

BLACK DIAMOND CITY COUNCIL MINUTES
Town Hall Meeting of June 14, 2012
Community Center, 31605 3rd Ave, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the Town Hall meeting to order at 7:01 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Goodwin, May, and. Benson.

ABSENT: Councilmember Taylor (excused)

Staff present: Chip Hanson, IS Manager; and Brenda L. Martinez, Asst. City Admin/City Clerk.

Mayor Olness welcomed everyone to the meeting and announced that the meeting would go until 9:00 p.m. unless finished earlier. She explained that everyone will have a chance to speak once before anyone is allowed to speak for a second time.

PUBLIC COMMENTS:

Cindy Wheeler, Black Diamond thanked Council for this opportunity and wanted to address and make them aware of the King County requirement that every City have an initiative and referendum process in place and we need to have a process put into place.

Councilmember Goodwin responded that yes a process will be coming forward on the agenda in the next several weeks.

Ms. Wheeler asked Council to put a resolution on the agenda for passing regarding changing the form of government. Discussed the legal brief for the upcoming LUPA process and asked Council to read every brief that is prepared so they can be informed. Would like Council to pay attention to the issues with staff and how it affects things. Ms. Wheeler commented on the Planning Commission meeting and them flopping around on the Title 18 and Title 17 issue and asked Council to look into the Planning Commission meeting minutes of last year; she read excerpts from those minutes and wonders why this issue has not been moved forward. She stated in closing, the Comprehensive Plan amendment deadline is tomorrow and frustrated that staff initiated an amendment on the Lake Sawyer Park and staff wanting to change the definition and people did not like this. She discussed the recommendation by the Planning Commission she noted the Planning

Commission said this needs to be brought forward for the 2012 Comprehensive Plan process and would like to have Council bring this forward.

Mario Sorci, Black Diamond, noted he was not able to attend the meeting earlier regarding the City Administrator position and wondered if someone could recap the happenings.

Mayor Olness gave a recap of the meeting.

Councilmember Benson added there was Council consensus at the meeting to have the Mayor execute the contract at next Thursday's meeting, but won't be able to hire someone until the amendment has been done to the Funding Agreement.

Councilmember Deady commented that some folks from the City have responded both in the affirmative and the negative for the change in the form of government and feels this should be put on the ballot for the citizens to decide.

Councilmember Deady also commented on the confusion regarding her suggestion of having a Council President or liaison to work with staff and then come back before the Council of the whole during a workstudy to discuss issues that would be forthcoming on future agendas. She noted being in contact with other Councilmembers from surrounding communities on how this works for them.

Erika Morgan, Black Diamond is impressed how this new Council has pulled together and worked together allowing for great communication with the residents. We need a plan for input from everyone so we can get to a place where we have the right plan.

Susan Harvey, Ravensdale commented on the change that has been made to the Green Valley Road Committee and wondered what the process is for further changes to that Committee.

Colin Lund noted that in the Development Agreements it lists many actions that require minor or major amendments. If it doesn't meet criteria, then it is a major modification and requires City official's approval which would require a public hearing. This qualified as a minor modification which only needs approval by the Mayor or her designee. Colin Lund addressed the table in the Development Agreement and a minor amendment was needed to correct an error.

Bob Edelman, Black Diamond commented on the PDF file of the brief document and urged council to use what he sent out today.

Colin Lund, YarrowBay stated this is in response to Ms. Wheeler's comment regarding YarrowBay stating they would file a lawsuit against the PC on the Title 17 &18 change. He noted Megan Nelson's comments to the Planning Commission regarding insurance company's advice. Wanted to be clear YarrowBay was not threatening litigation.

Bob Edelman, Black Diamond commented on the reasons they thought there was a threat because of the liability being discussed. He noted that he was not sure what liability was expressed and if there was a suit to come before the city it would be from the appellant or the developer and he is happy to hear this is not YarrowBay's intent.

Mayor Olness announced the planning commission has requested that the city attorney and the insurance company be at the next planning commission meeting to address the commission on this issue. She added it was decided to make this a joint meeting of the Council and PC so all are hearing the same discussion.

Councilmember Deady read a question she asked from MRSC on this issue of administrative appeals in Chapter 17 and 18. She read a response from Pat of MRSC and he noted this is a question of policy and not a requirement by law.

Councilmember Goodwin commented that a lot of education needs to be done on this and we need to do our homework before offering any suggestions on the best way to go.

Ms. Wheeler noted she is confused as there has been a conflict since 2009 and the Planning Commission has already made a recommendation. Would like to see an end to YarrowBay bringing up liabilities and our City officials have walked away when they hear these things. She brought up Saas and Goodwin having to walk away from a major process and would like to see people stop being worried whether they are covered and start representing the citizens who elected them.

Goodwin noted there is a process underway and we will need to wait and see what the Council policy decision is going to be.

Mayor Olness reported that staff works at the direction of the Mayor and the Council and when this issue went to Council last year the Council told staff they did not want to address it at that time.

Kristine Hanson, Black Diamond noted that Council was not threatened and yes the Doctrine of Necessity was invoked and Saas and Goodwin could have participated in the process. Commented on folks outside the city limits trying to get the form of government changed in Black Diamond. She commented on the process of Title 17 & 18. She discussed Council giving them time to learn and just because folks are asking you to change the government it is not the people in Black Diamond and old Black Diamond who want this change.

Bob Edelman, Black Diamond cleared up confusion on why Council wants the final decision on plat decisions. There needs to be a way for errors of the Hearing Examiner to be rectified. Commented on the change of government and this being a systemic problem and believes this is a better form of government and corrects this systemic problem.

Tina McGann, Black Diamond noticed that Council do take their time and listens to the citizens and appreciates that. I am feeling this change of government is a little rushed

and feel you are new and maybe you need to take your time on this issue and why this needs to be done so quickly.

Bob Edelman, Black Diamond stated the city government does not have the authority to change the form of government only citizens can do this.

Tina McGann stated she understands that it needs to go on the ballot, but does not understand why this needs to be rushed.

Deady commented she does not understand what the fear is for putting this on the ballot. We need to let the citizens decide.

Carol Lynn Harp, Black Diamond commented that the City is facing large development and we need to consider maybe this is not the right form of government.

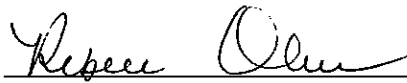
Councilmember May stated the public testimony always intrigues him and going home he will think of a thousand things to say, but right now he can't think of anything. Commented they may take their time on things but they want to make sure they are doing the right thing and Council needs to look at everything in order to make an informed decision.

Goodwin stated he is here to absorb information and not take a position on anything at these forums, he stated he was there to listen, not debate.

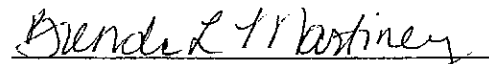
ADJOURNMENT:

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:



Rebecca Olness, Mayor



Brenda L. Martinez, City Clerk