

BLACK DIAMOND CITY COUNCIL MINUTES

November 21, 2013

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Pro-Tem Benson called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Edelman, Benson and Taylor.

ABSENT: Councilmember Goodwin (excused).

Staff present: Andrew Williamson, Executive Director of Engineering Services/Ec. Dev.; Mayene Miller, Finance Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Mark Hoppen, City Administrator; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PRESENTATIONS: None

PUBLIC COMMENTS:

Johna Thomson, Black Diamond distributed a petition to the Council supporting approval of the CFD.

Robbin Taylor, Black Diamond commented on the Board of Supervisors for the CFD and their liability and what happens if the Board cannot be formed in 60-days, can YarrowBay sue the City for non-compliance and asked Council to make sure they have the answers to these questions before taking action.

Kristine Hanson, Black Diamond discussed Fire Station 99 being unmanned and an inadequate facility and noted that the money being spent on Station 99 could be used toward the new station; discussed needing more revenue for the City and asked Council to reconsider looking at selling springs water and noted Nestle being interested in the past.

Brian Derdowski, Issaquah commented on Nestle and their horrible treatment of local communities and there is a way to separate the water in the City.

Robert Taeschner, Black Diamond discussed his son using the fire service in the past and it does not take 10 minutes to get fire service here in the City, and who will pick up the bill if YarrowBay fails.

Patrick Nelson, Black Diamond commented on a house fire in a town north of the City and the response time to this event.

Mark Taeschner, Black Diamond thanked the Fire Department and Medic One for responding to his heart conditions. He noted the response times for him being about 4 minutes and the fire service does work here in Black Diamond.

Carol Lynn Harp, Black Diamond discussed she is distressed that folks really believe the fire station will be built immediately if the CFD is passed.

Megan Nelson, YarrowBay asked that questions regarding personal liability be addressed by the City Attorney and also that the CFD be assessed on its merits. She noted reading the public comments that were received earlier and asked again to rely upon the City Attorney for answers to those comments and their questions. Discussed the public benefit for the CFD and what the City gets today, is \$45 million dollars of improvements now and one of those things is the Fire Station.

Bob Edelman, Black Diamond noted that there was a public hearing held already and some of the comments tonight should have been addressed at the hearing. He wanted to make it clear that the Fire Station is not part of the CFD.

PUBLIC HEARINGS:

Proposed 2014 Preliminary Budget

Finance Director Miller noted tonight is the first public hearing on the Mayor's budget for all funds. She noted it does not use fund balance and will add \$100,560 to the ending operating fund balance. She noted that Council has held numerous workstudies on the budget and tonight is to hear public comments. She added the final hearing will be December 2nd with adoption scheduled to occur at the December 12th Special meeting.

Mayor Pro-Tem Benson opened the public hearing at 7:25 p.m.

Bob Rothschild, Black Diamond noted testifying on the budget process in past years and wanted to let the Council know that citizens are putting forward \$14 per month to Stormwater and while this is a lot of money this is a very good revenue and expenditure. He noted that sweeping streets is far more effective and less costly than to remove the sediment out of the lakes. Maintenance of the stormwater ponds is another good expenditure and wants to emphasize that it is important to use stormwater money for stormwater projects.

Mayor Pro-Tem Benson closed the public hearing at 7:29:18 p.m.

Proposed Stormwater Management Program Plan

Executive Director of Engineering Services/Ec. Dev. Williamson noted this is the fifth year of the Stormwater Management Plan and what is before Council is the annual update. This plan sets out the course of action for the next year.

Mayor Pro-Tem Benson opened the public hearing at 7:30:39 p.m.

Bob Rothschild, Black Diamond commented that the City has come a long way in terms of how stormwater is managed and this plan is something that is a good thing as it provides transparency to the Community and accountability. This plan allows a person to pull this plan up on the website to see what is planned for the future and it has come a long way over the year. He noted the plan is actually submitted as an attachment to an annual report and does not remember any notice to the other annual report and he would like to review it so he can see if what was going to be done was actually done. He is not sure what the urgency is to get this completed this year and to also give folks time to review the annual report.

Kristine Hanson, Black Diamond commented on the current activities and public outreach and feels the kids should be an important part of this. Noted there being an assembly with the kids being crossed off the plan and feels this is really important.

Mark Taeschner, Black Diamond discussed noted being an electrical engineer for Boeing and they are participating in green energy and there is a lot of money for this. He noted the costs of using an electrical vehicle and wanting to see the City spend more energy on going green. He talked about the roads being sponges for oil and when it rains we all know what happens. He would like to see Black Diamond take the lead on this.

Brian Derdowski, Issaquah discussed he would like to see a little more time to act on the Stormwater Plan. He noted needing more time to look at the surface water manual we are operating under when a new 2012 manual has been adopted by Department of Ecology and the City needs to look at this and may want to ask staff to come back to Council with what it would take to adopt the 2012 manual on a faster schedule. He intends to work on over the next week to give better input on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to reopen the Public Hearing on the Proposed Stormwater Management Program Plan at the December 5, 2013 Council meeting. Motion **passed** (4-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 13-1015 and 13-1015A, levying the general property taxes for the City for the fiscal year commencing January 1, 2014 on all property both real and personal, in said City, which is subject to taxation for the purpose of providing revenue for public safety for the City of Black Diamond for the ensuing year as required by law, providing for severability and establishing the effective date

Finance Director Miller reported noted one adopts the levy amount and the other is to adopt the 1% levy. Both ordinances have been before the finance committee and they recommended moving it forward for approval.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Ordinance No. 13-1015, levying the general property taxes for the City for the

fiscal year commencing January 1, 2014 on all property both real and personal, in said City, which is subject to taxation for the purpose of providing revenue for public safety for the City of Black Diamond for the ensuing year as required by law, providing for severability and establishing the effective date. Motion **passed** (4-0).

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Ordinance No. 13-1015A, regarding the 1% levy amount for the year 2014. Motion **passed** (4-0).

Resolution No. 13-899, authorizing the Mayor to execute a grant agreement with the Department of Ecology for the 2013-2015 Stormwater Capacity Grant

Executive Director of Engineering Services/Ec. Dev. Williamson reported the purpose of the grant is to provide additional assistance to the City with our NPDES Permit requirements. This grant will expire January 31, 2014 and is retroactive to July 2013. Funding is for Task 1 for up to \$5,000 for project administration/management; Task 2 for \$45,000 for implementation and management of the stormwater program; Task 3 is for \$120,000 for pre-construction and planning for the north commercial and SR 169 stormwater treatment facility.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Deady to adopt Resolution No. 13-899, authorizing the Mayor to execute a grant agreement with the Department of Ecology for the 2013-2015 Stormwater Capacity Grant. Motion **passed** (4-0).

Resolution No. 13-900, confirming the Mayor's appointment of Melanie Thomas Dane as Municipal Court Judge and authorizing the Mayor to enter into a Professional Services Agreement

City Administrator Hoppen noted that Judge Dane is at the end of her appointment and the Mayor is recommending re-appointment and authorizing the contract.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 13-900, confirming the Mayor's appointment of Melanie Thomas Dane as Municipal Court Judge and authorizing the Mayor to enter into a Professional Services Agreement. Motion **passed** (3-1, Taylor).

Resolution No. 13-901, rejecting the petition of Village Partners, LP and YarrowBay Development LLC for formation of CFD No. 2013-1 OR Resolution No. 13-901A, authorizing the formation of a Community Facilities District; adopting findings in support thereof; setting forth the authority of the district; granting authority to impose special assessments and issue bonds; providing for the composition and organization of the Board of Supervisors; reserving statutory and Police Power Authority; and limiting recourse to the assets, credit and services of the District

City Administrator Hoppen noted before Council are two resolutions one for approval and the other for denial. He noted it not being essential to take action tonight. He did point out

that a CFD can be a practical financial tool and it requires that there be professional financial experts and will take a lengthy commitment from Council moving forward.

Councilmember Taylor discussed his view of the pros and cons regarding the CFD. He noted one of his biggest concerns is the Board of Supervisors and Council having to fill these seats and the time and expertise it will take.

Councilmember Edelman commented on this not being a good thing to pass now and noted it being bad legislation and does not want our City to be the guinea pig. All projects on the list are already obligated to be built by YarrowBay in accordance with the Development Agreements. She discussed the City being deficient in fire service and noted the Ad Hoc Committee's work that is being done for future fire service in Black Diamond. She noted not having a plan to serve on the Board of Supervisors and does not feel she has the credibility and education to make the decisions that will be required of the Board of Supervisors; and noted not being able to support formation of the CFD.

Councilmember Deady reported that the fire station here in Black Diamond has not been in use for years and this should have been brought forward to the citizens a long time ago and the new fire station is not part of the CFD, her biggest concern is the CFD Board and is not comfortable with it, she stated she will not be serving on this Board and is not for it.

Councilmember Benson commented on the folks that appeared at the CFD public hearing and noted that when she was campaigning door to door earlier not one person was for the CFD and she noted she personally does not want to serve on the CFD.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 13-901, rejecting the petition of Village Partners, LP and YarrowBay Development LLC for formation of CFD No. 2013-1. Motion **passed** (4-0).

DEPARTMENT REPORTS:

Public Works – Mr. Williamson commented on cleaning the major sewer lines in the city and wanted to add clarification on the annual report and what citizens will be looking at. Mr. Boettcher explained the City was issued a new permit and the State wasn't ready with their new requirements and it took longer than expected. The City continued with the same requirements for an additional year. Since cities didn't know what would be required; cities just kept doing what they were doing and the State agreed to not require cities report for 2013 and the report they will be going up on the website will be the 2012. The next report that the City will be required to submit is the 2015 report.

Fire – Chief Smith commented on a comment at the meeting that it took 45 minutes for the Fire Department to respond to a call. He checked the logs and it took the Fire Department 10 minutes to respond. He noted the level of service was determined six years ago when the Interlocal agreement was adopted. He also noted in the history of Black Diamond the city has only operated a fire department for 5 years, he discussed replacement of a fire station and noted how expensive they are to build.

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Taylor reported on the Ad Hoc Committee and noted they are making great progress.

Councilmember Edelman noted attending the SCATBd meeting; attended the Ad Hoc committee meeting.

Councilmember Deady commented on missing the Ad Hoc meeting due to her job she recently took and Janie attended in her place.

Councilmember Benson reported she attended the SCATBd meeting on transit long range planning and it will be affecting our area; attended SCA annual business meeting.

ATTORNEY REPORT:

City Attorney Bacha reported there will be a change of staffing at Kenyon Disend as Mr. Sterbank will be leaving the firm at the end of the month. He noted Kenyon Disend is willing to serve the City until a decision is made.

PUBLIC COMMENTS:

Kristine Hanson, Black Diamond commented on Council re-looking at the money that was taken away for the new dock at the boat launch and noted this being for everyone and not just the residents at Lake Sawyer.

Brian Derdowski, Issaquah commented on the fire service and it being politicized, and hopes we can move past the politics and look at services.

Robert Taeschner, Black Diamond stated being associated with Black Diamond since he was in the military; noted this being a real breath of fresh air in looking at people who represent us and listen to us and thanked Council.

Mark Taeschner, Black Diamond commented on one of his fire department visits last year; and thanked the fire department for all the help last year.

Johna Thomson, Black Diamond noted not knowing that the petition she handed out tonight being filed untimely and requested to have the petition be returned.

Bob Edelman, Black Diamond expressed empathy with Councilmember Taylor regarding having a resolution come forward that Council is forced to act upon. Council should have been aware of the mandatory due date and should have been involved in the process of selecting a new judge.

CONSENT AGENDA:

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

Claim Checks – November 21, 2013 No. 40219 through No. 40268 in the amount of \$338,253.39

Payroll Checks – October 31, 2013, No. 18150, 18154 through No. 18194 (void warrant 18151) and ACH Pay in the amount of \$287,298.58

Minutes – Council Meeting of November 7, 2013

EXECUTIVE SESSION: None

ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk