

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

CALL TO ORDER, FLAG SALUTE:

Mayor Gordon called the regular meeting to order at 6:56:24 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Edelman, Morgan, Benson and Taylor.

ABSENT: Councilmember Deady (excused).

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

Mayor Gordon announced we are having technical difficulties with the microphones and will be postponing the Public Hearings until the next Thursday. He then announced that item #3 on the agenda is being pulled for further investigation and that he is requesting to add two agenda items after item #4 on the agenda and they will be # 5 and #6 and item #5 will be item #7.

PUBLIC COMMENTS:

Mira Hoke, Black Diamond – speaking on behalf of the Miners Day committee thanked Council for attending the festivities last Saturday. She noted there was good attendance at the event and thanked everyone for their participation in the dedication of the Fire Truck and noted the dunk tank raised a lot of money for the Boy Scout Troop. She noted the sponsors who helped bring this event to our town.

PRESENTATIONS:

Active Shooter Presentation - Chief Kiblinger discussed the importance of a small agency to be prepared with equipment and although no equipment is being asked for at tonight's meeting; it will come forward as a budget item in the future.

PUBLIC HEARINGS: *(Postponed until July 24th Special Council Meeting)*

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 14-962, authorizing the Mayor to execute a consultant Services contract with Parametrix for a MDRT Planner

MDRT/Economic Development Director Williamson reported that the City is in need of planning expertise help in writing the staff report and hearings for the PP2C plat in The Villages. With recent staff departures the MDRT team needs to hire a contract planner to fulfill its regulatory responsibilities. The MDRT sought out proposals from two consulting firms and one placement firm and selected Parametrix. The proposed contract will be an hourly rate until PP2C has concluded its hearings.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to adopt Resolution No. 14-962, authorizing the Mayor to execute a Consultant Services contract with Parametrix for a MDRT Planner. Motion **passed** with all voting in favor (4-0).

Resolution No. 14-xxx, relating to the formation of an Ad Hoc, all volunteer committee to provide the Mayor and City Council with recommendations relating to adopted moratoria, establishing the membership qualifications, rules for meetings, powers and duties and expiration

Mayor Gordon noted this is an item he added to the agenda tonight and worked with the City Attorney to prepare these to form an Ad Hoc Committee regarding adopted moratoria.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to postpone Resolution No. 14-xxx, relating to the formation of an Ad Hoc, all volunteer committee to provide the Mayor and City Council with recommendations relating to adopted moratoria, establishing the membership qualifications, rules for meetings, powers and duties and expiration until the August 7, 2014 regular Council meeting. Motion **passed** with all voting in favor (4-0).

Ordinance No. 14-xxx, relating to public health and safety, adopting a moratorium on aircraft landings and take offs on Lake Sawyer, such moratorium to be effective immediately, temporarily establishing the penalties of violation of this moratorium as those set forth in BDMC Section 8.24.060; directing staff to set a date for a public hearing on the moratorium within the next sixty days, establishing six months as the tentative effective period until the Council public hearing on the continued maintenance of the moratorium, and declaring an emergency necessitating immediate adoption of a moratorium

Mayor Gordon reported this ordinance is for a moratorium regarding float planes landing or taking off on Lake Sawyer. He feels the public safety issue warrants that you pass this tonight.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to postpone Ordinance No. 14-xxx, relating to public health and safety, adopting a moratorium on aircraft landings and take offs on Lake Sawyer, such moratorium to be effective immediately, temporarily establishing the penalties of violation of this moratorium as those set forth in BDMC Section 8.24.060; directing staff to set a date for a public hearing on the moratorium within the next sixty days, establishing six months as the tentative effective period until the Council public hearing on the continued maintenance of

the moratorium, and declaring an emergency necessitating immediate adoption of a moratorium until the July 24, 2014 Special Council meeting. Motion **passed** (3-1, Benson).

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

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to postpone Ordinance until the August 7, 2014 regular Council meeting. Motion **passed** with all voting in favor (4-0).

DEPARTMENT REPORTS:

MDRT/Economic Development Director Williamson reported on current Public Works projects. He noted Mr. Nix has taken the Community Development position by storm and will be hiring a planner to assist him. He noted the permit counter is extremely busy, and noted the new hours of the Community Development building. It will be open Mondays, Wednesdays and Thursdays.

MAYOR'S REPORT:

Mayor Gordon reported he attended the Miners Day event and spent time in the dunk tank; thanked the Miners Day committee and sponsors for putting on an incredible event; last two weeks approached by citizens about the City's effort to annex into the Fire Department, he noted investigating this and attended the Fire Ad Hoc committee meeting and this is a rumor and discussed the process for annexation. He thanked Councilmembers Taylor and Deady for doing wonderful work on this committee and noted they are exploring many different options.

COUNCIL REPORTS:

Councilmember Benson: reported attending Miners Day and happy to see all the vendors in attendance; Finance Committee meetings on 6/30 and 7/17 discussed staffing changes and today reviewed budget amendments; 7/15 attended SCATBd meeting which had several presentations from WDOT and them only doing repair of streets as there is a shortfall of monies.

Councilmember Edelman: 7/1 attended the Planning and Community Services meeting and working on the public hearing ordinances; 7/8 attended Land Use Decision Making training; 7/10 and 7/17 attended Finance meetings; attended Miners Day; attended the PIC meeting and the presentation on marijuana, new fee structure for Cities coming forward, greenhouse gas emission monitoring system passed, Ad Hoc committee on transportation issues. Noted Councilmember Morgan was elected as an alternate to the Flood Control committee; School Siting Guidance Policy; SCA representative to PSCA.

Councilmember Deady: no report

Councilmember Morgan: noted she attended the Land Management Practices seminar in Discovery Park, met with public on Saturday; 7/8 joint training meeting with Council and Planning Commission on Land Use decision making, studying SEPA code; 7/10 solarized

workshop, WRIA would like to come and give a presentation before November; Miners Day; Library office hours; 7/16 Flood Control meeting,; 7/17 Parks and Cemetery meeting.

Councilmember Taylor: reported attending the Miners Day event; Public Safety meeting, Ad Hoc continues to explore different options for fire protection and possibilities and hope to have the body of work finished up by the end of the year and come back to the full Council with a recommendation; budget adjustment and is still uncomfortable we are without a City Administrator and the Council worked real hard to get an Administrator on board and would like to see this happen as he feels this is important, even with the tight budget and not okay with not having a City Administrator.

ATTORNEY REPORT:

City Attorney Morris responded to section 19.04.300 of the BDMC regarding the environmental checklist and noted it is adopted by reference in the proposed ordinance.

Councilmember Taylor asked that the City Attorney come back at the next meeting with something that would clarify the purchasing authority ordinance and also add a minimum spending limit without getting authorization.

PUBLIC COMMENTS:

Carol Lynn Harp, Black Diamond – commented on the ordinance regarding float planes on Lake Sawyer and asked that staff look into other lakes in Black Diamond.

Gary Davis, Black Diamond – commented on lakes within a given size, there are some restrictions put in place and asked Council to see what state regulations are and asked to be very specific such as vertical takeoff and landing; moderately upset with OSM not keeping citizens in the loop on the John Henry Mine and noted there is nothing on the city's website about the progress.

Kristen Bryant, Bellevue – commented she brought comments tonight for the public hearing and do want to make sure they will get into the record and is happy to leave comments and also come back and present them next week.

Brian Derdowski, Issaquah – commented he is speaking on behalf of other citizens; he was asked to do an analysis of the SEPA ordinance and would like to submit his analysis tonight.

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:

Minutes – Council Minutes of June 19, 2014 regular and special meetings.

EXECUTIVE SESSION:

Mayor Pro-Tem Benson announced an Executive Session at 7:33:12 p.m. to discuss with legal counsel of items of potential and pending litigation pursuant to RCW 42.30.110(1)(i) with no action to follow the Executive Session, which was expected to last approximately 20 minutes.

There was a five minute recess before Executive Session.

Mayor Gordon announced a five minute extension to the Executive Session at 8:56 p.m.

The regular meeting was called back to order at 9:20 p.m.


ADJOURNMENT:

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

ATTEST:



Dave Gordon, Mayor



Rachel Pitzel, Deputy City Clerk