

BLACK DIAMOND CITY COUNCIL MINUTES
February 5, 2015
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor 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, Morgan, Edelman and Taylor.

ABSENT: None.

Staff present were: Aaron Nix, Community Development/Natural Resources Director; Mayene Miller, Finance Director; Seth Boettcher, Public Works Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS:

Mario Sorci, Black Diamond – commented on eliminating the second public comment period an asked that Council move it to the middle of the agenda so folks will not miss this opportunity.

Robbin Taylor, Black Diamond – commented on the elimination of the second public comment period. She cautioned Council they should be wary of this and should not be seen as taking away the public voice.

EXECUTIVE SESSION:

Mayor Benson announced an Executive Session at 7:03:33 p.m. pursuant to RCW 42.30.110(1)(h) to discuss the qualifications of a candidate for appointment to the vacant Council position and to also discuss with Legal Counsel potential litigation pursuant to 42.30.110(1)(i); possible action to follow the Executive Session, which was expected to last approximately 10 minutes.

The Mayor announced a 10 minute extension.

The regular meeting was called back to order at 7:24:33 p.m.

PUBLIC HEARINGS: None

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

Council Appointment of Council Position #4 – Mayor Benson

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Morgan to appoint Patricia Pepper to Position #4.

Vote: 2-2 (Edelman, Taylor)

Mayor Benson broke the tie and voted no on motion.

Motion **failed** (2-3, Mayor Benson, Edelman and Taylor).

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Edelman to appoint Craig Goodwin to Position #4. Motion **passed** (3-1, Morgan).

Oath of Office for Newly Appointed Councilmember

Chief Kiblinger administered the Oath of Office to Craig Goodwin.

Presentation –“BDPD Employee of the Trimester Award” - Chief Kiblinger

Chief Kiblinger reported that every year the Department gives an “Employee of the Trimester Award”. She read a nomination from Commander Goral announcing his support of Ginger Passerelli, the Department’s Chaplin to receive this award.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 15-1009, revising the City Council Rules of Procedure

Councilor Edelman reported that last year the Council went through a complete rewrite of the Council Rules and every year these rules will be looked at for any needed revisions. She noted that the Town Hall meetings have not been well attended of late and would like to change them to every other month. She noted moving the Consent Agenda to the beginning of the meetings so that housekeeping items can be taken care of first. Lastly, the deletion of the second comment public period; she also noted that Council can always suspend the rules to allow folks to speak should it be needed.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Edelman to adopt Resolution No. 15-1009, revising the City Council Rules of Procedure, but amend the rules to keep the second public comment period. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1010, authorizing the Mayor to execute a 60 month maintenance and supplies agreement with the Witt Company and the associated 60 month Billing Lease Agreement through US Bank for the KYOCERA TA 7551 ci and TA 3551 ci Copiers

Finance Director Miller reported before Council is a resolution to lease two copiers; one for City Hall and the other for Community Development. She noted that the current copiers are

in their eighth year and have become less and less reliable with longer downtime periods and need to be replaced. She noted the cost for these leases would be the same amount as the service agreements we are paying now.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Resolution No. 15-1010, authorizing the Mayor to execute a 60 month maintenance and supplies agreement with the Witt Company and the associated 60 month Billing Lease Agreement through US Bank for the KYOCERA TA 7551 ci and TA 3551 ci Copiers. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1011, authorizing the Mayor to execute a Professional Services Agreement with RH2 Engineering, Inc. for assistance with the Water Comprehensive Plan Update

Public Works Director Boettcher reported the last Water Comprehensive Plan Update was approved in 2009 and it is now time to go through the update once again. Scoping meetings have been held with the Department of Health and one of the new rules they have will allow a ten year planning cycle as long as we do a 10 year CIP and Financial outlook. This would save the City a significant amount of money. He recommends that the City plan for a 10 year horizon. The update has been planned for in the CIP for 2015-2016. A recruitment process was done and the Committee selected RH2 Engineering. He also noted this went through the Public Works Committee and they recommend approval. He also added that 50% of this update will be done in-house by himself and Scott Hanis.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 15-1010, authorizing the Mayor to execute a Professional Services Agreement with RH2 Engineering, Inc. for assistance with the Water Comprehensive Plan Update. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1012, authorizing the Mayor to sign an Interlocal Agreement with the Cities of Covington and Maple Valley for Building Department Related Services

Community Development/Natural Resources Director Nix reported for the past four years the City of Black Diamond has utilized building division services from the City of Covington in order to meet the demands associated with these services in Black Diamond. This arrangement is up in March and in discussion with Covington it is in the best interest to combine this arrangement to include the City of Maple Valley. This proposal would supply both building official duties and plan review, while the City of Maple Valley would supply building inspection services. As more staff will now be available to the City for these services, the expectation is that plan review will be done quicker and we will have the ability to be more effective/efficient with building inspection duties, as more resources are available to us, on an as needed basis. The City Attorney has reviewed the original ILA that has been adopted by Maple Valley and Covington and has expressed her concerns with the version submitted to Black Diamond. This ILA would only be through the end of 2015 and those concerns could be integrated into a subsequent ILA, scheduled to be negotiated before the end of 2015.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 15-1010, authorizing the Mayor to sign an Interlocal Agreement

with the Cities of Covington and Maple Valley for Building Department Related Services. Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1046, amending the Black Diamond Municipal Code provisions relating to Development Agreements to establish the duration of such agreements to be no more than twenty years, amending Sections 18.66.020 and 18.66.040 of the Black Diamond Municipal Code and establishing an effective date

Community Development/Natural Resources Director Nix reported when Ordinance No. 14-1030 was adopted establishing the process for Development Agreements, the Council did not specify and enter a time period as required for in Section 18.66.020(C) and 18.66.040(B). With this Ordinance, a time period for vesting has been established, along with some minor wording modification, as shown within Ordinance No. 15-1046.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Edelman to adopt Ordinance No. 15-1046, amending the Black Diamond Municipal Code provisions relating to Development Agreements to establish the duration of such agreements to be no more than twenty years, amending Sections 18.66.020 and 18.66.040 of the Black Diamond Municipal Code and establishing an effective date. Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1047, relating to the recreational use of marijuana, adopting a complete prohibition on the siting, establishment, operation or licensing of any structures, property, uses or businesses relating to recreational marijuana production processing, cultivation, storage, sale, delivery, exchange or bartering; adopting findings to support the prohibition, describing the manner in which violations will be enforced, and adding a new Chapter 20.08 to the Black Diamond Municipal Code.

Community Development/Natural Resources Director Nix reported the City has been under moratorium for this and extensive work has been done by the Planning and Community Service Committee along with a public hearing being held before the Planning Commission. He noted the Planning Commission is recommending banning this in the City of Black Diamond. He noted a change needs to be made in Section 20.08.040 and insert the word marijuana after recreational in the first sentence. The Planning Commission wanted to express that if the laws do change that Council keep an open mind to look at the ban again.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Edelman to adopt Ordinance No. 15-1047, relating to the recreational use of marijuana, adopting a complete prohibition on the siting, establishment, operation or licensing of any structures, property, uses or businesses relating to recreational marijuana production processing, cultivation, storage, sale, delivery, exchange or bartering; adopting findings to support the prohibition, describing the manner in which violations will be enforced, and adding a new Chapter 20.08 to the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1048, relating to the medical use of marijuana, adopting a complete prohibition on the siting, establishment, growing, cultivation, operation or licensing of any property, structures, uses or businesses relating to medical marijuana or medical marijuana cultivation (whether individual or group cultivation), storage, sales, deliver, exchange or bartering; adopting findings to support the prohibition, describing the

manner in which violations will be enforced, and adding a new Chapter 20.04 to the Black Diamond Municipal Code

Community Development/Natural Resources Director Nix reported there is also a moratorium on this and the Planning Commission recommends that you approve this ordinance with a ban on medical marijuana land-uses with the City of Black Diamond and to also keep an open mind to look at the ban again should the laws change. He also noted that under 20.04.030 strike the last part of the sentence after business.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Ordinance No. 15-1048, relating to the medical use of marijuana, adopting a complete prohibition on the siting, establishment, growing, cultivation, operation or licensing of any property, structures, uses or businesses relating to medical marijuana or medical marijuana cultivation (whether individual or group cultivation), storage, sales, deliver, exchange or bartering; adopting findings to support the prohibition, describing the manner in which violations will be enforced, and adding a new Chapter 20.04 to the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Community Development/Natural Resources Director Nix noted receiving the new schedule from BergerABAM and stated it is a tough schedule and a lot of work needs to be done.

MAYOR'S REPORT:

Mayor Benson reported she attended the Finance Committee meeting; discussed the Council Retreat agenda and asked Council to look at dates in March that would work for everyone on a Saturday at the Bakery. She asked Council to get back to her with a date and agenda items.

COUNCIL REPORTS:

Councilmember Edelman: reported she met with Mr. Rimbo; attended Chamber luncheon; attended Howie's memorial; attended Finance Committee meeting; 12th Man Flag Raising Event; discussed emailing to folks regarding PIC, the meeting is next week and the issue that will be brought up for a vote is the lodging tax that is assessed as part of the bond for CenturyLink Field for Affordable Housing and King County would like to start using this tax now. She believes they should sunset this tax and it should go out to the voters. She asked Council to let her know what the Council's positions on this so she could report on this at the next PIC meeting. - Council consensus was to see it go to the voters.

Councilmember Deady: reported attended the Finance Committee meeting; Domestic Violence Task Force Committee; announced on February 21st at the Eagles Hall there will be a fundraiser Spaghetti Feed for Commander Goral, tickets are \$10 and \$25 per family. The event will be from 5-9 p.m. Tickets are available at the Police Department, City Hall and she will be doorbelling.

Councilmember Taylor: reported the Public Works Committee is in the process of rebuilding the dais, Ad-Hoc Committee is schedule for the 21st and would like to have it start at 10 a.m. Council consensus to start at this time, noted it needed to be added to the City's website calendar.

Councilmember Morgan: reported on the 21st she attended the King Conservation District meeting; WRIA update on cost overruns; meeting in Sea-Tac; Caucus training on March 4; Franklin Mine tour is February 7 and March 7th.

Mayor Benson announced that King County didn't have a way to collect the funds that City's had donated to keep the Health offices open. A meeting was held and a process has been proposed for them to be able to accept these monies.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Joe Androsko, Black Diamond – discussed having a water problem at his property and the line is pulling in air from somewhere and the line flushing is not helping.

Mayor Benson noted she will get with Seth to find a resolution and get back to Mr. Androsko.

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

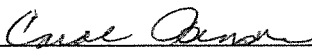
Claim Checks – February 5, 2015, No. 41844 through No.41922 (void No. 41653) in the amount of \$178,913.32

Minutes – Special Meeting of January 8, 2015, Council Meeting of January 15, 2015 and Special Meeting of January 22, 2015


ADJOURNMENT:

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

ATTEST:



Carol Benson, Mayor



Rachel Pitzel, Deputy City Clerk