

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**August 15, 2013**

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, Edelman and Benson.

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

Staff present: Andrew Williamson, Executive Director of Engineering Services/Ec. Dev.; Aaron Nix, Natural Resources and Parks Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Mark Hoppen, Chris Bacha, City Attorney; City Administrator and Brenda L. Martinez, Asst. City Admin./City Clerk.

**PUBLIC COMMENTS: None**

**PUBLIC HEARINGS:**

**Shoreline Master Program (SMP)**

Natural Resources/Parks Director Nix reported this hearing is a time for the public to comment on the Department of Ecology's (DOE) letter regarding required and recommended changes to the City's Draft SMP.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to suspend the rules to allow a 15-minute limit for folks to speak during the public hearing. Motion **passed** (4-0).

Mayor Olness opened the public hearing at 7:03:41 p.m.

Bill Kombol, Black Diamond noted commenting on the SMP during the review and public process. During the initial draft plan he noticed his property had been designated as part of the Park property and noted tis in not correct to staff. Quite a few problems with the AHBL work on this as they took a cookie cutter approach. He noted many factual errors that were made by the consultant on his property and noted the errors on classifying the soils. The key points of his remarks are noted in the written comments he sent in. he noted his property being very suitable for water-dependent uses and is fearful of the Urban Conservancy classification. Mr. Kombol's written comments are attached and incorporated into the minutes.

Cindy Wheeler, Black Diamond noted Council receiving numerous comments from her this week. She noted being on the Citizen Advisory Committee for the SMP and AHBL taking the cookie cutter approach. The Consultant really didn't want any input from this committee. She wants the best to be done to protect all the property owners out there and she feels that has not been done. Planning Commission process was not done well and stated the Citizens group was lobbying for MaryAnn and Kombol. She noted her major concern is how the City does not work and protect her citizens. She noted being under a 30-day clock and public hearing noted in the newspaper less than ten-days and does not adhere to City Code. She read an excerpt from WAC and stated the City should have sent notice to the Tribes and to all Lake Sawyer residents. Staff did notify the Lake Sawyer Community Club (LSCC) but this does not satisfy notifying all residents and is very upset we did not adhere to the law. She discussed a letter she received from DOE and their late notice failure and their failure to also return calls.

Jack Sperry, Black Diamond commended Council on their efforts to absorb this and get coordination to adhere to the schedule. The material was hard to understand what exactly happened with the proposed SMP. He feels a little more time is needed to flush out the details and to night he noted material not being available to the public. He submitted a ten page testimony and that is attached and incorporated into the minutes; discussed City's proposal to item #5. He added it is critical that the City put in exactly what they want so it is not up to DOE. He handed out a copy of new comments and his wording for item #5; his oral testimony is also attached and incorporated into the minutes.

Mayor Olness closed the public hearing at 7:34:12 p.m.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to have a special meeting either Tuesday or Wednesday morning of next week to make a recommendation regarding a response to DOE. Motion **passed** (4-0).

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Goodwin to amend motion to postpone until Wednesday morning at 9 a.m. in the Council Chambers. Motion **passed** (4-0).

Main **motion** passed (4-0) as amended.

Cindy Wheeler, Black Diamond stated she would encourage notice and that others need to be notified as well as other homes that will be affected.

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None**  
**UNFINISHED BUSINESS: None**

### **NEW BUSINESS:**

#### **Resolution No. 13-887, regarding final acceptance of the SE 288<sup>th</sup> Street Overlay Project**

Executive Director of Engineering Services/Ec. Dev. Williamson reported the SE 288<sup>th</sup> Project has been completed the required work as outlined in the project. Retainage is retained for 45 days where labor material providers may make a claim against the project.

After the 45 days from the date of project acceptance, the City may release the retainage bond.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Goodwin to adopt Resolution No. 13-887, regarding final acceptance of the SE 288<sup>th</sup> Street Overlay Project. Motion **passed** (4-0).

**Resolution No. 13-888, authorizing the Mayor to execute an Agreement with South County Area Transportation Board (SCATBd) for information sharing, consensus building and coordinating to provide advice on regional transportation issues**

Mayor Olness reported the current agreement with South county Area Transportation Board (SCATBd) expires at the end of this year. SCATBd approved the proposed agreement on July 16, 2013 to supersede the current agreement. The changes to the agreement are intended to streamline the agreements and the approval process, allow each board to tailor their procedural items as needed, and reflect the reduce King county staffing levels in the adopted 2013-2014 King county budget. She also noted the highlights for the proposed changes for the SCATBd Agreement include; 1) Signatory to the agreement no longer include agencies and organizations or jurisdictions not in King County, 2) a separate procedure document adopted by SCATBd identifies agencies, organizations, and other jurisdictions as limited voting members or non-voting members, 3) Language has been simplified and updated, and 4) The agreement is for a two-year period with an automatic two-year extension.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adopt Resolution No. 13-888, authorizing the Mayor to execute an Agreement with South County Area Transportation Board (SCATBd) for information sharing, consensus building and coordinating to provide advice on regional transportation issues. Motion **passed** (4-0).

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Olness reported she attended:

- August 6<sup>th</sup> National Night Out
- August 8<sup>th</sup> toured Bainbridge, Poulsbo and Gig Harbor City Halls as part of the General Government Facilities study.
- August 9<sup>th</sup> she attended with Mr. Nix the MSWMAC meeting (Metro Solid Waste Management Advisory Committee) in Seattle.
- August 10<sup>th</sup> the Always Brother 100-mile run came through Black Diamond. There was a cheering station and water stop in front of Diamond Square sponsored by the Chamber of Commerce.
- August 13<sup>th</sup> and 14<sup>th</sup> she attended with Ms. Martinez the AWC Member Programs Expo in Spokane. Discussion included health, wellness, safety and health care reform. Ms. Martinez also attended sessions on fatigue in the workplace and a panel discussion on the new marijuana laws.
- Attended a reception last night honoring Enumclaw School Superintendent Mike Nelson who is the new President of the Washington Association of School Administrators.

Reminder: School supplies are being collected at City Hall and will be distributed on August 26<sup>th</sup> to low income families at the Black Diamond Community Center.

## **COUNCIL REPORTS:**

Councilmember Deady reported she attended events for National Night Out; City Hall facility tours; Always Brothers; Obliteride event; and weeded the Rain Garden.

Councilmember Benson reported she attended National Night Out and brought salads.

## **ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

Jack Sperry, Black Diamond addressed questions that Councilmember Edelman asked earlier.

Mira Hoke, Black Diamond commented she was speaking on behalf of the Black Diamond Labor Days Committee, she noted they have changed a few things and wanted to let Council know that the Citizen Award will be announced tomorrow at the Farmer's Market at 3 p.m. and they will also be honored during the Labor Day event.

## **CONSENT AGENDA:**

A **motion** was made by Councilmember Edelman 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:

**Claim Checks** – August 15, 2013, Check No. 39870 through No. 39922 (void check nos. 39754, 39877) in the amount of \$533,901.17

**Payroll** – July 31, 2013, No. 18094 through No. 18112 and ACH Pay in the amount of \$282,849.53

**Minutes**– Workstudy Notes of July 25, 2013 and August 1, 2013 and Regular Meeting Minutes of August 1, 2013

## **EXECUTIVE SESSION:**

Mayor Olness announced an Executive Session at 8:09:09 p.m. to discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i). No action was anticipated to follow the Executive Session, which was expected to last approximately 15 minutes.

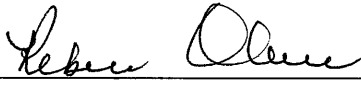
At 8:10:12 p.m. Mayor Olness recessed for 5 minutes to allow the public to exit the room and then to start the Executive Session.

The regular meeting was called back to order at 8:28:28 p.m.

## **ADJOURNMENT:**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman 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