

BLACK DIAMOND CITY COUNCIL MINUTES
August 20, 2015
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Goodwin and Taylor.

ABSENT: None

Staff present: Seth Boettcher, Public Works Director; Carol Morris, City Attorney and Brenda L. Martinez, City Clerk.

Mayor Benson asked folks to join her in a moment of silence to honor Black Diamond Commander Greg Goral who passed away.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – August 20, 2015, No. 42588 through No. 42640 (voids 38375, 39259)and EFTs in the amount of \$75,944.79
- 2) **Payroll** – July 31, 2013, No. 18631 through No. 18655 (voids 18628, 18648) and ACH payment in the amount of \$258,659.59

PUBLIC COMMENTS:

Kathryn Taylor, Puget Sound Energy Government Affairs representative introduced herself to Council. She informed Council that Black Diamond is part of her territory and looks forward to working with Council and staff and should any issues arise to please feel free to give her a call.

Jack Sperry, Black Diamond commented on the ad hoc committee ordinance that was before Council and urged Council to allow non-residents on these types of committees.

Cindy Wheeler, Black Diamond commented on the assumption ordinance that was before Council. She noted being the only resident to comment at the public hearing and her concerns have not been addressed. She stated the need for better communication with the folks within the City limits who are served by the Covington Water District and the effect this will have on them.

PUBLIC HEARINGS:

Ordinance No. 15-1055, extending the moratorium on the acceptance of applications for new development within the Master Planned Development (MPD) District for another three months

Community Development Director Kincaid reported the proposed ordinance as presented extends the current moratorium for an additional three months as staff did not have enough time to complete the necessary work. This ordinance also adopts a work plan that gives the time frames on when the work will be completed and a public hearing has been scheduled before the Planning Commission on September 8, 2015 at 7:00 p.m.

Mayor Benson opened the public hearing at 7:12:06 p.m. No oral testimony was received and the public hearing was closed at 7:12:10 p.m.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Ordinance No. 15-1055, relating to land use and zoning, extending a moratorium on the acceptance of applications for the new development within the Master Planned Development (MPD) District for another three months, such moratorium shall exclude any applications subject to the Development Agreements approved for the MPD Developments entitled The Villages and Lawson Hills; adopting a work plan and scheduling the public hearing on the moratorium extension for August 20, 2015, and setting an effective date. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 15-1056, relating to the Ad Hoc Advisory Committees formed by the City Council

City Attorney Morris reported having recent experience in this as many cities have been asking if these types of committees are subject to the Open Public Meetings Act and do minutes need to be taken. She noted council can adopt these generic guidelines and may also add specific regulations as committees are formed.

Discussion from Council was to amend the proposed ordinance to add specific verbiage regarding non-residents serving on these types of committees with a super majority vote of the Council.

City Attorney Morris suggested changing section 2.95.040 to read “At the time each Ad Hoc Advisory Committee is formed, the Council shall decide, by super majority, whether the Committee members, at the time of nomination and continuing uninterrupted thereafter while serving on the Ad Hoc Committee, should be residents of and/or work in the City.”

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Ordinance No. 15-1056, relating to the Ad Hoc Advisory Committees formed by the City, defining such committees, scope of work, membership, nomination and confirmation process, residency requirements, officer, quorums, terms of office, conflicts of interest, procedures for the adoption of rules, keeping of minutes and conduct of meetings, communications to the City Council, compensation and reimbursement of expenses, and setting an effective date and as amended with the suggested language by Attorney Morris. Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1057, establishment of the Black Diamond Transportation Benefit District

Public Works Director Boettcher reported this is before Council tonight as the street department continues to struggle with finances. He commented on research that has been done by both the Finance and Public Works Committees on the benefits it would provide. He also noted the documents presented tonight reflect discussion from the work session that was held on August 13, 2015 along with discussing the additional actions that need to be decided.

City Attorney Morris updated Council on the recent changes made by the legislature to the Transportation Benefit District statute which shows their recognition of the struggles cities are facing in their street departments.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Morgan to adopt Ordinance No. 15-1057, Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1037, authorizing the Mayor to execute an Interlocal Agreement among participating jurisdictions for the watershed basins within Watershed Resource Inventory Area 9 (WRIA9)

Public Works Director Boettcher informed Council that the current Interlocal Agreement has been in place since 2006 and expires later this year. He noted this action joins us with our neighbors of making our watersheds fit for a king. He also noted this group puts real projects on the ground that benefit salmon and they have a good track record of implementing projects.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to adopt Resolution No. 15-1037, Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1058, to assume the exclusive rights to provide water service to approximately 98 acres located on the City’s west side pursuant to Ch. 35.13A RCW and to conform the 1989 Coordinated Water System Plan Service Area Map to the City’s 2009 State Department of Health approved Water Service Area and City Annexation

Public Works Director Boettcher discussed with Council that a public hearing was held on the proposed Ordinance at last Council meeting and the written comment portion was held opened until today. During this time the City received one written comment from YarrowBay which was forwarded to Council. He noted Councilmembers being interested in reviewing the referenced documents that were cited in the ordinance and also with the additional information received there are some minor edits staff would like considered and suggested to Council postponing action on this agenda item until the next regular Council meeting.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to postpone action on Ordinance No. 15-1058 until the September 3, 2015 regular Council meeting. Motion **passed** with all voting in favor (5-0).

Mayor Benson closed the written comment period of the public hearing for Ordinance No. 15-1058 at 7:48:11 p.m.

Public Works Director Boettcher addressed comments made by Mrs. Wheeler and the confusion with the language in regards to the 98 acres. He noted staff will look at additional language that will clarify that it is not intended to include any area around Lake Sawyer.

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson informed Council and those in attendance on the funeral details for Black Diamond Commander Greg Goral. She noted attending the cemetery board meeting, finance committee meeting and the public safety committee meeting and commented on the cooperative spirit with the Court and Administration.

COUNCIL REPORTS:

Councilmember Deady reported attending the public safety meeting, finance committee meeting and reminded folks that it is not YarrowBay's responsibility to add a fire station regarding the existing deficit the City has in level of service for fire.

Councilmember Morgan discussed having her first meeting with our new Community Development Director Barbara Kincaid and is pleased to say things are now ready to get back on track.

Councilmember Goodwin – No report.

Councilmember Taylor reported attending the public safety meeting where jail costs were discussed. He commented on the work session Council had on August 13 regarding the pre-annexation agreement. With the input from this work session the ad hoc committee is ready to begin drafting language for the agreement and will soon be engaging the public on this issue. He also noted attending the public works committee meeting and the pumping that is being done at the springs.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Mira Hoke, Black Diamond spoke on behalf of the Labor Days Committee and asked all to attend and join in on the festivities. She noted this year's theme is "101 Years of Fun" and the committee has been working really hard to make this a jam packed three day event and thanked the City for their support on this event.


EXECUTIVE SESSION: None

ADJOURNMENT:

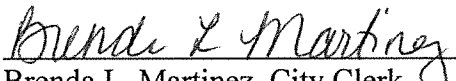
A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

Meeting ended at 7:59:20 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk