

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**March 17, 2011**  
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Pro-Tem Boston called the regular meeting to order at 7:01 p.m. and lead us all in the Flag Salute.

**ROLL CALL:**

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

**ABSENT:** Mayor Olness (excused)

Staff present were: Steve Pilcher, Community Development Director; Andrew Williamson, Economic Development Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

**PUBLIC COMMENTS:**

**Joan Burlingame, Ravensdale** – spoke on the Open Space provided for in the BDUGGA.

**Mike Irragang, Black Diamond** – discussed the Growth Management Hearing Board ruling and encouraged the repeal of the MPDs.

**Robbin Taylor, Black Diamond** – commented on recent testimony at the March 3, 2011 Council meeting regarding the sink hole and Council's lack of interest; discussed petition; repealing the MPD ordinances.

**Sheila Hoefig, Black Diamond** – commented on XTERRA event that is on the agenda for tonight and issues she has with the application; read part of a petition that was brought forward to the Mercer Island Planning Commission regarding Shoreline Master Plan; leading by example.

**Melanie Gauthier, Black Diamond** – commented on XTERRA event and asked Council to take their time before approving permit.

**Cindy Proctor, Enumclaw** – commented on mine comment from Robbin Taylor earlier; asked how to get on the Council agenda to do a presentation.

**Jay Mackelroy, Black Diamond** – commented on being opposed to the density and legal advice.

**Judith Carrier, Green River Road** – commented on petition handed in at the last Council meeting.

**Colin Lund, YarrowBay** – commented on sink hole on their property and the Office of Surface Mining position; communication is key.

**Jim Kuzaro, Black Diamond** – commended Council on dealing with such a hot issue and thanked them.

**PUBLIC HEARINGS: None**

**PRESENTATIONS, ANNOUNCEMENTS, APPOINTMENTS: None**

**UNFINISHED BUSINESS:**

**Resolution No. 11-736, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with RH2 Engineering regarding On-call Engineering Assistance regarding MPD Technical Services**

Economic Development Director Williamson reported the RH2 Amendment was brought forward to Council a few weeks ago and was postponed. The goal is to have RH2 sit at the meetings with staff and the Citizens Technical Group to really have the input during these technical meetings.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adopt Resolution No. 11-736, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with RH2 Engineering regarding On-call Engineering Assistance regarding MPD Technical Services.

Councilmember Mulvihill discussed the needed information being brought to the City from RH2 whether or not there is development in the City or not.

Councilmember Goodwin stated he disagreed with moving forward on this issue.

Mayor Pro-Tem Boston commented there are vesting laws in Washington and giving staff the tools to do the tasks we ask them.

Councilmember Saas asked if the City has heard anything from the Growth Management Hearings Board.

City Attorney Bacha responded that he talked to Bob Sterbank and Mike Kenyon at 5 p.m. today and they had not heard anything.

Councilmember Saas discussed the Growth Management Hearings Board remanding the process back to the City as we missed a step of going through the Legislative process.

**Vote:** Motion **passed** voting in favor (3-2, Goodwin and Saas).

## **NEW BUSINESS:**

### **Resolution No. 11-741, authorizing the Mayor to execute an Interlocal Agreement with the City of Covington for Building Code Enforcement services**

Community Development Director Pilcher reported the City does not have enough building permit and code enforcement activity to support a full-time staff position and since January 2010 we have employed Robert Meyers as the City Building Official who works approximately 14 – 16 hours per week. Mr. Meyers is also employed by the City of Covington as their building official and they are becoming busier in their own permitting activity and will soon likely require more of Mr. Meyer's time. Covington also has additional staff who is currently not working full-time. The proposed Interlocal Agreement will provide additional hours for Covington staff while also ensuring that we always have coverage for building and code inspection services. The Interlocal Agreement will last two years, unless terminated earlier by either party.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No. 11-741, authorizing the Mayor to execute an Interlocal Agreement with the City of Covington for Building Code Enforcement services. Motion **passed** with all voting in favor (5-0).

### **Resolution No. 11-742, approving the XTERRA Special Event SEP11-0001**

Economic Development Director Williamson reported City code requires any two-day event to have Council approval. This event has been at Lake Sawyer Regional Park for three years and in the packet are the conditions staff has spelled out.

Councilmember Goodwin stated many hours have been spent on this and one must make a decision to move forward and now is the time to move forward. He felt with the provisions provided and the track record that has already occurred, it is best to make a judgment and move forward as it is a question of reasonableness.

Councilmember Boston stated he was in support of XTERRA holding this event in Black Diamond and is proud it is being hosted by our City.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No. 11-742, approving the XTERRA Special Event SEP11-0001. Motion **passed** with all voting in favor (5-0).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Pro-Tem Boston reported that Mayor Olness is in Korea and will soon be coming home with a new grandchild.

**COUNCIL REPORTS: None**  
**ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

**Melanie Gauthier, Black Diamond** – commented on conditions that need to be put in the permit for XTERRA.

**Cindy Proctor, Enumclaw** – appreciates Councilmembers Goodwin and Saas; commented on communication with the City being a problem; City needing this development as long as it the right development.

**Robbin Taylor, Black Diamond** – commented on special events permits in general and the abuse of special event permits with respect to YarrowBay.

**Sheila Hoefig, Black Diamond** – commented on working with Councilmember Goodwin on the XTERRA permit and allowing competitors to go through the streams; willing to share her ideas on parking and the streams.

**Mike Irragang, Black Diamond** – commented on comments made from the first comment period.

## **CONSENT AGENDA:**

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Goodwin to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

**Claim Checks** – March 17, 2011, No. 36732 through No. 36796 in the amount of \$160,245.18

**Payroll** – February 28, 2011, No. 17373 through No. 17393 and ACH Pay in the total amount of \$277,993.32

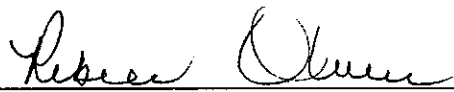
**Minutes** – Council Meeting of March 3, 2011

**EXECUTIVE SESSION: None**

## **ADJOURNMENT:**

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

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk