

BLACK DIAMOND CITY COUNCIL MINUTES
October 28, 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 2:03 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 were on the additional implemented language (Y4) which is page 42 of the September 29 submittal by Yarrow Bay.

Discussion ensued regarding the additional implemented language (Y4).

City Attorney Sterbank suggested Council circle back to this issue after break. Discussion ensued regarding the additional implemented language (Y5).

City Attorney Sterbank suggested Council come back to this issue after staff has had time to construct some language.

Discussion ensued regarding the additional implemented language (Y6). **Council consensus on** additional implemented language **Y6**; okay with proposed language.

Discussion ensued regarding the additional implemented language (Y7). **Council consensus on** additional implemented language **Y7**; okay with proposed language.

Discussion ensued regarding the additional implemented language (Y8). **Council consensus on** additional implemented language **Y8**; okay with proposed language and would change part to party.

Discussion ensued regarding the additional implemented language (Y9). **Council consensus on** additional implemented language **Y9**; okay with proposed language, correct the preferences in the table.

Discussion ensued regarding the additional implemented language (Y10).

Mayor Olness recessed the special meeting for approximately 10 minutes at 3:15 p.m.

Mayor Olness called the special meeting back to order at 3:29 p.m.

Mayor Olness suggested that Council set the schedule so it could be posted on the city's website. Recapped what Council was still working on.

Councilmember Boston stated 8:00 a.m. Monday, October 31 in Council Chambers.

Discussion ensued regarding Lake Sawyer/Rock Creek monitoring; public access to trails; steep slopes; Traffic Monitoring Plan; Fiscal Impacts Analysis; exhibit amendment process; definition of Multi-family/Single-family and total number of dwelling units; Funding Agreement.

EXECUTIVE SESSION:

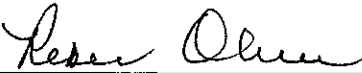
Mayor Olness recessed the special meeting into executive session at 6:21 p.m. to discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i) which was anticipated to last approximately 10 minutes with no action to follow.

The special meeting was called back to order at 6:32 p.m.

ADJOURNMENT:

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to continue the hearings on Monday, October 31 for Council Deliberations at 8:00 a.m. in the Council Chambers. Motion **passed** with all voting in favor (3-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk