

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**November 20, 2014**  
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Gordon called the regular meeting to order at 7:00:41 p.m. and lead us all in the Flag Salute.

**ROLL CALL:**

**PRESENT:** Councilmembers Deady, Morgan, Benson and Taylor.

**ABSENT:** City Attorney Morris (Ill - excused).

Staff present were: Andrew Williamson, MDRT/Economic Development Director; Aaron Nix, Community Development/Natural Resources Director; Seth Boettcher, Public Works Director; Mayene Miller, Finance Director; Jamey Kiblinger, Police Chief and Brenda L. Martinez, City Clerk/HR Manager.

**PUBLIC COMMENTS:**

Karen Watley, Black Diamond – discussed being a jazzercise instructor in Black Diamond and has been using the Community Gym. She noted how upset and angry she is and would like answers since she has been a tenant who pays to use that gym for her classes.

Mayor Gordon responded the City was just recently notified by the Community Center that they would be vacating the building. He noted staff is currently working on issues, but being realistic it will be months until the facility is re-opened.

Cindy Wheeler, Black Diamond – commented on Agenda Bill No. 14-112 and does not support Council voting in favor of this until more facts are gathered.

**PUBLIC HEARINGS:**

**Proposed 2015 Budget**

Mayor Gordon reported this is to hear oral testimony on the proposed 2015 budget.

Mayor Gordon opened the public hearing at 7:14:58 p.m.

Finance Director Miller reported this is the first hearing on the proposed budget and noted all funds are in balance. She noted the General Fund is not reducing the ending fund balance and is increasing it. This budget has been through Council committees and Workstudies. Another final hearing will be on December 1<sup>st</sup>. She noted the only difference from previous versions is the addition of the \$500 for Public Health that Ms. Deady requested and Council voted to approve.

Cindy Wheeler, Black Diamond – commented the 2015 MDRT budget is based on projections or faulty numbers based on the City serving the 98 acres, and to ask YarrowBay to get the City a new fiscal analysis that addresses the 98 acres being served by another Water District. She discussed the MDRT budget needs to be reviewed as it is based on faulty fiscal analysis.

Mayor Gordon closed the public hearing at 7:20:00 p.m.

### **Ordinance Regarding KC Metro 2015 Sewer Rate Increase**

Mayor Gordon reported this is to hear oral testimony on the ordinance regarding the King County Metro 2015 Sewer Rate Increase.

Mayor Gordon opened the public hearing at 7:20:05 p.m.

Finance Director Miller reported in June of 2014 King County passed an ordinance adopting a rate increase that would affect their customers in January of 2015. She noted this increase is much smaller than was previously projected and will cover two years as the next increase is anticipated to occur in 2017. She noted this increase is passed on the Black Diamond customers.

Mayor Gordon closed the public hearing at 7:22:52 p.m.

### **NEW BUSINESS:**

#### **Ordinance Nos. 14-1037 and No. 14-1037A, setting the property tax dollar amount for 2015 and specifying the 1% property tax increase to be used for Public Safety including Fire, Police and Emergency Services**

Finance Director Miller reported this is a required ordinance that we need to adopt the property tax levy rate: one sets the levy and the other sets the 1% increase in dollars should the City chose to do so. She noted all of the 1% increase is put towards Public Safety services.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adopt Ordinance Nos. 14-1037 and No. 14-1037A, setting the property tax dollar amount for 2015 and specifying the 1% property tax increase to be used for Public Safety including Fire, Police and Emergency Services. Motion **passed** with all voting in favor (5-0).

#### **Resolution No. 14-989, authorizing the Mayor to execute the amended Professional Services agreement with Morris Law, P.C.**

Mayor Gordon noted this is a modest amendment to the Attorney contract ad asked Council to support and adopt this resolution.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adopt Resolution No. 14-989, authorizing the Mayor to execute the amended Professional Services agreement with Morris Law, P.C. Motion **passed** with all voting in favor (5-0).

**Resolution No. 14-990, adopting the Stormwater Management Program (SWMP) Plan 2015 Update**

Public Works Director Boettcher reported the City is required by the Department of Ecology to update its Stormwater Management Program. This plan shows how the City is currently meeting DOE's requirements in the NPDES permit as well as show future requirements of the NPDES permit. The City held a public hearing and no comments were received. This SWMP will be updated annually; he also noted that this was presented to the Public Works Committee and they recommended moving on to the full Council for consideration.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 14-990, adopting the Stormwater Management Program (SWMP) Plan 2015 Update. Motion **passed** with all voting in favor (5-0).

**Resolution No. 14-991, authorizing the Mayor to execute a Professional Services agreement with BergerABAM in order to move forward with the required update of its' Comprehensive Plan by the State of Washington as outlined within the attached agreement, including Exhibit A**

Community Development/Natural Resources Director Nix reported meeting with BergerABAM regarding stripping the focus on the update down to a minimum. He has been in discussion with the Department of Commerce and they will be helping us to get through this so we can meet the June 30 deadline.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to adopt Resolution No. 14-991, authorizing the Mayor to execute a Professional Services agreement with BergerABAM in order to move forward with the required update of its' Comprehensive Plan by the State of Washington as outlined within the attached agreement, including Exhibit A. Motion **passed** with all voting in favor (5-0).

**Resolution No. 14-992, authorizing the Mayor to execute an agreement for Attorney Services with Susan Drummond, PLLC to assist the City with the Utilities Technical Review Committee Appeal submitted by Covington Water District**

MDRT/Economic Development Director Williamson reported Covington Water District filed this action against the City and the City is doing their due diligence to defend this. It is funded 100% by the Developer and Ms. Morris recommended that we enter into this contract with Ms. Drummond. The rates for this contract are \$220.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Benson to adopt Resolution No. 14-992, authorizing the Mayor to execute an agreement for Attorney Services with Susan Drummond, PLLC to assist the City with the Utilities Technical Review Committee Appeal submitted by Covington Water District. Motion **passed** with all voting in favor (5-0).

**DEPARTMENT REPORTS:**

MDRT/Economic Development Director Williamson reported the Lawson Street Sidewalk Project has been completed and complimented Seth and his crew on this work. Notice for

Plat 2C hearing will be December 11<sup>th</sup> at 5 p.m. at the Community Center. Documents will be loaded to the website and PermitTrax and the Staff report will be issue too. Community Development has been extremely busy.

## **MAYOR'S REPORT:**

Mayor Gordon announced he attended "Movember" event last Tuesday at the Enumclaw Hospital which concentrated on men's health and encouraged everyone to attend next year; meetings with Bonney Lake, Buckley, and Enumclaw. He thanked Councilmembers Edelman and Benson for their hard work on updating the City's fee schedule which will be coming forward soon to Council; conducted Planning Commission interviews for Position #1 and will be appointing Patricia Pepper to this position at the December 4<sup>th</sup> meeting. He also thanked Councilmember Benson and Edelman for their help in this process; been working on the City's Strategic Plan for 2015 and will identify priorities for staff and Council. He noted he has assigned staff to work on the challenges in getting the Gym up to code and anticipated this will take a few months; working on 2015 Council Standing Committee appointment and will be announce those soon.

## **COUNCIL REPORTS:**

**Councilmember Benson:** reported she attended the Public Works and Finance Committee meetings; Chamber Luncheon; Open Government Training Online and received certification; Planning Commission interviews and attended SCATBd meeting.

**Councilmember Edelman:** reported she attend the PIC meeting on December 12; meeting with Staff on the Fee schedule update; Dec. 11 open Government Training; NIMS training.

**Councilmember Deady:** reported she attended the PIC meeting SCATBd meeting; thanked Seth's department for all their hard work on the Lawson Street Sidewalk project; asked Mayor and staff to keep Council updated on the Gym; Community Thanksgiving dinner at 11:30 a.m. – 3:00 p.m. at the BDES; asked folks to keep Howie in their thoughts as he is not doing well.

Mayor Gordon thanked Ms. Deady for all her hard work on the Gym, but now the City will be taking it over it will be a conflict of interest.

**Councilmember Taylor:** reported there is little activity in the Public Works or Public Safety committees.

**Councilmember Morgan:** reported on the Flood Control committee update; WRIA meeting update; met with Teachers of Ecology from Green River to study to the Jones Lake and Rock Creek; Open Government Training.

## **ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

Cindy Wheeler, Black Diamond – commented that there is a floating dock at the weir; YarrowBay hydro seeding is bright green which means added fertilizer and would like to

see any hydro seeding done in the future to not contain added fertilizer. Commented on Covington Water District action and does not feel the City should be fighting this.

Bob Edelman, Black Diamond – commented on the property lines and the weir maintenance; Preliminary Plat 2C hearing and the permitting website being out of date and his records request being extensive as he doesn't know what to specifically request.

Gary Davis, Black Diamond – commented wanted to check that the Plat 2C hearing is on the same night as the Town Hall meeting.

Robbin Taylor, Black Diamond – commented on the YarrowBay Funding agreement; Fee Schedule; MDRT being intertwined and folks commenting on Developer funding and the high wages that are being pad as this funding is going away and she doesn't like this that citizens are the ones who will pay.

### **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 (5-0). The Consent Agenda was approved as follows:

**Claim Checks** – November 20, 2014, No. 41577 through No. 41629 (voided No. 40702, 41230, 41455) in the amount of \$120,250.90

**Payroll Checks** – October 31, 2014 No.18435 through No. 18455 and ACH Pay in the amount of \$252,757.85

**Minutes** – Special Meeting of October 30, 2014 and Council Meeting of November 6, 2014

### **EXECUTIVE SESSION: None**

### **ADJOURNMENT:**

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

ATTEST:

  
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Dave Gordon, Mayor

*Carol Benson*

  
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Rachel Pitzel, Deputy City Clerk