

BLACK DIAMOND CITY COUNCIL MINUTES
November 19, 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; Jamey Kiblinger, Police Chief; and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson presented to Councilmember Goodwin a Certificate of Appreciation along with a gift card for his service to 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** – November 19, 2015, No. 42883 through No. 42936 (void 42290) and EFTs in the amount of \$369,537.61
- 2) **Payroll** - October 30, 2015 - No. 18698 through No. 18719 and ACH payment in the amount of \$260,624.32
- 3) **Minutes** – Special Meeting Minutes of October 29, 2015 and Council Meeting of November 5, 2015

PUBLIC COMMENTS:

Robert Taeschner, Black Diamond thanked Council for their time and effort in serving the community. He discussed the outcome of the election and it being a noticeable statement and hopes that it is taken in to consideration when voting tonight.

George Colburn, Black Diamond commented on the beaver issues in town. He discussed Rock Creek being a wonderful ecosystem when he moved here and how this ecosystem is now gone because of the beaver dams. He further discussed how destructive these animals can be and the need to mitigate their presence.

Jim Birklid, Black Diamond stated he agreed with the previous speaker on the beaver issue. He noted his family being property owners since 1964 and the ecosystem being eliminated from Rock Creek due to the beavers.

Craig Birklid, Black Diamond agreed with the previous two speakers and noted the ordinance as written serves the purpose and encouraged Council to vote in favor of it.

Valerie Riser, Black Diamond stated being a new resident to Black Diamond and came tonight because of the proposed beaver ordinance. She commented how the trees along Abrams are dying and feels it is attributed to the rising water caused by the beaver dams. She also noted being very concerned that when Abrams is flooded emergency services will not come. She encouraged Council to pass this ordinance.

Sam Heather, Black Diamond commented on being concerned with the beavers and the beaver dams. He stated this issue needs to be dealt with and encouraged Council to adopt this ordinance.

Cindy Wheeler, Black Diamond stated being supportive of the proposed ordinance regarding trapping of beavers, however she noted having a problem with the DNS that was issued and there being no public comment period.

Peter Rimbos, Maple Valley spoke on behalf of the Traffic and Transportation Ad Hoc Advisory Committee and thanked Council for appointing him to this committee. He sated their first meeting went very well and asked that the Mayor nominate a Councilmember to fill the vacancy due to the recent election results. He also added that when a nomination is made to fill the still open citizen vacancy that strong consideration be given to appointing Mr. Goodwin. He also added that he would encourage that should Mr. Goodwin be appointed that he also serve as the Chair for this advisory committee. He noted the next meeting is December 10, 2015 at 7:00 p.m. in the Council Chambers and encouraged the public to attend.

PUBLIC HEARINGS:

Proposed Ordinance Adopting Concurrency Regulations

Public Works Director Boettcher reported the City held a public hearing on a similar ordinance on October 1, 2015 and from the public comments received revisions were

made to the proposed ordinance. He then briefly explained what this ordinance does and how it will work.

Mayor Benson opened the Public Hearing at 7:25:58 pm.

Cindy Wheeler, Black Diamond pointed out with great concern the Purpose of Capacity Reservation Certificate in the proposed ordinance under section 11.11.015. She noted that halfway through the first paragraph point number 2 says that a financial commitment (embodied in a development agreement) is in place to complete the necessary improvements or strategies within six years. She stated being very unhappy to see that a city attorney is not present here tonight especially during a public hearing. She feels this is a really serious mistake to not have an attorney present especially when you have a public hearing and nobody has addressed if this is a cost savings measure and if it is, it is a penny wise and pound foolish as the author of this ordinance is not here to answer the public's questions or questions that may arise from Council and is unhappy to be making comments that will be filtered through staff and sent to the Attorney. She further stated that a financial commitment is not embodied in the development agreement because if that was the case then the government facilities fee which was in the development agreement and it still was not passed by the Council for a future City Hall and the police department. She commented the city is still very much in the habit of violating code. The development agreement is not a financial surety and the city has code that says there must be a bond for 1.5% of the amount of the project and if the project is not accomplished within the specified time period you then cash the performance bond and do the task that needs to be done so growth pays for growth.

Robert Taeshner, Black Diamond commented on being a public educator for many years and does not see anything in the development agreement regarding compensation that will come to the city to take care of things that will happen when the new high school is built. He noted most 11th and 12th graders and some 10th graders having their driver's license and cars that use the road intensely to and from school. He asked what is in the development agreement to take of this issue and why should he who has no students in the schools pay for something he didn't ask to be built here in Black Diamond. He stated development should pay for development and this part of the development needs to be dealt with as it is going to happen.

Peter Rimbo, Maple Valley spoke on behalf of the Citizens Technical Action Team (TAT) and noted it being difficult to listen at the workstudy last week as Mr. Boettcher attempted to explain the intent and meaning behind their comments while he was sitting 10 feet away and could have easily explained their intent and meaning to the Council. He noted this part of the process doesn't make sense and requests that it be improved in the future. He gave an example of how their comments were misinterpreted during the workstudy. He noted submitting new written comments and highlighted certain sections. These written comments are attached and incorporated into the minutes.

Mayor Benson closed the public hearing at 7:37:15 p.m.

Proposed 2016 Preliminary Budget

Finance Director Miller reported this hearing is on the proposed 2016 preliminary budget which covers all the operating and capital funds for 2016. The Mayor, Staff, Council and Council Committees worked hard putting the budget together. She mentioned the work sessions that have been held and the public hearings taking place to receive public input and encouraged the public to comment on the budget tonight. She stated the budget is in balance for all funds and discussed the new measurement of the State Auditor's Office to see how "Fit" cities are and the proposed budget increases fund balance.

Mayor Benson opened the Public Hearing at 7:40:01 pm. No oral or written testimony was heard or received and Mayor Benson closed the Public Hearing at 7:40:08.

EXECUTIVE SESSION:

Mayor Benson announced Council would be going into an executive session as authorized by RCW 42.30.140(4) to discuss collective bargaining. The executive session was anticipated to last 20 minutes with possible final action to follow. 7:40:15 p.m.

Two five minute extensions were announced and Mayor Benson called the meeting back to order at 8:12:00 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 15-1050, approving a Collective Bargaining Agreement with the Teamsters Local 117 Professional Unit

City Labor Attorney Peter Altman from Summit Law Group reported he has been retained to represent the City in labor negotiations with the unionized work force at the City. He noted before Council is a proposed contract with the Professional Group of employees here represented by Teamsters Local 117. He stated on behalf of the City's bargaining team he endorses the contract and recommends a yes vote.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to adopt Resolution No. 15-1050, authorizing the Mayor to execute a collective bargaining agreement between the City and the Teamsters Local Union 117 Professional Unit. Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1064, authorizing the Property Tax increase dollar amount

Finance Director Miller reported tonight before Council are the property tax ordinances required by King County. The first ordinance on the agenda sets the dollar amount. She noted since we are a city under 10,000 population, we are allowed to levy 1% which would be \$14,535 and the refund amount of \$1,054 for a total base levy of \$1,469,131, which

does not include new construction, state assessed property and any adjustments. A preliminary estimate has also been included for the new construction, annexations, state assessments and adjustments. Since we will not know the final amount until after adoption included is an estimate of \$30,000 to cover possible additional tax items for a total potential levy of \$1,499,131. Our levy will be adjusted down by King County to the actual final amounts, but cannot be increased. She noted attaching the King County worksheet that shows a 10.5% increase in assessed valuation over 2015. She also noted that as the valuation goes up the levy rate decreases as we are only allowed to collect the 1% increase. All property tax dollars are used to support public safety.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Ordinance No. 15-1064, setting the 2016 property tax dollar amount. Motion passed with all voting in favor (5-0).

Ordinance No. 15-1065, setting the base property tax dollar increase and percentage of increase as calculated by King County

Finance Director Miller reported this is the second ordinance that King County requires. It sets the percentage of increase and the base dollar amount. This ordinance has been reviewed by the City Attorney and Finance Committee who recommends adoption.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Ordinance No. 15-1065, setting the base dollar increase and the percentage of increase as calculated by King County.

Councilmember Taylor discussed considering in the future to earmark these increases for fire service.

Vote: Motion passed with all voting in favor (5-0).

Resolution No. 15-1051, adopting the Stormwater Management Plan

Public Works Director Boettcher reported the primary changes are this upcoming year the City will be adopting the 2012 Stormwater Manual and the primary changes in that code will introduce low impact requirements within the City. He noted at the public hearing receiving written comments from Kristen Bryant encouraging that the City adopt the manual sooner rather than at the end of the year as recommended in the plan. He stated looking at the departments work plan for next year it will take until the end of next year to get code in place and noted he is not recommending any changes and is seeking Council approval tonight.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 15-1051, adopting the Stormwater Management Program (SWMP) Plan 2016 update. Motion passed with all voting in favor (5-0).

Resolution No. 15-1052, approving a grant agreement with Transportation Improvement Board for streetlight conversion

Public Works Director Boettcher reported the City was selected to receive a Relight Washington Program grant in the amount of \$58,100 from the State of Washington Transportation Improvement Board (TIB). He noted the project will convert existing street lights to energy efficient LED street lights and the City can expect to see reduced streetlight operating costs (\$400 monthly) and lower rates while saving energy.

He commented that TIB has partnered with Puget Sound Energy (PSE) for this program. PSE will complete the work and city staff will work with PSE and TIB to determine the scope of the project.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 15-1052, authorizing the Mayor to execute a Relight Washington Program Grant Agreement for the LED Streetlight Conversion Project. Motion **passed** with all voting in favor (5-0).

Ordinance No. 15-1066, amending Black Diamond Municipal Code to allow trapping of beavers within the City limits

Public Works Director Boettcher addressed a public comment made earlier in regards to SEPA and the 14 day public comment period. He noted the SEPA handbook tells that a 14 day public comment period is required for a DNS prior to the agency action when certain criteria applies. He then went through the list and told how each did not apply.

Public Works Director Boettcher reported the City has been experiencing unprecedented water tables in Jones Lake and the Rock Creek wetland system caused by beaver activity. The high water table is putting the Morganville Sewer Pump Station at risk, causing damage to private property, flooding public roads, blocking fish passage, damaging old growth trees on the wetland buffer, killed most of all the trees within the wetland (which raises water temperature), and is interfering with storm pond function. He also noted the increased operating costs the department has incurred.

Additionally, in the past the City has attempted to control the impacts of the beaver activity by removing beaver dams at publically accessible locations with an HPA permit from the department of Fish and Wildlife. The beaver activity has increased and the City was not able to renew the HPA without a beaver management plan. In a meeting with Fish and Wildlife they will allow select beaver dam removal if the HPA also includes beaver exclusion from the dam building area.

He noted this ordinance proposes to allow the trapping of beavers within the City limits as allowed by state law. It will allow property owners within the City to trap beavers as an additional control measure to protect their property and environment.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Deady to adopt Ordinance No. 15-1066, amending the animal control ordinance to allow the trapping of beavers within the City limits of Black Diamond. Motion **passed** (4-1, Morgan).

Councilmember Edelman commented on wanting to revisit the concurrency issue and to allow Council an opportunity to discuss if they would like to have it brought back to the December 7th meeting. Following discussion there was Council consensus to have it come back to Council on the December 7th agenda.

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson reported attending the ad hoc fire committee meeting, the 100th Anniversary of the Ravensdale Mining Disaster, SCATBd meeting where she was elected Vice Chair for 2016, reminded folks of the Thanksgiving dinner at the Black Diamond Elementary School put on by Kiwanis on November 22, conducted Planning Commission interviews, and attended the Veterans Day Ceremony at the Tahoma National Cemetery.

COUNCIL REPORTS:

Councilmember Deady reported attending the fire ad hoc committee, the 100th Anniversary of the Ravensdale Mining Disaster, served thanksgiving lunch at the senior center.

Councilmember Morgan reported attending the King Conservation District (KCD) meeting and noted on December 16 from 4-6 p.m. at the Sno Valley Senior Center in Carnation there will be a program launch for KCD's new way of awarding grants.

Councilmember Edelman read a press release announcing Mayor Benson being unanimously elected as the Vice Chair of the South County Area Transportation Board (SCATBd) for 2016, participating in a meeting in Algona regarding transportation and transit issues facing smaller communities, attended work session on concurrency, meeting with Senator Mullet regarding transportation, attended Planning Commission interviews, and Planning and Community Service Committee meeting on the Comp Plan updates.

Councilmember Goodwin commented on this being his last Council meeting and thanked everyone for the opportunity to serve the community.

Councilmember Taylor – no report

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Aaron Scott, Black Diamond asked if the Council is allowing his neighbors to kill his beavers. Councilmember Goodwin clarified that the ordinance only allows property owners to trap them.

Cindy Wheeler, Black Diamond commented on how quickly Lake Sawyer rose in the last few weeks. She commented on the workstudy documents regarding concurrency and the need to provide redlined versions. She discussed the no comment period on the DNS and the costs folks would incur should they want to appeal the decision. She is concerned with the moves to restrict/remove public communication.

Mira Hoke, Black Diamond invited folks to attend the Thanksgiving dinner on November 22 at the Black Diamond Elementary School Gym. She also reminded folks about "Small Business Saturday" and encourage folks to shop local for their holiday shopping. Hometown Christmas is December 12 and on December 5th the Fire Department will be holding a food drive.


Brian Derdowski, Issaquah spoke in regards to the beaver ordinance and how it is a complicated issue and should not be entered into lightly. He noted trapping is a reasonable tool and can also be regrettable as beavers play a role in the health of a watershed and asked Council to consider having property owners send a request when beaver trapping is going to be done so staff can look into this.

ADJOURNMENT:


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

Meeting ended at 9:05:09 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk