

BLACK DIAMOND CITY COUNCIL MINUTES

February 21, 2008

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 Hanson, Bowie, Boston, Olness and Mulvihill.

ABSENT: None

Staff present were: Gwendolyn Voelpel, City Administrator; Dan Dal Santo, Utilities Supervisor; May Miller, Finance Director; Andy Williamson, Economic Development Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS: None

PUBLIC HEARING:

Lake Sawyer Regional Park Plan

Bryan Bowden, National Park Service reported to Council a preliminary draft of this plan was released for public review and comment from September 26 to October 26, 2007, and this public hearing is to hear testimony on the final plan.

Mayor Botts opened the Public Hearing at 7:10 p.m.

Peter Ferguson, 1226 M Street NE, Auburn asked Council to consider a proposal to include modest accommodations for control line model airplane flying in the Park Plan for Lake Sawyer Park.

Marlow Anderson, Lake Sawyer resident explained to Council that he has tried to work with the Park Committee to allow model airplanes to be flown in the park, but had hit a brick wall. He mentioned before the park was turned over from King County to the City of Black Diamond a sign was posted at the park stating that model airplanes would be

allowed and wondered what happened to this sign and promise. He urged Council to allow model airplanes to be flown in the park.

Richard Weaver, 24505 SE 165th Street, Issaquah stated that the Lake Sawyer Regional Park should be just that, a park for all of the citizens who live in the region, since all of the citizens of King County paid for the park property. And because the park was a gift to the City of Black Diamond from King County, the City has an obligation to create a park for all of the citizens of the region to use. He further noted that King County saw Lake Sawyer Regional Park as a smaller version of Marymoor Park, which allows a number of different activities and flying radio controlled models is one.

Tim Nozer, 27616 125th Avenue, Kent stated that he used to live on Lake Sawyer and his children have an interest in model airplanes and feels this is something that should be nurtured as not all kids are athletic, plus it will add flavor to the park and takes up very little room.

Leah Grant, Black Diamond resident explained to Council that she would like to see the park stay in a more natural state and feels that there are other areas in the region where model airplanes can be flown.

Cindy Wheeler, Lake Sawyer resident explained that she was on the park committee and wanted Council to know that the committee reached out to many people during the planning process. This was done by surveys, meetings, and the Charette. She further noted the committee did reach out to the model airplane group to find out the parameters needed, but unfortunately after review found it would not meet the needs.

Mayor Botts closed the Public Hearing at 7:28 p.m.

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

Presentation – 2007 Highlights King County Councilmember Reagan Dunn

King County Councilmember Reagan Dunn gave Council an outline detailing 2007 accomplishments of the King County Council, which included Transparency in Taxation, I-25 Elected County Auditor, Pratt Wilderness, DDES Reform, EMS Levy, Consolidated Elections Facility and Wonderland Estates.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 08-482, General Fee Schedule

Finance Director Miller reported Black Diamond City Staff intend to review the General Fee Schedule annually. This resolution will update the fees that were last updated 10-20-2006 by Resolution No. 06-406.

Fees were reviewed with the goal of reflecting reasonable costs for service. Fees were streamlined in some cases with the elimination of deposits, which were outdated and required increased staff tracking, especially with the increased number of permits received in 2007.

This general fee schedule includes fees for all city functions, but does not update the specific Building Service Fees from Resolution 07-449 that were last updated June 22, 2007.

After discussion it was decided that deposits should be added back into the fee schedule to ensure that the City is not losing money. Staff was instructed to revise the fee schedule to reflect deposits and bring back before Council at the March 6th meeting.

Ordinance No. 08-852, 2008 Budget Amendment

Finance Director Miller reported this is a technical housekeeping change to Exhibit A, the 2008 Salary Schedule. The changes only correct existing salaries at the Level 4 for Police Officer and adding the 3% COLA to the two part-time wages that were omitted in the original schedule.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to adopt Ordinance No. 08-852, amending the 2008 Budget Ordinance No. 07-843 to reflect technical changes to Exhibit A, 2008 Wage and Salary Schedule. Motion **passed** with all voting in favor (5-0).

Ordinance No. 08-853, Creating position of City Engineer

City Attorney Combs stated it is the recommendation of the Mayor and City Administrator to create a City Engineer office to help with the increasingly complex issues in the public works area. This ordinance establishes the office of City Engineer and defines its authority.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Olness to adopt Ordinance No. 08-853, creating the position of city engineer, authorizing the city engineer duties to be performed by a consultant, authorizing the Mayor to designate city engineer, adding new sections 2.28.060 and 2.28.065 to the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

Resolution No. 08-483, Amendment #1 to PacWest PSA

Utilities Supervisor Dal Santo reported the City of Black Diamond has retained the services of PacWest Engineering for various high-level engineering services, including the update of its water system comprehensive plan and development standards. The firm has provided services to the City since June 2007. The City currently has a need for additional services to ensure adequate funding for the sewer system's capital and operation costs. It has been more than a decade since the City has raised its sewer rates,

causing reserves to be depleted. Impact fees were authorized by Ordinance 580, passed by the Council in 1995.

This item would approve PacWest Engineering's performance of a sewer rate and impact fee study, including updating of the capital improvement projects listed in the 2003 plan. It would serve as the first amendment to the agreement for services adopted by council on July 5, 2007, in Resolution 07-453.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 08-483, authorizing the execution of amendment #1 to the Professional Services Agreement with PacWest Engineering for a sewer rate and impact fee study. Motion **passed** with all voting in favor (5-0).

Resolution No. 08-484, Amendment #2 to PacWest PSA

Utilities Supervisor Dal Santo stated this Resolution would approve PacWest Engineering's performance of a water rate and impact fee study. It would serve as the second amendment to the agreement for services adopted by council on July 5, 2007, in Resolution 07-453. The study will be paid for by the Water System and Facilities Funding Agreement. The rate study was identified as task #13 in the August 2003 agreement.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 08-484, authorizing the Mayor to execute amendment #2 to the Professional Services Agreement between PacWest Engineering and the City of Black Diamond for a water rate and impact fee studies. Motion **passed** with all voting in favor (5-0).

Ordinance No. 08-854, Prohibiting dogs in cemetery, leashed in City Parks and requiring scooping of waste

Utilities Supervisor Dal Santo reported the Parks and Cemetery Committee of the Council met in February and reviewed several issues. An issue of concern was dogs running free in the cemetery and parks and waste being left behind. With this ordinance, dogs will not be allowed in the cemetery and will only be allowed in city parks on leashes. Owners will be required to pick up and dispose of waste.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to adopt Ordinance No. 08-854, prohibiting dogs in the Black Diamond Cemetery, requiring dogs in city parks to be leashed, adding new sections 6.08.215, 6.08.217 and 6.08.219 to the Black Diamond Municipal code and amending Black Diamond Municipal Code section 6.08.220. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Botts commended Police Officer Greg Goral, Utilities Supervisor Dan Dal Santo and Mountain View Fire & Rescue for diligently working to rescue an individual who had suddenly found himself in medical trouble on a bike trail somewhere between Hwy 169 and Lake Sawyer.

COUNCIL REPORTS:

Councilmember Bowie reported that final acceptance of Schedule "A" water system improvements will hopefully be brought to Council at the next meeting.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Vicki Harp thanked Black Diamond staff for the informational meeting they held concerning the Yarrow Bay developments.

CONSENT AGENDA:

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

- 1.) **Payroll Warrants** – January 2008, No. 14444 through 14512 in the amount of \$205,257.54
- 2.) **Claim Warrants** – February 21, 2008 No. 31144, 31205 through 31220 and No. 31221 through 31220, and 31230 through 31273 (voided 31229) in the amount of \$159,703.67
- 3.) **AB08-20** – Resolution accepting LHWMP Recycling Grant
- 4.) **Minutes** – Council Meeting of February 7, 2008

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting for an Executive Session at 8:39 p.m. to discuss Potential Litigation, Real Estate Acquisition and Personnel Matters. Action may follow as a result of the Executive Session, which was expected to last thirty minutes.


Mayor Botts announced a ten minute extension.

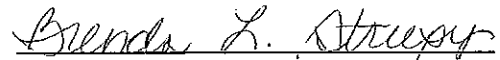
The regular meeting was reconvened at 9:17 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk