicant.

Councilmember Goodwin stated he was disappointed there was no notification and he plans on attending tomorrow; a second question he had was regarding another legal notice in the paper with respect to extending sewer to Lake 12 and stated it was a shock to see that and wanted to know what was going on with that.

Executive Director of Community Development Pilcher reported that the City issued a SEPA determination on the general sewer plan that was prepared and brought to the Public Works committee, the SEPA determination is a step in the final adoption of the Sewer Plan and as noted in the SEPA Plan, Lake 12 is within the City's Urban Growth Area and is part of our Sanitary Sewer service area.

Councilmember Goodwin stated he would like to see that document that states it is part of the Urban Growth Area; going back to the notification standpoint this was significant and he had to read about it in the paper.

Discussion ensued regarding notification of the legal notice for the SEPA determination and how come notice was not given regarding the pre-hearing schedule.

City Attorney Bacha clarified the pre-hearing conference and discussed adding notices in the Council policy and exposing the City to legal challenges if not noticed correctly.

## **PUBLIC COMMENTS:**

Bob Edelman, Black Diamond – commented that he did not receive a notice regarding the pre-hearing conference and noted he is an appellant and stated it falls in Mr. Butkus' lap; discussed the Development Agreement notice; Sound Legal and their search engine being terrible.

Dianna Boxx, Black Diamond – commented on Planning Commissioners absences; notice and Council not getting information.

Erika Morgan, Black Diamond – commented on notices and was glad that Council is expressing dismay regarding the notification process.

## **CONSENT AGENDA:**

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

- 1.) **Claim Checks** – October 4, 2012 Check No. 38803 through No. 38851 (voided No. 33821) in the amount of \$164,332.41
- 2.) **Minutes** – Town Hall Notes of September 13 2012, Workstudy Notes of September 20, 2012 and Council Minutes of September 20, 2012

## **EXECUTIVE SESSION:**

Mayor Olness announced an Executive Session at 8:23 p.m. to discuss with legal counsel litigation pursuant to RCW 42.30.110(1)(i) which was expected to last approximately 10 minutes.

The regular meeting was called back to order at 8:38 p.m.

## **ADJOURNMENT:**

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk