

BLACK DIAMOND CITY COUNCIL MINUTES
September 3, 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; May Miller, Finance Director; Barbara Kincaid, Community Development Director; Jamey Kiblinger, Police Chief; and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson read into the record the following two proclamations.

National Recovery Month

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyle, both physically and emotionally; and

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, in 2013, 2.5 million people aged 12 or older received specialty treatment for a substance use disorder and more than 34.6 million adults aged 18 or older received services for mental health problems, according to the *2013 National Survey on Drug Use and Health*. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

WHEREAS, to help more people achieve long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and local human service agencies invite all residents of Black Diamond, Washington to participate in National Recovery Month.

NOW, THEREFORE, I, Carol Benson, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council, call upon Black Diamond residents to observe the month of September with appropriate programs, activities, and ceremonies supporting this year's Recovery Month and do hereby proclaim in the City of Black Diamond, the month of September 2015 as a month to recognize National Recovery Month.

Childhood Cancer Awareness Month

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 15,000 of our country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Seattle Children's Hospital, Mary Bridge Children's Hospital in Tacoma, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families.; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer;

NOW, THEREFORE, I, Carol Benson, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council, do hereby proclaim the month of September 2015, as Childhood Cancer Awareness Month in the City of Black Diamond.

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** – September 3, 2015, No. 42641 through No. 42672 and EFTs in the amount of \$76,119.53
- 2) **Minutes** – Council meeting of August 6, 2015, Work Session of August 13, 2015, and Council meeting of August 20, 2015

PUBLIC COMMENTS:

Kevin Fuere, spoke on behalf of Covington Water District and commented on the assumption ordinance that was before Council on the agenda. He distributed comments from Covington Water District in response to YarrowBay's submitted comments and also the City's. He further commented on the UTRC decision and staff's assertion regarding the City being able to provide adequate service to the disputed area. He urged Council to consider the issue before them tonight and to side with the district.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

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 distributed to Council information for discussion and addressed issues in the Water System Comprehensive Plan document that Covington Water District (CWD) based their findings on. He noted using CWD's highlighted documents to address and clarify before Council the issues they raised. He also presented to Council the public and council involvement record regarding the adoption of the water system plan and noted the importance and reason for having a process.

In addition Mr. Boettcher reported that a public hearing was held on this issue and the City received both oral and written comments. He stated it is the Council's authority to make the best decision as to what is in the best interest for the City of Black Diamond as a whole as there are many efficiencies with having the City provide water service to this area, plus the increased revenue the City would receive.

Mayor Benson commented on the flyer sent out by Save Black Diamond. She noted there is no windfall as this area was always intended to be service by the City of Black Diamond. She pointed out the disservice to our City to send out information that is not true.

Councilmember Edelman stated being advised to recuse herself from the deliberations on this action. She commented that she does not have a conflict of interest, but in the abundance of fairness she would recuse herself from the deliberations on this action.

Councilmember Edelman left the meeting.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Taylor to adopt 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.

Councilmember Morgan read a statement which is attached and incorporated into the minutes.

Councilmember Goodwin distributed to Council background material he prepared on this item. The material is attached and incorporated into the minutes.

Councilmember Taylor commented on there being a lot of disagreement on this issue and the need to have it sorted out and feels this is the best option to get it done.

Councilmember Deady stated she supports adoption of this action and feels it benefits the City and residents – both current and future.

VOTE: Motion **passed** (3-1, Morgan). Councilmember Edelman recused herself.

Councilmember Edelman reentered the meeting.

NEW BUSINESS:

Resolution No. 15-1038, Amending City's Fee Schedule

Finance Director Miller reported when Council adopted the fee schedule earlier this year it was discovered there were a few errors in the adopted document. She noted this resolution updates the fee schedule to correct three items due to scrivener error; two that were for incorrect amounts and one for an omitted item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adopt Resolution No. 15-1038, amending the fee schedule for corrections due to scrivener errors. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1039, establishing a Traffic and Transportation Ad Hoc Advisory Committee

Councilmember Goodwin reported that at the last meeting Council adopted rules governing the formation of Ad Hoc Advisory Committees. He reminded Council that a super majority vote would be needed in order to adopt this legislation.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Resolution No. 15-1039, establishing an Ad Hoc Advisory Committee for Traffic and Transportation. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1040, setting the date for a public hearing concerning the Black Diamond City Council's intent to assume the rights, powers, functions, and obligations of the Black Diamond Transportation Benefit District, on October 1, 2015, as allowed by second engrossed substitute Senate Bill 5987, Section 302 (July 15, 2015)

Public Works Director Boettcher reported this assumption is available to the City through recent changes to state law. He noted the legislature through this action realized the internal burden for cities and counties to create a separate entity. He also noted this resolution sets a public hearing regarding this action which would be held on October 1, 2015.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 15-1040, setting a public hearing to consider the assumption of the Black Diamond Transportation Benefit District. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1041, approving the Tough Mudder Special Event Permit SEP15-0008.

Community Development Director Kincaid informed Council the resolution before them tonight is seeking approval for SEP 15-0008 - the Tough Mudder event which is in its third year in Black Diamond. She noted the event takes place on predominately private property with a small portion of the regional park being used. She also added the packet material contains the letter of conditions staff submitted to the organizer and recommended Council approval.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Morgan to adopt Resolution No. 15-1041, approving the Tough Mudder Special Event permit SEP15-0008. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson announced attending Commander Goral's funeral and applauded all involved as it was a great tribute and commended Chief Kiblinger for her part at the service. She noted attending a regular management meeting and a budget management meeting.

COUNCIL REPORTS:

Councilmember Deady reported attending Commander Goral's service and also commended the police department and others that were involved in the planning.

Councilmember Morgan reported attending the Lake Sawyer Park Foundation meeting where they thanked the City for the mowing of the park and wondered if there could be

better signage regarding fires. She noted that the Lake Sawyer Community Club will be financing the sani-can over the next six months at the park. She also noted the scotch broom that was cleaned up appears to be coming back.

Councilmember Edelman commended the police and fire departments along with staff members for making Commander Gorals' service a wonderful event.

Councilmember Goodwin commented that it is crunch time right now for council and staff to get a lot of important tasks accomplished. He gave the example of the City budget and asked for public engagement during this process. He discussed being out of compliance with the Growth Management Act in regards to the Comprehensive Plan Update not being completed and the City is now bearing the consequence of losing grant money and the need to work together to move the comp plan process update forward expeditiously.

Councilmember Taylor stated how impressed he was with the funeral for Commander Goral. He also reminded folks that the Labor Days festivities are coming up and hoped to see everyone there.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Mira Hoke, Black Diamond spoke on behalf of the Labor Day Committee. She stated the committee has been building up this three day event with many festivities for all three days; there will be nine food vendors in attendance as well as a record amount of booths on the field. The Green River Queen will be there and live music will be happening all three days.

Brock Deady, Black Diamond commented on attending an open house for a new business located on the north side of town. He added the owner does speed and agility training for kids and mentioned it being a nice addition to our town.


EXECUTIVE SESSION: None

ADJOURNMENT:

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

Meeting ended at 8:38:39 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk