

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**February 17, 2011**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

### **CALL TO ORDER, FLAG SALUTE:**

Mayor Olness called the regular meeting to order at 7:02 p.m. and lead us all in the Flag Salute.

### **ROLL CALL:**

**PRESENT:** Councilmembers Hanson, Goodwin, Boston, Saas and Mulvihill.

**ABSENT:** None

Staff present were: Steve Pilcher, Community Development Director; Chip Hanson, Information Services Manager; May Miller, Finance Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to amend the agenda to add Resolution No. 11-737 and to suspend the rules to take action on this resolution immediately. Motion **passed** with all voting in favor (5-0).

**Resolution No. 11-737, concerning the matter of Toward Responsible Development v. the City of Black Diamond, Growth Management Hearings Board Case No. 10-3-0014**

Mayor Olness read the resolution aloud.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Resolution No. 11-737, concerning the matter of Toward Responsible Development v. the City of Black Diamond, Growth Management Hearings Board Case No. 10-3-0014. Motion **passed** with all voting in favor (5-0).

### **PUBLIC COMMENTS:**

**Chris Clifford, Renton** – commented on being involved in the appeal process and the ruling from the Growth Management Hearings Board.

**Peter Rimbo, Maple Valley** – commented on having an open and productive dialogue with the electeds.

**Cindy Proctor, Enumclaw** – commented on the Growth Management Hearings Board ruling and accountability and reconsideration.

**Jack Sperry, Black Diamond** – commented on the Growth Management Hearings Board ruling and moving forward with open dialogue.

**Mike Irragang, Black Diamond** – commented on the Growth Management Hearings Board ruling and reading them twice; interaction and communication with electeds and citizens.

**Bob Edelman, Black Diamond** – commented on Section 2 of the resolution passed tonight.

**Joe May, Black Diamond** – commented on Black Diamond's growth over the years; the proposed developments; rural by design and growth should pay for growth; the Growth Management Hearings Board ruling; working together cooperatively.

**Gwendolyn Vuckich, Black Diamond** – commended Council for taking on this huge project; commented on Growth Management Hearings Board ruling allowing time to make decisions and open dialogue; urged Council to include other outlying areas.

**Ericka Morgan, Black Diamond** – commented on when these plans were first being addressed for developments (15 years ago).

**Bob Rothschilds, Black Diamond** – commented on moving forward with this process; making more time to talk with City Council; ability to talk with City staff being limited and the need for more access; two-way conversations being more effective than public hearings.

**Robert Taeschner, Black Diamond** – commented on not coming to Council the past six months; MPD hearings and the quasi-judicial process; upcoming election; the Growth Management Hearings Board ruling.

**Rosemary Wentz, Black Diamond** – commented on the Growth Management Hearings Board ruling; living in Woodinville and traffic; wastewater and wildlife; rural development; develop relationship with citizens of Black Diamond.

**Vicki Harp, Black Diamond** – commented on starting with a clean slate; City's press release; Growth Management Hearings ruling; impact on her family; challenge legal advice.

**Steve Garvich, Black Diamond** – thanked Council for passing resolution tonight; what plan is being formulated by Council on the Development Agreement process.

**Judith Carrier, Green Valley Road** – commented on being pleased with the Growth Management Board Hearing ruling; legal advice and representation; open and positive relation with Council and staff.

**Senator Pam Roach, Green Valley Road** – commented on being an elected official; no money being available for improvements on Highway 169; taxation on schools in Enumclaw; YarrowBay appeal; logging by Plum Creek and the effects on water.

**Clarrisa Metzler, Green Valley Road** – commented on Growth Management Hearings ruling and the code of silence being broken; elected by community not by the developer; citizen's involvement in decision making; farming and traffic.

## **PRESENTATIONS, ANNOUNCEMENTS, APPOINTMENTS: UNFINISHED BUSINESS: None**

### **NEW BUSINESS:**

**Resolution No. 11-736, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with RH2 Engineering regarding On-call Engineering Assistance regarding MPD Technical Services**

Economic Development Director Williamson reported we have hired RH2 to help staff work through the development agreements. This amendment is a continuation of that contract and is paid through the Developer and asks Council to approve as no matter what the process is we will need this expertise.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Goodwin to postpone Resolution No. 11-736 to an indefinite date. Motion **passed** with all voting in favor (5-0).

## **DEPARTMENT REPORTS: None**

### **MAYOR'S REPORT:**

Mayor Olness reminded everyone that City offices will be closed on Monday, February 21 in observance of Presidents Day.

### **COUNCIL REPORTS:**

Councilmember Goodwin commented on the Phosphorus Bill that is before Legislature which is progressing and encouraged folks to keep an eye out and support.

### **ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

**Cindy Proctor, Black Diamond** – commented on homeless numbers being decreased by 11 percent; Attorney General legal aid to help with the upcoming MPDs to assist the City; the need for an apology to the citizens.

**Peter Rimbos, Black Diamond** – commented on leading a citizen's technical team with experience and the need to meet with Council.

**Vicki Harp, Black Diamond** – commented on patching their road and thanked the Public Works Department for the nice job they did.

**Robert Taeschner, Black Diamond** – commented on history and the need for new legal counsel; take you're time.

**Mike Irragang, Black Diamond** – thanked all who spoke tonight; committee led by Peter Rimbos; transportation studies and the end to end impacts and the need for a study with full traffic impacts.

**Dave Vines, Black Diamond** – commented on homelessness and hunger and stated that a dinner provided at the High Road Church on Wednesdays from 5 to 7 p.m.

**Bob Edelman, Black Diamond** – commented on if the City plans to consider the Development Agreement as quasi-judicial.

City Attorney Bacha stated that the Development Agreement under the code is still quasi-judicial.

Mayor Olness announced the City plans to continue with the Development Agreement.

**Bob Edelman (continued)** – discussed quasi-judicial RCW 42.36.010 which is under the Appearance of Fairness; commented that Council be careful as this could end up another First Amendment issue.

## **CONSENT AGENDA:**

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

**Claim Checks** – February 17, 2011, No. 36613 through No. 36686 (voided No. 36616) in the amount of \$173,708.39

**Payroll** — January 31, 2010, No. 17351 through No. 17371 (void No. 17372) and ACH Pay in the total amount of \$278,377.99

**Minutes** – Council Meeting of February 3, 2011


**EXECUTIVE SESSION: None**

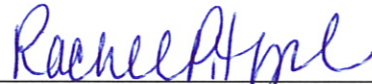
Councilmember Hanson clarified that when this process started she did ask questions and was always told this was quasi-judicial and encourage citizens to talk with her.

**ADJOURNMENT:**

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

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk