

BLACK DIAMOND CITY COUNCIL MINUTES

October 3, 2013

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the regular meeting to order at 7:01 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: Aaron Nix, Natural Resources/Parks Director; Greg Goral, Police Commander; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Mark Hoppen, City Administrator; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PRESENTATIONS: None

PUBLIC COMMENTS:

Brian Derdowski, Issaquah commented on the CFD petition review and the addendum asked Council to not authorize the Mayor or staff to issue an addendum prior to the public hearing and the city can scope the SEPA review properly.

Vern Gibson, Black Diamond commented on the CFD being very confusing and Council should be concerned with how much is going out. He also commented on proposed Resolution No. 13-893 and provided additional language to be added to the agreement.

Mayor Olness reported on Bras 4 the Cause event at St. Elizabeth Hospital.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to move item No. 4 before unfinished business. Motion **passed** (4-0).

Resolution No. 13-891, authorizing the Mayor to execute an Interlocal Agreement with the City of Auburn for Police IT Services

Chief Kiblinger reported that due to ongoing issues with computer systems and programs through the department, the police department desire to have Auburn IT provide services that include a one-time startup fee (estimated to cost between \$1,500-\$2,200) which includes stabilizing police services, software and systems; thereafter, a monthly fee of \$400 for general network and desktop maintenance and support; \$1,600 for remainder of 2013. Next year's estimate of \$400 per month totaling \$4,800. Each year, the annual sum will also be increased by 2% or the most recent Seattle-Tacoma Consumer Price Index, whichever is

greater. She further noted that Auburn utilizes most, if not all, of the same operating systems and has on-hire staff that is specifically familiar with their functions, capabilities, and maintenance. The initial term of the agreement is for 12 months and may be extended by written agreement of the parties 60 days prior to the term end. Either party may also cancel this agreement upon 60 days written notice to the other part.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Goodwin to adopt Resolution No. 13-891, authorizing the Mayor to execute an Interlocal Agreement with the City of Auburn for Police IT Services. Motion **passed** (4-0).

UNFINISHED BUSINESS:

Ordinance No. 13-1011, imposing a Six-Month Moratorium Prohibiting the Establishment, Location Operation, Licensing, Maintenance, or Continuation of any Medical Cannabis Collective Garden or any Medical Marijuana Dispensary

City Administrator Hoppen reported both these moratoriums are designed to give Council the opportunity to provide land use areas for these types of activities. He noted public testimony that was heard during the hearing at the last regular Council meeting.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Edelman to adopt Ordinance No. 13-1011, imposing a Six-Month Moratorium Prohibiting the Establishment, Location Operation, Licensing, Maintenance, or Continuation of any Medical Cannabis Collective Garden or any Medical Marijuana Dispensary. Motion **passed** (4-0).

Ordinance No. 13-1012, Imposing a Six-Month Moratorium Prohibiting the Acceptance or Processing of Applications, or Issuance of Permits and Approvals, and Uses or Activities Associated with Production, Processing, and Retailing of Marijuana and Marijuana-Infused Products

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to adopt Ordinance No. 13-1012, imposing a Six-Month Moratorium Prohibiting the Acceptance or Processing of Applications, or Issuance of Permits and Approvals, and Uses or Activities Associated with Production, Processing, and Retailing of Marijuana and Marijuana-Infused Products. Motion **passed** (4-0).

Resolution No. 13-890, authorizing the Mayor to accept funds in the amount of \$86,625 from the Washington State Recreation and Conservation Office (RCO), within the Boating Facilities Program, to design, permit, and prepare bid documents for a dock to be located at the Lake Sawyer Boat Launch, in accordance with the City's adopted Parks, Recreational and Open Space Plan

City Administrator Hoppen reported this is a resolution to accept a grant through RCO with a City match of \$28,875. He noted it is possible that we may be able to utilize grants for construction of the dock. The design would tell us if we could do it. There would need to be an addendum to this and RCO would have to approve it if we went down that path. If RCO

is not amendable to this we do have a good chance of receiving construction dollars form RCO as they have already invested in this project.

**** Resolution No. 13-890 died for lack of action.**

NEW BUSINESS:

Resolution No. 13-892, authorizing the Mayor enter into an Interlocal Agreement with the Association of Washington Cities Employee Benefit Trust

Mayor Olness reported the City participates and receives benefits (medical, dental, vision, etc.) from AWC Employee Benefit Trust; however after months of research and consideration the Trust's Board of Trustee's voted to move from a fully insured benefit program to a self-insured mode. Among a variety of advantages and opportunities that goes along with self-funding, is AWC's projection of a 0% increase for the Trust's Regency/Asuris Medica, Group Health Medical, WDS Dental, and VSP Vision self-insured plans for 2014. In order for the Trust to conduct business as a self-insured program, they are required to comply with RCW and WAC. One of those requirements being that each member must approve by resolution an Interlocal Agreement authorizing participation in the self-insured program. She further noted that Interlocal's need to be signed and sent to the Trust no later than November 15, 2013 to continue participation.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to adopt Resolution No. 13-892, authorizing the Mayor enter into an Interlocal Agreement with the Association of Washington Cities Employee Benefit Trust. Motion **passed** (4-0).

Resolution No. 13-893, adopting and authorizing execution of a cost reimbursement agreement with BD Village Partners, LP and YarrowBay Development

City Attorney Bacha reported this resolution is before Council to authorize a cost reimbursement with YarrowBay for costs associated with the CFD. If executed this would allow the city to charge YarrowBay for all costs the City has and will incur with the formation of the CFD.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 13-893, adopting and authorizing execution of a cost reimbursement agreement with BD Village Partners, LP and YarrowBay Development. Motion **passed** (4-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness reported:

- Attended SCA Meetings
- Received bullet proof vest grant from Justice Department
- Gave Cemetery Board update
- Budget is still a work in progress

- CFD certificate of sufficiency was received from King County
- Reminders:
- Tough Mudder event this weekend
 - October 10 Town Hall meeting was cancelled and replaced with a Workstudy on budget.

COUNCIL REPORTS:

Councilmember Deady noted attending the alcoholic and drug program graduation she attended in Seattle.

Councilmember Benson reported she attended the SCATBd meeting and reported on their focus- I-169, 509 corridor; open house for SCA.

Councilmember Edelman reported she attended the SCA networking dinner in Snoqualmie.

Councilmember Goodwin apologized to Mr. Hoppen in regards to not being informed on Phase 2 applications that had been made by YarrowBay and he had not read the information very well.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Brian Derdowski, Issaquah discussed the SEPA addendum being issued prior to the hearing on the CFD and the problems with this.

Colin Lund, YarrowBay commented on YarrowBay's obligation for the pipeline road and other improvements that are triggered in the Development Agreement.

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 – October 3, 2013, Check No. 40038 through No. 40099 (void check nos. 39968, 40047, 40051) in the amount of \$77,486.26

Minutes– Regular Meeting Minutes of September 19, 2013

EXECUTIVE SESSION: None

ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk