

**CITY OF BLACK DIAMOND
CITY COUNCIL
WORKSTUDY NOTES**

December 9, 2010

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

Mayor Olness called the meeting to order at 4:05 p.m.

PRESENT: Councilmembers Hanson, Goodwin, Boston, Mulvihill and Saas.

ABSENT: None

Staff present: Andrew Williamson, Economic Development Director; Stacey Borland, City Planner; Jamey Kiblinger, Police Chief; Mike Kenyon, City Attorney and Brenda L. Martinez, City Clerk.

Comprehensive School Mitigation Agreement

Mayor Olness reported on a meeting between the Enumclaw School District, YarrowBay and the City; she discussed the three major issues that were discussed and noted they have been resolved. The Enumclaw School Board has reviewed this at their last meeting and it is up for adoption at their next meeting on December 20; noted the agreement is on the City's agenda for January 6, 2011; she then turned the meeting over to Mike Nelson, Enumclaw School District Superintendent.

Superintendent Mike Nelson gave insight as the school boards perspective to the agreement; discussed the joint presentation given last October; in terms of the agreement they look at how many homes and how many students come from those homes; they needed to use data from other districts as they have not grown; looked at district values and noted those and how those values were used during the negotiation process.

Councilmember Hanson noted page 35 of the agreement – Mitigation Fees and asked if within 180 days the City needed to adopt Impact Fees.

City Attorney Kenyon clarified what the proposed language in the agreement means.

Councilmember Hanson asked if the District was okay with these numbers.

Superintendent Nelson replied yes.

Councilmember Boston questioned why the numbers were okay with the school district.

Superintendent Nelson discussed why the proposed fees in 9.2 were okay.

Councilmember Hanson discussed designated sites and asked if the district needs to purchase these lands.

Superintendent Nelson responded no, these are done through YarrowBay receiving mitigation fee credits, or in the alternative YarrowBay can pay mitigation fees along the way.

Councilmember Saas specified sites and the approval by the district in the due diligence process and asked about the second Middle School site and asked about changing the service area from Auburn to Enumclaw.

Superintendent Nelson stated it was not uncommon for districts to shift boundaries.

Councilmember Goodwin asked about the SEPA process.

Enumclaw School District Attorney Denise Stiffarm and City Attorney Mike Kenyon responded.

Councilmember Goodwin discussed pressures for annexation for those schools built outside of the city limits.

Councilmember Hanson disagreed with Councilmember Goodwin's statement and noted some examples.

Mayor Olness clarified this is a Tri-City agreement between the School district, YarrowBay and the City.

Councilmember Goodwin asked what the value is on making this a specific mitigation fee just related to the MPDs versus impact fees.

District Attorney Stiffarm discussed the reasoning for collecting mitigation fees rather than collecting an impact fee.

Councilmember Goodwin discussed the 2009 Capital Improvement Plan (CIP) and noted the \$12,000 impact fee.

District Attorney Stiffarm responded there was a recognition and need to attempt to build a community.

Councilmember Goodwin noted one of the stated goals was to pass one of the bond issues in the agreement and asked how this agreement accomplishes this.

Councilmember Saas stated what he is understanding is this is creating a base line in order to provide substantial reassurance in order to qualify for a funding agent, like a bond.

City Attorney Kenyon noted that Mike Nelson, since he had left would be the best person to answer Mr. Goodwin's questions and we will get an answer back to Council.

Councilmember Boston discussed walk able land.

City Attorney Kenyon noted an additional five acres to the original site is being offered and also mentioned this additional five acres is identified as commercial.

Councilmember Saas asked about the Lawson Hills school site.

District Attorney Stiffarm answered it has to do with the topography of that site.

Councilmember Goodwin asked what the thinking behind setting a maximum dollar value.

District Attorney Stiffarm responded this was a negotiation point and they thought if the City has a school impact fee in place this number could float higher up to \$12,000.

Councilmember Boston referred to 9.2 on page 35.

Councilmember Goodwin asked what types of things the district might see in the Joint Use Land category.

District Attorney Stiffarm gave an example of a playground located at a school site and both the School and City would have to approve.

City Attorney Kenyon responded that Joint Use Lands are an important component to this agreement for the City as it is at the sole discretion of the City and School, it doesn't obligate anything but opens a lot of doors; noted paragraph 8.8 on page 33.

Economic Development Director Williamson noted staff's concerns for the credit amount for joint use land and this was discussed and negotiated during the recent meeting between the three parties.

Councilmember Boston referred to paragraph 13.2.3 plan specifications, doesn't mention the City's involvement.

District Attorney Stiffarm noted this is for the CCRs that go with the land.

Councilmember Goodwin stated this is a complex document and is a good improvement from the last and want to take a fiscal look at this.


City Attorney Kenyon noted that Council needs to keep in mind this is a three party agreement and it is highly unlikely that all three parties will be satisfied 100%.

Mayor Olness stated we will get an answer from Mike Nelson regarding the questions asked earlier by Councilmember Goodwin; thanked the Enumclaw School District for coming.

ADJOURNMENT:

The Workstudy ended at 5:16 p.m.

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk