

BLACK DIAMOND CITY COUNCIL MINUTES

November 15, 2012

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Pro-Tem Goodwin 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: Mayor Olness (excused)

Staff present were: Andrew Williamson, Executive Director of Economic Development and Engineering Services, Stacey Welsh, Senior Planner; Mayene Miller, Finance Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Pete Butkus, Interim City Administrator; Chris Bacha, City Attorney and Brenda L. Martinez, Assistant City Administrator/City Clerk.

PUBLIC COMMENTS:

Priscilla Plass Rogers, Black Diamond – commented paving Plass Road and putting up a gate so the road will no longer be a through road and would like to know if there is anything they should know before proceeding.

Jennifer Slape, Black Diamond – discussed the Open Public Meetings Act and three Councilmembers sitting together at a Benefit Auction and a Councilmember's behavior at the event.

Ginger Passarelli, Black Diamond – addressed the City Budget and self-permitting without making huge cuts, YarrowBay is giving \$1.6 million a year to the City and cannot believe the way they are being treated; asked everyone to be kind.

Johna Thomson, Black Diamond – thanked Councilmembers Benson and Deady for attending the Enumclaw School District tour this week; discussed planned schools for Black Diamond; encouraged the other Councilmembers to also engage with the School District.

Cindy Wheeler, Black Diamond – commented on the need to have a Code Behavior Policy of appointed officials, elected officials and employees.

Colin Lund, YarrowBay – updated Council on the Preliminary Plat hearing and SEPA Appeal hearing; CFDs and where they are at and gave a Fire Station update.

Peter Rimbos, Maple Valley – commented on Preliminary Plat hearing and SEPA Appeal hearing.

Bob Edelman, Black Diamond – commented on regulations regarding three or more Councilmembers sitting together.

City Attorney Bacha responded there is nothing that constitutes Councilmembers from meeting together as long as no city business is discussed.

PUBLIC HEARINGS:

Property Tax Levy

Ms. Miller reported there are two property tax ordinances before Council tonight- one to set a maximum levy dollar amount and a second one to approve the 1% increase over last year's levy which is allowed for cities under 10,000 population. She noted adding \$30,000 to cover the possible additional tax items such as new constructions, annexation, state assessments and adjustments. In addition she noted there is a decrease in the total city assessed valuation this year.

Mayor Pro-Tem Goodwin opened the public hearing at 7:23 p.m.

Robbin Taylor, Black Diamond – pointed out that Washington State is one of two or three states in the union and taxation is not based on the house value but what the government needs. Does not understand the house valuation cards folks receive as property taxes could go up more than 1% to get to the dollar amount. Does not agree with the way (at the State level) this is calculated.

Janie Edelman, Black Diamond – commented that library and schools are “Mil Levies” and that is where that percent comes in and what King County and the State does is they figure out what they want and they just take.

Cindy Wheeler, Black Diamond – asked if this was instead of the Safety levy or is it in addition to the Safety levy.

Ms. Miller clarified all this will go to the Public Safety levy.

Mayor Pro-Tem Goodwin closed the public hearing at 7:29 p.m.

2013 Preliminary Budget

Ms. Miller reported this is a draft of the Preliminary budget and also included in the packet information provided by Council. Staff is working on ways to bring the budget in balance without using fund balance. She noted upcoming meetings regarding the budget process and the schedule for hearings and adoption.

Mayor Pro-Tem Goodwin opened the public hearing at 7:31 p.m.

Janie Edelman, Black Diamond – discussed being responsible for multi-million dollar budgets and knowing how to read a budget and budgeting in her private life; disappointed that the only thing being taken into consideration is Council being willing to give up their salary. She stated she does not feel it was fair to be presented an unbalanced budget and it appears they want you to be the bad guys. If you maintain the 2012 budget and add furlough days staff use to have you could have saved about \$268,000. Citizens do not have any more money and taxes are going up and the more you tax the people the less they are going to be able to be taxed. Feels there are easy remedies and an easy solution.

Bill Wheeler, Black Diamond – commented on being a strong advocate for a balanced budget. Noted a large percentage being the Police force and this is where some of the cuts will need to come from. Are we still looking at combining services with surrounding communities? Understands contracting with King County will cost more for police service, but have we thought about contracting on off hours (midnight to 6 a.m.). If ¼ is one item you will need to take some out of there as the rest cannot absorb it and we don't need to spend all our money on one thing.

Cindy Wheeler, Black Diamond – commented that she agreed we cannot spend money we do not have. Need to be smart with our money and are asking the tough questions regarding property tax. Feels she will be priced out of this town and the biggest time is the police; discussed the bad return on money with marine patrol; discussed not needing new cars as we cannot afford this; read an excerpt from a Facebook page regarding a statement Councilmember Goodwin made; discussed developing a budget that puts on a better footing and supports Council working together and we need to look at everything with a critical eye.

Cindy Sizemore, Black Diamond – commented on Furlough days being a good option; wished she had our Police department as she lives outside the city limits; noted being thankful the police department cruises down their road and appreciates it. Understands it is expensive, but it is very nice to have.

Mayor Pro-Tem Goodwin closed the public hearing at 7:42 p.m.

Comprehensive Plan Updates

Senior Planner Welsh reported it's that time of year again for Comprehensive Plan amendments and cities cannot amend the Comprehensive Plan more than once a year. She noted there are four Comprehensive Plan amendments this year. One is the product of a city-initiated planning program; two were initiated by the city council; and one was initiated by the Planning Commission. All proposals were transmitted to the State Department of Commerce for the required 60-day review, which commenced on September 25. At this time no comments have been received as a result of that process. The Commission evaluated these proposals during August and September and then conducted a public hearing October 23 and 29, No member of the public commented on any of the proposals. A SEPA determination of Non-significance for the proposals was issued on October 26; she noted the staff report describes each proposal and the Planning Commission recommendation on each. Staff's recommendation is to conduct the public hearing on November 15 and plan on final action at the December 20 meeting. Action cannot occur prior to that date since the Department of Ecology has a 90-day review process for the General Sewer Plan. Mr. Williamson passed out comments received on November 2 from the Department of Ecology

and also comments received from King County dated November 7 regarding the General Sewer Plan.

Mayor Pro-Tem Goodwin opened the public hearing at 4:47 p.m.

Jack Sperry, Black Diamond – commented on Sewer Plan specifically page 30 paragraph 1 feels it is unlikely infrastructure will take place in 2012; page 43 last paragraph does not believe this statement is true as the County has no Capital Plan as they were removed and not in the County’s six-year plan; page 49 paragraph 7.3.2 should be referring to figure 8.1 which doesn’t exist should be figure 7.3; page 51 paragraph 7.5 wastewater connection with County.

Peter Rimbos, Maple Valley – commented he was speaking on behalf of the Citizens Technical Team. Thanked Council for sponsoring this amendment and discussed detailed white paper sent earlier to the Council and this paper should answer any questions Council may have; asked what transportation concurrency is and read excerpt from CPT 12-02; discussed County’s transportation concurrency plan; level of service; RCW 47.06.140.

Colin Lund, YarrowBay – addressed two items: 1) CPT 12-02, hopeful that staff has passed on to you the 9/04/12 letter to the Planning Commission and if not I trust they will give you a copy. He noted agreeing with some of the previous comments in that GMA provides concurrency requirements and does not feel this condition applies here; RCW 47.06.140, level of service, YarrowBay reads this as the level of service for urban highways of statewide significance applies to State Highway 169 through Black Diamond and the developer has to meet that, the State sets that standard for highways of statewide significance. 2) Gross to net, noted this will not apply to the MPD land, but is concerned with the TDR program and the base map that was used to determine TDRs on property. This proposal defines density in terms of net not gross and now you (property owner) could find that you have no TDR. He added he does not understand how to deal with the clustering provision as this is done with the gross calculation. He referred back to the BDUGGA and open space agreement and the calculations being based on gross, more concerned with the individual property owner rights that might be taken away as a result of this.

Cindy Wheeler, Black Diamond – two comments, 1) if you are going with the widening of Hwy. 169 and there is discussion of eminent domain she feels it is unethical to not notify those citizens as they should be informed by the city, 2) urged Council that they need to play the audio over and over from Mr. Sperry’s comments, they are very astute.

Mayor Pro-Tem Goodwin closed the public hearing at 8:06 p.m.

PROCLAMATION:

A **motion** was made by Mayor Pro-Tem Goodwin and **seconded** by Councilmember May to defer the proclamation until the Mayor returns. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 12-839, authorizing the Mayor to execute a Bill of Sale for improvements completed at Fire Station 98

Interim City Administrator Butkus reported this is the last item related to the fire flow improvements at Station 98. The proposed Bill of Sale is limited to the water line improvements. Other appurtenances are the property of the city. Funding for this project came from funds previously reserved by the former Fire District 17.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-839, authorizing the Mayor to execute a Bill of Sale for improvements completed at Fire Station 98. Motion **passed** with all voting in favor (5-0).

Ordinance No. 12-983, repealing Chapter 5.02 of the Black Diamond Municipal Code

Interim City Administrator Butkus reported staff is recommending that the existing B & O tax provisions of the City Code which are currently "sunset" but remain on the books be repealed. He added the previous Council in 2008 passed an ordinance to sunset this tax but failed to have repealer language in the ordinance.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember May to adopt Ordinance No. 12-983, repealing Chapter 5.02 of the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

Ordinance No. 12-984 and Ordinance No. 12-984A, setting the Property Tax Dollar amount for 2013 and Ordinance 12-984A specifying the 1% Property Tax increase to be used for Public Safety including Fire, Police and Emergency Services

Finance Director Miller reported these two ordinances are the same ordinances that were discussed during the public hearing tonight.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Ordinance No. 12-984 and Ordinance 12-984A, setting the Property Tax Dollar amount for 2013 and Ordinance 12-984A specifying the 1% Property Tax increase to be used for Public Safety including Fire, Police and Emergency Services. Motion **passed** (3-2, Taylor and May).

Ordinance No. 12-985, adding a new section to the Black Diamond Municipal Code regarding compensation of the City Council

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to postpone Ordinance No. 12-985, adding a new section to the Black Diamond Municipal Code regarding compensation of the City Council until the December 20, 2012 Council meeting. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-840, authorizing the Mayor to execute an agreement between the City of Enumclaw and the City of Black Diamond for Jail Services

Police Chief Kiblinger noted this is an updated agreement between the City of Enumclaw and the City of Black Diamond for Jail Services. She added that Enumclaw is our City's primary jail and the rate is \$60 a day with no booking fees.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-840, authorizing the Mayor to execute an agreement between the City of Enumclaw and the City of Black Diamond for Jail Services. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Benson reported she would like to send the budget back to the City Administrator and the Mayor to balance before presenting at the Workstudy on November 26.

Interim City Administrator Butkus noted that staff is already in the process of doing this.

Councilmember Taylor asked folks to keep in mind that with Police we are dealing with a six year contract with the Association and the City's hands are tied.

Interim City Administrator Butkus replied that a request was made by the City to open the contract for COLA increases and the Association denied.

Councilmember Benson reported she attended the Focus on Education Tour and was very impressed at the level of Education the kids are receiving.

Councilmember Deady reported she attended the same function and is also impressed as having kids in the school district and applauds the Enumclaw School District.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Jack Sperry, Black Diamond – commented on the two letters Council received from the Department of Ecology and King County Regarding the Comprehensive Sewer Plan.

Peter Rimpos, Maple Valley – commented on two people quoting the same RCW and coming up with two different interpretations and asked Council to look at this RCW; does not understand why the City has a Cemetery Committee and not a Transportation Committee.

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:

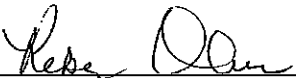
1. **Claim Checks** – November 15, 2012 Check No. 38972 through No. 39020 in the amount of \$323,487.42
2. **Payroll Checks** – October 31, 2012 No. 17889 through No. 17918 and ACH Pay in the amount of \$286,750.46
3. **Minutes** – Council Workstudy Notes of October 29, 2012, Council Workstudy Notes of November 1, 2012 and Council Minutes of November 1, 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:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk