

BLACK DIAMOND CITY COUNCIL MINUTES
Special Meeting – September 14, 2010
Council Chambers
25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the special meeting regarding the closed record hearing of the proposed Master Planned Developments back to order at 4:01 p.m. and lead us all in the Flag Salute.

ROLL CALL:

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

ABSENT:

Staff present were: Bob Sterbank, City Attorneys and Brenda L. Martinez, City Clerk

APPEARANCE OF FAIRNESS:

City Attorney Sterbank – asked the following question collectively of all five Councilmembers: Do you have any interest in the property that is subject to the Master Planned Development (MPD) applications? All Councilmembers responded- No.

City Attorney Sterbank – asked the following question collectively of all five Councilmembers: Do you stand to gain or lose financially as a result of the outcome of these proceedings? All Councilmembers responded- No.

City Attorney Sterbank – asked the following question collectively of all five Councilmembers: Has anything happened since last proceedings you can think of that could impact your ability to be fair and unbiased? All Councilmembers responded- No.

City Attorney Sterbank – asked the following question collectively of all five Councilmembers: Any ex parte contact outside of the proceeding? If so, describe contacts.

Councilmember Goodwin responded yes; received three emails and did not read any of them; one from BD Citizens second was on the 3rd of September from Judith Carrier and third, was on the 12th of September from Brian Doner.

Councilmember Mulvihill responded yes; same as Councilmember Goodwin, but did read the one email from Brian Doner, did not read the other two; disclosed discussion that

took place with Mr. MacDuff regarding Labor Days and noted that no conversation took place regarding the proposed MPDs.

Councilmember Boston responded yes; received all three emails that were disclosed by Goodwin and Mulvihill but did not read any of them.

Councilmember Hanson responded yes; received email from Mr. Doner, communication with the Harp family and ran into Cindy Wheeler at one of the gatherings at the Harp house; none of the communications regarded the proposed MPDs.

Councilmember Saas responded yes; received all three emails that were disclosed by Goodwin and Mulvihill but did not read any of them.

City Attorney Sterbank stated that the one email that has been read by at least one of the Councilmembers, which will be sent to the applicant for rebuttal.

EXECUTIVE SESSION:

Mayor Olness announced an Executive Session at 4:06 p.m. to discuss potential litigation pursuant to RCW 42.30.110(1) (i) which was expected to last approximately 10 minutes.

The special meeting was called back to order at 4:15 p.m.

CONTINUATION:

City Attorney Sterbank passed out the draft Ordinance and walked the Council through the changes and noted that the Council will want to probably look through this and decide a date for adoption; referred to the brief ordinance and the “whereas” and the four sections of the Ordinance (1) Finding of Fact, (2) Conclusions of Law, (3) Approval of Master Planned Development Applications, Subject to Conditions, (4) Rezone, (5) Severability and, (6) Effective Date. Summarized the sections and the exhibits, conditions are the same as previously discussed with Council; findings are keyed by topic and should be easy to find.

Councilmember Goodwin asked when they will have the final documents for both Lawson and The Villages.

City Attorney Sterbank replied the minimum of another day.

Councilmember Goodwin stated that if Council had the weekend then they could meet on Monday with the anticipation of adoption.

City Attorney Sterbank clarified that he wanted to get Council feedback on The Villages as the documents are pretty much the same.

Councilmember Hanson stated that the conditions we went home with last time and referred to page 13 and new conditions and read excerpt.

City Attorney Sterbank clarified that the language indicates it will be improved if there was a certain percentage of project trips, it would be approved to a local access street standard unless it is connected in a way that warrants a higher and larger standard, that connection would not be able to be made absent a major amendment to the MPD, and is called out in another condition of approval and can be reflected.

Councilmember Saas asked when Lawson Hills comes to us can we differentiate what is Lawson and what is The Villages, suggested highlighting or just a separate differences.

City Attorney Sterbank stated he will try utilizing some general highlighting.

Councilmember Boston asked if there are some areas that Mr. Sterbank felt Council should discuss and does he want to point them out.

City Attorney Sterbank stated not at this time, when you read this you will recognize the comments, it will all sound familiar, what is not here is the extended summary of testimony and additional testimony.

Councilmember Boston asked if Council should read it here or set a date to come back.

Councilmember Goodwin stated that Council needs the weekend to review and suggests coming back on Monday.

ADJOURNMENT:

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to continue the special meeting regarding the closed record hearing of the proposed Master Planned Developments on Monday, September 20, 2010 in the Council Chambers at 4 p.m. Motion **passed** with all voting in favor (5-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk