

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**October 27, 2011 Special Meeting**  
Council Chambers  
25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Olness called the special meeting back to order at 4:00 p.m. and lead us all in the Flag Salute.

**ROLL CALL:**

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

**ABSENT:** None

Staff present were: Stacey Borland, Associate Planner; Andy Williamson, Executive Director of Engineering Services and Economic Development; Steve Pilcher, Executive Director of Community Development; Bob Sterbank, City Attorney and Brenda L. Martinez, City Clerk.

**APPEARANCE OF FAIRNESS INQUIRIES:**

City Attorney Sterbank explained he will start tonight with the Appearance of Fairness questions as we have each of the proceeding Closed Record Hearing evenings.

City Attorney Sterbank asked the following questions collectively to Council:

1. Do any Councilmembers have any interest in the property that is subject to the Development Agreements? Council collectively responded – **No**
2. Do you stand to gain or lose financially as a result of the outcome of these proceedings? Council collectively responded – **No**
3. Can you hear and consider the application in a fair and unbiased manner? Council collectively responded – **No**
4. Any ex parte contact with parties of record or applicant while this quasi-judicial matter has been pending? Council collectively responded – **No**.

**COUNCIL DELIBERATIONS:**

**Mayor Olness** recapped for Council that they we coming back to (C)-ADUS and (J)-Fish and Wildlife Buffer and asked what Council wishes to start with. **Councilmember Boston** stated they would like to start with (V)-Land Use Plan Legend.

**(V) Land Use Plan Legend – Council consensus** item (V) Land Use Plan Legend; Council agreed that revised language is sufficient.

**(W) Funding Agreement – Council consensus** item (W) Funding Agreement; Council agreed to skip and move on to (X) Stormwater Monitoring.

**(X) Stormwater Monitoring – Council consensus** item (X) Stormwater Monitoring; ok with language as proposed.

**(J) Fish and Wildlife Buffer – Council consensus** item (J) Fish and Wildlife Buffer; ok with the proposed language submitted by Yarrow Bay on October 26.

Discussion ensued regarding the Funding Agreement; ADUs and the additional implemented language (Y1-Y3) of the September 29 submittal by Yarrow Bay.


**Councilmember Boston** stated he'd like to continue by setting the next meeting time, he suggested Friday, October 28 at 2:00 p.m.

**Mayor Olness** recapped Council would like some re-wording regarding staff in the Funding Agreement where the word was threatened; designated official and the perimeters would deny access; and clarifying language on 8.2.5 - Steep Slopes.

#### **ADJOURNMENT:**

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to continue the hearings on Friday, October 28 for Council Deliberations at 2:00 p.m. in the Council Chambers. Motion **passed** with all voting in favor (3-0).

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk