

BLACK DIAMOND CITY COUNCIL MINUTES
April 17, 2014
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Councilmembers Morgan, Edelman, Benson and Taylor.

ABSENT: Councilmember Deady (excused).

Staff present were: Stacey Welsh, Community Development Director, Andrew Williamson, Economic Development Director; Aaron Nix, Natural Resources/Parks Director; Mayene Miller, Finance Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Carol A. Morris, City Attorney and Brenda L. Martinez, City Clerk/HR Manager.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to move the presentation first on the agenda. Motion **passed** voting in favor (4-0).

PRESENTATIONS:

Relay for Life (American Cancer Society) – Ms. Milton-Davis

Ms. Milton-Davis reported she had two times that evening – 2013 Event Award was presented to City and thanked them for the support. She noted the 2013 event will be June 7 and 8 at Tahoma High School, 3 p.m. to 10 p.m. She discussed the order of the event with Survivor's taking the first ceremonial lap. She noted all event Chairs are volunteers, the goal this year is to raise \$100,000.

PUBLIC COMMENTS:

Jean Boston, Black Diamond – noted not voting for Mayor Gordon and did vote to keep the strong Mayor from of Government and hopes he is strong enough to gut out the investigation; strongly opposes 14-943 and urged Council to vote no.

Robert Taeschner, Black Diamond – commented on a famous book and quoted “He who is without fault casts the first stone”. Noted Council and Mayor being elected by the people and the people have spoken; it is the people’s wish that the Council and Mayor are made up as is- he hopes everyone tries to get along.

Bill Boston, Black Diamond – addressed a statement made by a Councilmember to a reporter regarding the legal budget and it being misleading. He commented on a spreadsheet he has regarding legal expenditures of the City thus far.

Robbin Taylor, Black Diamond – discussed the history regarding the Kenyon Disend not being fires, but rather withdrew their application.

Kristine Hanson, Black Diamond – noted Council should have done their homework when hiring Ms. Todd; noted Councilmember Edelman and her voting on MPDs as she is one of the original persons with the TRD lawsuit and does not agree she should be able to vote on any issue; she commented on the marijuana moratorium and the Lady Buds issue; she commented on Horseshoe Lake and the flooding and the need for Council to educate themselves on this.

PUBLIC HEARINGS:

AB14-042 – Ordinance No. 14-1025 Regarding Moratorium on Master Planned Development Applications

Mayor Gordon opened the public hearing at 7:23:48 p.m.

Community Development Director Welsh reported that Council adopted on March 20th a moratorium. She noted it defined the area affected and also noted that staff needed to schedule a public hearing. She also noted that the purpose of tonight's hearing is to receive testimony from staff, property owners and the public about the moratorium. After the close of the public hearing, the Council should take one of two actions: 1) motion to continue the moratorium and to direct the staff to prepare finding of fact at the next Council meeting to support the moratorium's continued maintenance; or 2) Motion to terminate the moratorium.

Bill Kombol, Black Diamond – written comments submitted tonight and are made part of the record and incorporated herein.

City Attorney Morris pointed out that the reason the current MPDs were not included is because they were already vested and the reason this property was included is because it is zoned MPD and the issue is whether the City wants to keep the MPD district. She also added that the Council can ask that applications under the tree ordinance can move forward as that is not a development application.

Kristine Hanson, Black Diamond – commented she does not understand why they are singling out Palmer Coking Coal and wants to reiterate that Ms. Edelman should recuse herself from any voting as she is one of the original appellants that is suing the City.

City Attorney Morris noted again that the property that has been added to the moratorium is because is it zoned MPD and the question regarding Ms. Edelman; she can vote on a legislative action whether she was defendant in a legal case as it is not a quasi-judicial matter and therefore she can vote.

Brian Derdowski, Issaquah – thanked Council for their public service and spoke in favor of the moratorium and the City is currently going under a review of the Comprehensive Plan.

He noted the 157 acres is a large area of land and should be considered in this review. The period of time for the moratorium is roughly about the same as the period of time for the Comprehensive Plan update and this piece of land can be considered at this time. The decision by the Growth Management Hearing Board should be put in to the record as a finding and reminded Council that the YarrowBay Development is still under appeal. He also noted asking legal Counsel if this property could be included in the moratorium and stated this should be looked into. He encouraged Council not to exclude logging in an urban area as you will want to determine in the future which trees you want to keep should any development take place. Finally, consider the total record of the YarrowBay developments as findings.

Mayor Gordon closed the public hearing at 7:42:13 p.m.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to continue the moratorium and to direct the staff to prepare findings of fact at the next Council meeting to support the moratoriums continued maintenance.

Councilmember Taylor noted he is not opposed to the selective cutting.

Councilmember Benson asked how Council can amend the original ordinance to allow thinning.

City Attorney Morris stated that at the next meeting legal can come back to explain exemptions under the tree preservation ordinance.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to amend the motion to include language that will allow the property owner to submit an application under the tree preservation ordinance. Motion **passed** voting in favor (4-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 14-942, authorizing the City Council to approve the Great Horror Campout Special Event permit SEP14-0001

Economic Development Director Williamson reported that this is the second time before Council and the Ten Thirty One Production Group has been very professional and has worked with staff on all the issues. He noted Justin and Melissa from Ten Thirty One Production Group are here tonight to address Council with any questions they may have. He addressed concerns from Council during the previous meeting regarding noise, security and how the stay on site.

Justin and Melissa, Ten Thirty One Production Group – noted there will be many times to help the City's economy and the event will help bring in new jobs.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adopt Resolution No. 14-942, authorizing the City Council to approve the Great Horror

Campout Special Event permit SEP14-0001, with the conditions presented to Mr. Williamson April 16th. Motion **passed** voting in favor (4-0).

Resolution No. 14-943, repealing resolution No. 08-559, specifying that all contracts of any kind or nature shall come to the City Council for approval and restricting authority to make transfers within any fund

Councilmember Taylor reported the object here is not to spite, but the monetary hemorrhage lately is clearly under legislative branch to control the budget spending; having said that, talking with the staff this will not work and need to postpone with a better angle of who can sign off of the expenditure and would like to withdraw this resolution tonight.

Resolution No. 14-944, accepting notice of the Mayor's request for Legal representation and providing for reimbursement of the Mayor's attorney fees and costs subject to Chapter 2.66 BDMC this resolution and a reservation of rights

City Attorney Morris reported this Resolution is self-explanatory and doesn't want to get into specifics or the timing issue.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Taylor to adopt Resolution No. 14-944, accepting notice of the Mayor's request for Legal representation and providing for reimbursement of the Mayor's Attorney's fees and costs subject to Chapter 2.66 BDMC this resolution and a reservation of rights. Motion **passed** voting in favor (4-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Gordon reported he attended the Open House for the 2014 Comprehensive Plan update; April 3rd met with City Managers and Mayors to set the Agenda for the Tri-city meeting.

COUNCIL REPORTS:

Budget, Finance, Administration Committee:

Councilmember Benson noted they approved vouchers; passed her ICS 100 and 700.

Planning and Community Service Committee:

Councilmember Edelman noted attending the SCATBd Board meeting as well.

Cemetery and Parks Committee:

Councilmember Morgan noted discussing the CIP and BMX track; tree planting; several trails coming into the City and making maps so people have a better understanding.

Public Safety Committee:

Councilmember Taylor noted discussing the CIP update.

Public Works Committee:

Councilmember Taylor noted discussing the CIP update..

Regional Committees-

WRIA 9: Councilmember Morgan no report.

Growth Management Planning Council: Councilmember Edelman no report.

Sound Cities Association – Public Issues Committee (PIC): Councilmember Edelman no report.

South County Area Transportation Board (SCATBd): Councilmember Benson reported update on the WS road usage charge to replace the gas tax; next generation air transportation system and GPS.

South East Area Transportation Solutions (SEATS) Coalition: Councilmember Benson no report.

Sound Cities Association – Mental Illness and Drug Dependency Oversight Committee: Councilmember Benson no report.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Gary Davis, Black Diamond – commented his understanding in regards to the Lady Buds business and their license operated beyond the scope of their business license and to be fair if they were operation beyond their scope it should have been revoked to be fair to other businesses.

Bill Boston, Black Diamond – commented he would like to follow-up on Finance and the City being in a tough spot and the restricting of the Mayor’s spending authority. He suggested having more Finance Committee meetings if necessary.

Brian Derdowski, Issaquah – commented he had been called upon on speaking in regards to many Comprehensive Plan updates and seeing a common theme and the scope of our update is very, very limited.

Patrick Nelson, Black Diamond – commented there are three sides of every story and the City does not know the truth. Most refuse to read the paper as they do not know who is telling the truth and the need for Council to get a long and some folks are sour on their vote because of the accusations. Positive is the Tri-City meeting and the conflict with Maple Valley, the City Administrator cannot participate.

CONSENT AGENDA:

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

Agenda was approved as follows:

Claim Checks – April 17, 2014, No. 40777 through No. 40829 in the amount of \$180,935.08

Payroll Checks – March 31, 2014 No.18282 through No. 18303 and ACH Pay in the amount of \$270,426.65

Minutes – Council Meeting of April 3, 2014, Special Meeting of April 3, 2014

EXECUTIVE SESSION: None

ADJOURNMENT:

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

ATTEST:



Dave Gordon, Mayor



Rachel Pitzel, Deputy City Clerk