

**CITY OF BLACK DIAMOND CITY COUNCIL
WORKSTUDY NOTES
September 20, 2012
Council Chamber, 25510 Lawson Street, Black Diamond, Washington**

Mayor Olness called the meeting to order at 5:01 p.m.

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

ABSENT: None

Staff present: Andy Williamson, Executive Director of Economic Development and Engineering Services, Steve Pilcher, Executive Director of Community Development; Pete Butkus, Interim City Administrator and Brenda L. Martinez, Assistant City Administrator/City Clerk.

Mayor Olness announced an error on the agenda, item number four should state Steve Pilcher as the presenter. She further added that the Workstudy would end at 6:50 p.m. at the latest. She then turned the meeting over to Mr. Bacha to discuss item number one on the agenda.

Minor and Major Amendments to Development Agreements –

City Attorney Bacha discussed with Council what a Development Agreement is. He noted they are a contract with specific parties. In the current Development Agreement the City has on file they are between the City and YarrowBay. He noted that state law does not define the process for an amendment to a Development Agreement nor does the city code; therefore, we need to look at the agreements. Referred to 15.7 of the Development Agreement, he noted that any amendment to an exhibit is considered a minor amendment unless a specific process is outlined in the exhibit. Discussed 12.6.1 of the Development Agreement and 10.4.2, first of this is who may request an amendment and noted there is no provision for a third party to request an amendment.

Discussion ensued regarding definition of “City” and changing the form of government.

City Attorney Bacha discussed what a minor and major amendment was and the process for each; discussed appeal rights.

Councilmember Goodwin noted the core issue is whether it is a minor or major amendment and would like to have clarity on this.

City Attorney Bacha noted the checks and balances are really the criteria that constitute what is a major or minor amendment.

Councilmember Deady asked if Council is involved in a major amendment.

City Attorney Bacha responded yes.

Councilmember Goodwin asked Mr. Bacha if he could provide the statutes he was working from today.

Vesting Periods for Previously Approved Projects –

City Attorney Bacha reported this is on the agenda due to Council requesting a Workstudy on this issue at the last Council meeting. He gave a brief history of past Council policy. He noted there was a request by a property owner to the Planning Commission to extend that time period.

Councilmember Goodwin asked Mr. Flynn to come up and give history of his project and the reason for the request.

Mr. Flynn gave background information of the project.

Executive Director of Community Development Pilcher noted this is really a site plan approval, not a binding site plan approval.

City Attorney Bacha stated Council needed to understand and weigh the policy decision.

Councilmember Taylor asked Mr. Bacha to give high points that are in the draft.

City Attorney Bacha highlighted areas of the draft and noted that if this is approved tonight it would not go into effect until after the expiration date; it would have to be adopted as an emergency.

Councilmember Goodwin asked if there were any ways of granting a temporary extension.

Mayor Olness recapped and stated should the Council choose to substitute the ordinance in the new draft prepared by Mr. Bacha they would do so by motion at the Council meeting.

Accepting Donations from Save Black Diamond –

Councilmember Deady and Benson discussed not taking donations from some and not others and that the City would be happy to take any donations from anyone who would like to better the City.

Discussion ensued on having a more generic resolution than what was in the packet at a later date; City Attorney Bacha discussed other Cities not taking donation from specific entities.

Process and Criteria for Selection of New Planning Commissioners –

Executive Director of Community Development Pilcher reported this was before Council a few weeks ago and Council requested to discuss this further in a Workstudy.

Councilmember Deady commented she would like to take out owners of business, but after talking with Councilmember Taylor maybe we should limit this to only one position.

Councilmember Goodwin noted being reluctant to have certain seats be for certain classes and prefers having more flexibility considering all the criteria and stated it would be helpful to also seek a geographical balance too. Councilmember Goodwin noted liking the ordinance as is.

Council consensus was to bring this ordinance forward at the next Council meeting.

Code of Conduct of City Officials and Doing Business within the City –

Councilmember Goodwin commented if there are criteria, philosophy, or view of how the City wants to conduct business as in the way we accept donations and do business with the community. He gave an example and asked if there is a way to get away of a favoritism of how the City conducts its business and searched for a philosophy of doing business that could be a reasonable benchmark for us to use. He is most concerned with the Community business view and what is being done in the community is fair and equitable.

Councilmember May noted it is almost a philosophy of leadership.

Interim City Administrator Butkus noted that a good start may be the 10 Commandments of an Effective Government. He noted he would get Council copies to look at.

City Attorney Bacha commented a lot of cities have looked into this and it is a very difficult and time consuming process, however it is a good exercise for the Council to go through. He added a number of scholars have also written about this, Total Quality Management was an example he gave. Mr. Bacha stated there is already a set of statutory requirements that govern both municipal employees and elected officials and it discusses what conduct is permissible. He noted Council can consider making a Vision Statement using those 10 Commandments as a starting point and urged Council to work with the City Administrator on this.


Councilmember Goodwin asked that this be put on the agenda for a future City retreat.

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).

ADJOURNMENT:

The workstudy ended at 6:44 p.m.

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk