

BLACK DIAMOND CITY COUNCIL MINUTES

May 16, 2013

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Councilmembers Deady, Goodwin, Edelman and Benson.

ABSENT: Councilmember Taylor (excused).

Staff present was: Andrew Williamson, Executive Director of Engineering Services/Ec. Dev.; Stacey Welsh, Community Development Director; Brian Lynch, Police Sergeant; Greg Smith, Fire Chief; Chris Bacha, City Attorney; Mark Hoppen, City Administrator and Brenda L. Martinez, Asst. City Admin/City Clerk

PUBLIC COMMENTS:

Mario Sorci, Black Diamond commented on the Pledge of Allegiance and there being no pause in it.

Cindy Wheeler, Black Diamond commented on Agenda Bill No. 13-040 and does not feel this is a good idea. She read quote from the Hearing Examiner.

Jack Sperry, Black Diamond seconded the previous speakers comments and asked Council to vote against this ordinance.

Cindy Proctor, Enumclaw spoke against passage of the proposed ordinance regarding the SEPA appeal process.

Erika Morgan, Black Diamond noted she sent a letter out earlier today regarding Agenda Bill No. 13-040; commented on noise coming from the YarrowBay property for the last two weeks.

PUBLIC HEARINGS: None

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Mayor Olness noted the recommendation for tonight as stated on Agenda Bill No. 13-040 is discussion only however, Council may take action tonight if they wish.

Ordinance No. 13-1004, relating to administrative review procedures of SEPA decisions; eliminating administrative appeals of SEPA decisions; repealing and re-enacting BDMC 19.04.250; providing for severability; and establishing an effective date

Community Development Director Welsh reported currently the City code allows for an appeal at a fee of \$250. She commented the last SEPA appeal process cost the City over \$37,000 and noted this being an issue during tight budget times. State Law does not require a local government to provide an administrative appeal. Instead, a jurisdiction may require that any appeal proceed directly to Superior Court. She added the Planning Commission held a public hearing on this potential amendment at their meeting on April 9th and no public testimony was provided. The proposed amendment would eliminate the administrative appeal process in Black Diamond and instead require appeals to be made to Superior Court. The Planning Commission voted to recommend to the City Council to change the SEPA appeal process in this manner.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to **deny** Ordinance No. 13-1004, relating to administrative review procedures of SEPA decisions; eliminating administrative appeals of SEPA decisions; repealing and re-enacting BDMC 19.04.250; providing for severability; and establishing an effective date. Motion **passed** (4-0).

Resolution No. 13-873, awarding the low bid on the SE 288th Street Overlay Project to Lakeside Industries, Inc.

Executive Director of Engineering Services/Ec. Dev. Williamson reported tonight's proposal is to do the rest of 288th. He noted this is a TIB grant and the project will grind out the failed asphalt, patch in new asphalt and then overlay the roadway with a full 2 inches of new asphalt. Bids were solicited off the Small Works Roster and the City received 5 bids, of those bids Lakeside Industries was the lowest responsive bidder.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to adopt Resolution No. 13-873, awarding the low bid on the SE 288th Street Overlay Project to Lakeside Industries, Inc. Motion **passed** (4-0).

Resolution No. 13-874, authorizing a Grant Application to the King County Community Development Block Grant (CDBG) Program for the 0.5 MG Water Tank Repainting Project

Executive Director of Engineering Services/Ec. Dev. Williamson reported the project is for the 0.5 MG water tank that was constructed in the mid-80's. King County now requires that applications submitted by cities must be signed by the Mayor and authorized by the City Council. A copy of the minutes authorizing the submittal of the CDBG application must be included with the application. He added the initial paint coating on a steel tank will typically last 20 years. The City has done some touch up paint maintenance over the years, but the coating of the tank is now at a critical point where further delay will require the tank to be sandblasted to bare metal and re-primed and painted. If the water tank is repainted now, the tank could be spot treated in areas of corrosion and then over-coated.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Resolution No. 13-874, authorizing a Grant Application to the King County

Community Development Block Grant (CDBG) Program for the 0.5 MG Water Tank Repainting Project. Motion **passed** (4-0).

Resolution No. 13-875, authorizing a Grant Application to the King County Community Development Block Grant (CDBG) Program for the Downtown Asbestos Water Main Replacement and Looping Project

Executive Director of Engineering Services/Ec. Dev. Williamson reported this is to replace aging asbestos water and corroded iron pipe in the downtown area, including Railroad Avenue, Baker Street, 1st Avenue, Commission Avenue and Miner Street.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to adopt Resolution No. 13-875, authorizing a Grant Application to the King County Community Development Block Grant (CDBG) Program for the Downtown Asbestos Water Main Replacement and Looping Project. Motion **passed** (4-0).

Resolution No. 13-876, authorizing the Public Works Department to hire Lakes Electric Inc. to wire the generator at the shop for backup power

Executive Director of Engineering Services/Ec. Dev. Williamson reported this is to have the Public Works department actually have electricity when the lights go out. Public Works was able to salvage a generator when Fire District 44 remodeled. Public Works staff obtained a building permit, prepared a spot for the installation of the generator and has installed the generator to support the shop and public works facilities during a power outage.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Deady to adopt Resolution No. 13-876, authorizing the Public Works Department to hire Lakes Electric Inc. to wire the generator at the shop for backup power. Motion **passed** (4-0).

DEPARTMENT REPORTS:

Police – Police Sergeant Lynch noted on Monday, June 10th at 9 a.m. is the DARE graduation at the Black Diamond Elementary School; Boots and Badges Charity Basketball Game to be held on June 8th at 7 p.m. at the Enumclaw High School gymnasium.

MAYOR'S REPORT:

Mayor Olness reported on the following:

- CIP reviews with staff and committees
- EHS van donation by King County
- Sound Cites Association managing conflict
- Cemetery Board meeting and Cemetery clean-up day is May 18th from 9 a.m. to Noon
- Chief Kiblinger and the Mayor were able to ride in the King County helicopter to make small jurisdictions aware of the free service they can provide

Reminders:

- May 22nd Tri-city Council meeting at 7 p.m. at the Covington Council Chambers and packets are on the dais tonight
- Memorial Day celebration at the cemetery

- Discussed proposals heard at Town Hall meeting regarding changing the Town Hall meetings to every other month

COUNCIL REPORTS:

Councilmember Edelman noted attending the Finance Committee meetings and the Parks and Cemetery meeting. Attended AWC and RSMA newly elected officials class in Orting. Noted going on a ride-a-long with Sergeant Lynch and really appreciated the experience.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Cindy Proctor, Enumclaw thanked Council for their action on the proposed ordinance amending the SEPA appeal process.

Cindy Wheeler, Black Diamond commented on the very serious fiscal issues facing the City over the next few years and the need to be smart on how we spend our money; appreciated Council's vote on the proposed amendment to the SEPA appeal process.

CONSENT AGENDA:

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

Claim Checks – May 16, 2013, Check No. 39646 through No. 39699 in the amount of \$107,629.60

Payroll Checks – April 30, 2013, No. 18039 through No. 18059 and ACH Pay in the amount of \$281,357.15

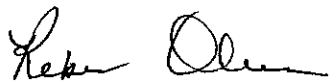
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EXECUTIVE SESSION: None

ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk