

BLACK DIAMOND CITY COUNCIL MINUTES

September 20, 2007

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Mayor Botts, Councilmembers Sorci, Bowie, Cline, McPherson and Olness.

ABSENT: None

Staff present were: Steve Campbell, Interim Assistant City Administrator; Dan Dal Santo, Public Works Director; Kaaren Woods, Court Administrator; May Miller, Finance Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Rachel Pitzel, Utilities Clerk.

PUBLIC COMMENTS:

Leih Mulvihill extended an invitation to attend the Maple Valley/Black Diamond Commerce Dinner Auction.

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

Street Vacation

Patrick Enfield shows map of street they would like to vacate. County said it was in city limits, they have two lots one with a well adjacent to a road that has been abandoned, the well needs a 100 ft. set back, which is why they need the vacation.

City Attorney Loren explains that a formal petition needs to be filed and that there are specific processes that need to be gone through.

Mayor Botts requests that the Enfield's bring in the petition to start the vacation process.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Turn Study- Camera Incident

Bill and Vicki Harp, 32508 236th Ave SE, introduces their daughter Cindy to speak on their behalf. Cindy reads a letter that was submitted to the council and sent to the City of Black Diamond regarding an incident that occurred between her parents and the

subcontracted company All Traffic Data on September 13, 2007. Cindy clarified that the city responded very well and that she wants to make sure that this type of situation does not occur again.

Mayor Botts asks if there are any other comments on this issue.

Tom Hanson, 32506 236th Ave. SE, explains that he was also assaulted on the 13th and wonders why there isn't a process of informing citizens of what is going on in the community. Mr. Hanson gives examples of other times when vans that are not marked come down his private road to do surveying, and other incidents as well. Mr. Hanson explains that they were never informed on the happenings that are occurring on this street and wonders why. Mr. Hanson says that when questioning the man putting up cameras he was verbally assaulted and that nail spikes were thrown in his driveway. The last question he wanted to direct to council was about his family's safety. The gentleman is refusing to come in and has been told that the Police dept. would like to arrest him, but nothing has been done so far and he is concerned for his family. Mr. Hanson then explains that he has heard nothing from Yarrow Bay or any apologies.

Council members ask Mr. Hanson about the spikes and nails, which Mr. Hanson shows to the Council members.

Mayor Botts replies that he believes there has been a warrant out for this man's arrest.

Mayor Botts opens the floor to anyone else wanting to address the turn study incident.

Cindy (Harps Daughter), 3204 Wilder Street, Enumclaw, feels that Yarrow Bay has put the City in a terrible position, and that one poor decision has wiped out years of work. : She also stated how dare you hire a consultant to harass citizens.

Mayor Botts explained background information of what happened and how the City was notified by citizens of the cameras. The Mayor instructed the police and staff to investigate. City staff tried calling the number on the cameras, but no information was given by the company. Mayor Botts then gave a brief synopsis of what occurred.

Mayor Botts opened the discussion for Yarrow Bay.

Bryan Ross, Yarrow Bay Manager, apologized to the Harps, Hanson's and the City. Mr. Ross states that this is certainly not the way they conduct business. Yarrow Bay had no idea they were installing cameras, they were just as surprised as everyone else. The company and employee have been fired, and any out of pocket expenses will be taken care of and stated again how very sorry he was. Mr. Ross explains that they have worked closely with the City and staff in the past to make sure they knew what was going on and that they need to do a better job going forward, perhaps a website or mailing; whatever ideas will work for the City to notify the citizens. Yarrow Bay will do whatever it takes to make sure that everyone is up to speed on what is going on in the community.

Councilmember's ask questions regarding ROW permits and who made the decisions to install cameras.

Mr. Ross explains that the decision to install cameras came for somebody else on the All Traffic Data side, and that they are aware a permit needs to be issued and they are not sure why this company did not go through the proper procedures. He can't explain it, and he hopes that the police arrest the man and that he serves time.

Councilmember Bowies states that the City was left in the dark, and that can not happen again.

Mr. Ross says that he highly agrees.

Cindy Wheeler, 30221 2233rd Ave. SE, asks why a camera was installed on a private road and picked to be part of the study. Her concern is that there is no website, the newsletter has been terminated and the citizens are not getting the information they should.

David MacDuff, Yarrow Bay General Manager, apologies to the Harps and Hanson's and explains that two things went wrong: (1) Consultants used questionable technology and (2) they did not check with the city. Mr. MacDuff then states that he understands the sensitivity of this city, and that Yarrow Bay tried to call the Harps but the phone number was unlisted. They did talk to Christine Hanson regarding the incident, but apologies for not speaking with Tom Hanson directly as well, and also noted they wanted to allow the families some time to settle from the incidents without contacting them too soon. If there was more they could have done, they would have. Mr. MacDuff gave out his phone number 425.222.4809 and cell number 425.445.4253 and explained that those numbers can be called at any time of the day. Lastly he wanted everyone here tonight to know that Yarrow Bay can not apologize enough for this incident.

Larry Todley, Transpo, explains that they are the company that Yarrow Bay hired to do the traffic study. He stated that they are the ones that contracted with All Traffic Data because Transpo always sub contracts traffic studies out. Mr. Todley apologies to Yarrow Bay and the city and the families that were affected and noted that this is the first time they have ever seen this and they are making policies so this does not happen again. Mr. Todley explains that in the past they have always obtained permits when doing work within cities and does not know why that did not happen here.

Councilmember's and City Attorney discuss the permit process for ROW's.

Vick Harp thanks everybody for their concern; the technology does not matter to her. They have all been involved with the city and been a part of the master plan development. She only wants the safety for her family and neighbors, and says that they can work with people who will work with them and this incident should have never happened the way it did.

Steve Campbell, Interim Assistant City Administrator, explained that from what he has heard tonight, that he and Rick will handle it as far as the warrant is concerned. As the City is not going to let that sit.

The Harps and Hanson's extend their thanks.

City Attorney Loren Combs stated that he would personally prosecute this case.

Mayor Botts thanks everyone for coming and says that if there are any other problems to call him, he wants to know. He then gives out his home phone number: 360.886.2692.

Mayor Botts states that we are now moving on to the other new business on the Agenda and everyone is welcome to stay, but if people are leaving we will break for a short moment for everyone wanting to leave to do so now.

Break ended at 8:35 pm.

City Attorney Loren Combs stated he has an item he would like to add to the agenda regarding the John Henry Mine.

Ordinance No. 07-834, Special Events Permits

City Attorney Loren Combs introduced proposed Ordinance No. 07-834, adopting a new chapter 2.59 to the Black Diamond Municipal Code regarding Special Event Permits.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson **approved for a first reading** Ordinance No. 07-834, adopting a new chapter 2.59 to the Black Diamond Municipal Code regarding Special Event Permits and to be brought back at next council meeting for passage. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-461, New Positions

City Attorney Loren Combs reported that under the funding agreement with Yarrow Bay, the City needs to create new positions to support executive level people.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-461, authorizing the creation of the positions known as "Permit Technician Supervisor" and "Administrative Assistant I". Motion **passed** with all voting in favor (5-0).

Ordinance No. 07-835, Revised Wage & Salary Schedule

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Scorci to table Ordinance No. 07-835 until Finance could provide the original wage sheet without changes. Motion **passed** with all voting in favor (5-0).

Ordinance No. 07-836, Scrivener's Error

City Attorney Loren Combs reported that a scrivener's error was made in Section 30 of that Ordinance and the purpose of this Ordinance is to correct this error.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Cline to adopt Ordinance No. 07-836, amending section 13.04.280(B)(1) of the Black Diamond Municipal Code due to a scrivener's error. Motion **passed** with all voting in favor (5-0).

John Henry Mine Public Forum

City Attorney Loren Combs reported that on the map passed around the dashed line is a proposal to include the John Henry Mine into the UGA. The city will need to submit a request by next Friday to make King County's 2008 Comp. Plan cycle. City Attorney Combs states that there is need if we want this to happen to have the mine reclaimed as a part of the city's vision and be a part of our UGA.

A **motion** was made by Councilmember Scorci and **seconded** by Councilmember Cline to submit a request to include the John Henry Mine into the UGA. Motion **passed** with all voting in favor (5-0).

Ordinance No. 07-835, Revised Wage & Salary Schedule

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to put back in motion Ordinance No. 07-835. Motion **passed** with all voting in favor (5-0).

City Attorney Loren Combs asked the councilmember's if they are ok with setting salaries for the new positions that were passed and leave the rest alone until further data was available to the council.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Scorci to adopt Ordinance 07-835 amending the budget for calendar year 2007 by adopting an additional wage and salary schedule for the new positions created. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Finance

Finance Director Miller discussed with Council the financial report.

Public Works

Public Works Director Dan Dal Santo brought up an issue of a resident that lives on Lake 12 and explained that the resident's well has bad water and it has been poisoning his family for years with arsenic. He would like the council to consider helping out that area with water when and if it comes available to them.

Fire Department

Chief Smith provided the Council with a written report, phone number and email. He further noted that everything is going great and the City has good people working for them.

MAYOR'S REPORT: None**COUNCIL REPORTS:**

Councilmember Olness reminded everyone that next Wednesday evening, the Lake Sawyer Draft Plan will be presented to the public and available on CD and hard copy form for one month for public comment.

ATTORNEY REPORT: None**PUBLIC COMMENTS: None****CONSENT AGENDA:**

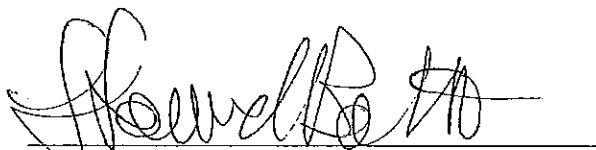
A **motion** was made by Councilmember Olness and **seconded** by Councilmember Cline to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

1. **Minutes** -- none
2. **Claim Warrants** -- September 20, 2007, No. 30632 through 30682 with handwrites 30624 through 30631, 30630 voided all warrants in the amount of \$179,021.00.

EXECUTIVE SESSION: None**ADJOURNMENT:**

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

ATTEST:


Howard Botts, Mayor
Rachel Pitzel, Utility Clerk