

**CITY OF BLACK DIAMOND
CITY COUNCIL
SPECIAL MEETING MINUTES / WORKSTUDY NOTES
January 26, 2012
Council Chamber, 25510 Lawson Street, Black Diamond, Washington**

Mayor Olness called the meeting to order at 6:00 p.m. and lead us all in the Flag Salute.

PRESENT: Councilmembers Deady, Goodwin, May and Taylor.

ABSENT: None

Staff present: Steve Pilcher, Community Development Director; Andrew Williamson, Economic Development and Engineering Services Executive Director; Jamey Kiblinger, Police Chief; Greg Goral, Acting Police Commander; Greg Smith, Fire Chief; Chris Bacha and Mike Kenyon, City Attorneys and Brenda L. Martinez, City Clerk.

Mayor Olness announced the resignation of Councilmember Saas from the City Council.

PUBLIC COMMENTS:

Jack Sperry, Black Diamond – commented on his concerns regarding the “Tough Mudder” Special Event permit being considered tonight.

Cindy Wheeler, Black Diamond – commented on public comment portion of agendas and spoke on concerns regarding the “Tough Mudder” Special Event permit.

Dianna Boxx, Black Diamond – commented on her concerns with the recent storm event and the Community Center.

Kristine Hanson, Black Diamond – commented on street sweeping debris; “Tough Mudder” event and her support.

Bill Boston, Black Diamond – commented on being a proponent of the CFDs and the impact from the denial.

PUBLIC HEARINGS: None

PRESENTATIONS, ANNOUNCEMENTS, APPOINTMENTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 12-783, rejecting the petition of Village Partners, LP and YarrowBay Development LLC for formation of CFD No. 2011-1

City Attorney Bacha gave background information on this item.

Councilmember Goodwin commented on the discussion that took place at the last Council meeting regarding this matter.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt Resolution No. 12-783, rejecting the petition of Village Partners, LP and YarrowBay Development LLC for formation of CFD No. 2011-1.

Councilmember Taylor commented he is not intending to close the door and invited YarrowBay to apply again.

Vote: Motion **passed** with all voting in favor (4-0).

Resolution No. 12-784, authorizing the Mayor and City Council to approve the “Tough Mudder” Special Event

Community Development Director Pilcher reported the Tough Mudder event is a 10-12 mile foot race with military obstacles planned to take place on lands owned by Palmer Coking Coal. This will be the first event to occur in the Pacific NW and event organizers are expecting a large turnout. Since this is a two-day event, City Council approval of a Special Event permit is required per City Code. Staff reviewed the proposal, made initial comments and event organizers made modifications/clarifications to the event that have satisfied staff's concerns. Black Diamond Municipal Code 2.59.080 lists reasons for which a Special Event permit could be denied. Staff did not find that any of these reasons could result in a need for permit denial. Therefore, staff is recommending approval of the Special Events permit, with the conditions noted in the packet material. He introduced Reed Raskin, representative for Tough Mudders.

Mr. Raskin thanked staff for their help with the Special Events permit. He discussed other events that have been held and noted the partnerships they work with; love this town and would like to hold the event here. He noted this would be a much smaller event than those held in the past; noted they do not take the responsibility lightly and are hoping to get approval to hold this event in the City. He commented on security and use of other Police Officers for this event. He noted that they will section off 37 acres for parking and there is additional area if needed. Mr. Raskin also commented that they do have a restoration clause in the agreement with Palmer for anything that needed to be done that was caused by the event; he noted liability amounts for insurance; can set a spectator cap too if needed; this is daytime event; staggering of participant start times.

Community Development Director Pilcher noted the contacts staff made to other jurisdictions that have held these events in the past; noted the crossing over Rock Creek they will be using is already an established crossing and no new crossings are being added.

City Attorney Kenyon commented that North Bend has a similar event and their Council approved with conditions that all concerns were met.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Goodwin to postpone Resolution No. 11-784, authorizing the Mayor and City Council to

approve the “Tough Mudder” Special Event until the February 2, 2012 Council meeting. Motion **passed** with all voting in favor (4-0).

This issue will go to the Planning and Commission Committee meeting on January 30, 2012. A notice will be posted to the website where comments should be sent to regarding this event.

DEPARTMENT REPORT:

Police Department – Greg Goral, Acting Police Commander updated Councilmembers on the recent storm event and the activation of the Emergency Operations Center. He gave an outline of the day-to-day events and activities during this event.

Fire Department – Greg Smith, Chief welcomed the new Councilmembers. He commented on the “Tough Mudder” event; discussed the recent events of the storm and noted new systems the Fire Department has put in place; 115 events they responded to, staffed up Station 98 and added volunteers at each station; discussed no fire being allowed within the City as this is a Puget Sound Clean Air Agency rule.

Public Works Department – Andy Williamson, Economic Development and Engineering Services Executive Director reported on the actions by Public Works during the recent storm event. Staff was put on 12 hour shifts and they had both plows out on the streets. He noted staff is currently working on debris removal and disposal.

MAYOR’S REPORT:

Mayor Olness reported that she attended the PIC meeting; update on City Hall closure; commended Public Works and Police for the outstanding job they did; commended Howard and Dorothy Botts and Keith and Judy Watson for opening the Community Center during the storm event for a warming center, they served 57 meals and 8 people stayed two nights at the Community Center; announced storm debris removal information that is available here at the meeting and also on the city’s website; school siting task force; announced the promotion of Greg Goral to Police Commander as of February 1, 2012; read letter from Community Center regarding the donations during the Christmas season.

COUNCIL REPORTS:

Councilmember Deady commented on the Community Forum meeting that was held on February 12; thanked the public for making sure other folks were safe during the recent storm event.

ATTORNEY REPORT: None

CONSENT AGENDA:

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

Claim Checks – January 19, 2012 Check No.37793- through No. 37863 in the amount of \$207,468.12

Payroll – December 31, 2011 No. 17618 through No. 17640 and ACH Pay in the total amount of \$281,885.53

Minutes – Regular Council Meeting of January 5, 2012

EXECUTIVE SESSION: None

Mayor Olness announced a recess for approximately five minutes at 7:18 p.m.

Mayor Olness called the Special meeting/Workstudy back to order at 7:27 p.m.

WORKSTUDY:

Mayor Olness noted in the packet material is a memo from our City Attorney that addresses questions from Councilmember Goodwin to our Legal Counsel.

City Attorney Bacha reviewed with Council the answer to question 1.) What ability/flexibility does the City council have to rescind past Council adopted resolutions?

Discussion ensued on setting up the formation of City Council Committee regarding future formations of CFDs with appointments to the committee being made at the February 2, 2012 Council meeting.

Council consensus was to run this through the Standing Council Committee of Finance and have a staff representative and have YarrowBay appoint a representative to work on a work plan and would suggest working on process and substantive questions that are out there.

Councilmember Taylor asked for clarification on Councilmembers introducing material before Council.

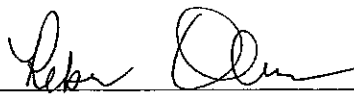
City Attorney Bacha responded this is addressed in section 3.11.3 of the Council Rules

ADJOURNMENT:

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

The Special Meeting / Workstudy ended at 7:47 p.m.

ATTEST:


Rebecca Olness, Mayor


Rachel Pitzel, Deputy City Clerk