

BLACK DIAMOND CITY COUNCIL MINUTES
November 20, 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; May Miller, Finance Director; Jeff Miller, Police Commander; Seth Boettcher, Public Works Director; Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda L. Streepy, City Clerk.

Mayor Botts commented that there appears to be some confusion in the community concerning the Nestle Waters North America, Inc. agreement for property access, occupancy and use. Some residents felt the City gave the springs to Nestle. Mayor Botts clarified that this is not the case. The agreement Council adopted at their November 6 meeting was to allow Nestle access to perform testing at the springs and he assured everyone the City did not give the springs to Nestle.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

Ordinance No. 08-876, Specifying the 1% Property Tax Increase and Ordinance No. 08-876A, Setting the Property Tax Levy Dollars for 2009

Finance Director Miller reported in keeping with the voter's approval of Initiative 747 in the State of Washington the Mayor and staff recommend that the City Council approve the allowable 1% increase to the 2008 City of Black Diamond regular property tax levy of \$951,399. The result of the 1% increase would be \$9,514 added to the tax levy that the City collected last year. This increase is in addition to the increase resulting from new construction in the approximate amount of \$18,379 including improvements to

existing properties and increases in the value of state-assessed property, less \$631 for prior year refunds and corrections. This equals the preliminary levy amount of \$978,661, which is attached.

Ms. Miller explained an additional amount of \$20,000 is requested to cover any increase that may be included in the final levy, which is expected from King County by December 10, 2008. This amounts to a total request of \$998,661 that must be submitted to King County by November 30, 2008. The amount can be decreased after the final amount is known, but not increased. She also mentioned the Auditor's Office require two ordinances be adopted, one for the 1% increase and a second one for the maximum dollar amount.

The Mayor recommends that the proceeds of the increase to the tax levy be used to support anticipated expenditures in the General Fund.

Mayor Botts opened the property tax public hearing at 7:13 p.m. With no public comments heard Mayor Botts closed the public hearing at 7:14 p.m.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 08-876, specifying the 1% property tax increase for 2009 and Ordinance No. 08-876A, setting the property tax levy dollars for 2009. Motion **passed** with all voting in favor (5-0).

2009 Preliminary Budget

Finance Director Miller reported Council has deliberated on the 2009 Preliminary Budget at several study sessions and finance committee meetings. Ms. Miller also noted the final hearing on the 2009 proposed budget will be December 4, 2008 with possible adoption at the December 18, 2008 Council meeting.

Mayor Botts opened the 2009 Preliminary Budget public hearing at 7:18 p.m. With no public comments heard Mayor Botts closed the public hearing at 7:18 p.m.

Proposed Water Rates Increase

Finance Director Miller explained to Council water rates were last increased on February 19, 1998 by Ordinance No. 639A. Recently City Council approved a contract with PacWest Engineering in 2008 to complete a rate study and recommend updated rates for 2009. Water user rates provide the Water Fund revenue to cover operating costs, debt service and maintenance or improvements to the current water system.

After an extensive study and financial review, three alternatives were presented to the City Council at a work study session on October 23, 2008. Since rates have not been increase since 1998, alternative A was the most comprehensive and demonstrated that a 27% increase for each of the next three years would catch the water fund up to current level and provide all the necessary revenue to cover operation, all of debt service and

maintenance costs. However, that rate increase lacked a conservation portion and was deemed to be too expensive for citizens.

Alternative B included a tiered commodity rate increase and fully funded debt service from user charges. That increase of 23% a year for three years was also not recommended because of its impact on citizens.

Alternative C covered operating costs, some capital improvements and assumed debt service costs would be split between user rates and new customer connections charges, which lowered the rates to 15% each year over three years beginning in 2009. The rate also contained a commodity charge increase to encourage conservation. Although this rate increase would take three to four years to fully cover anticipated costs, staff and Council at the October 23rd study session felt that the Alternative C rate increase would be the most acceptable rate increase for the Water Fund. The proposed rate would increase a customer with average consumption of 479 cubic feet of water from the 1998 rate of \$23.17 per month to a 2009 rate of \$26.60 per month, a \$3.43 a month increase. A schedule showing other jurisdictions and comparable rates is included in the packet.

Ms. Miller also noted that tonight's public hearing is to receive public input and comments on the proposed rates. The water rate increase and technical ordinance are scheduled for the December 4, 2008, Council meeting. The increase would be effective on the first billing cycle after January 1, 2009, and be on customers' bills mailed around the end of January.

Mayor Botts opened the Proposed Water Rates Increase public hearing at 7:24 p.m. With no public comments heard Mayor Botts closed the public hearing at 7:25 p.m.

Ordinance No. 08-877, Pass-through Sewer Rate Increases

Finance Director Miller explained this public hearing is to hear comments on the proposed pass-through 2009 sewer rate increases from King County and Soos Creek Water and Sewer District. Ms. Miller added the City portion of the rate is not proposed to increase in 2009.

Ms. Miller further explained the King County portion of the sewer rate is proposed to increase from \$27.95 a month to \$31.90 monthly. This \$3.95 increase is a pass-through rate increase that was approved by King County. This will remain in effect for two years, for an average annual increase of 7 percent.

The Soos Creek Water and Sewer District portion of the pass-through rate is proposed to increase from \$3.59 per month to \$3.73 per month. The \$.14 increase is approximately 3.8%. The overage charge for use over 750 cubic feet is increasing from \$3.98 to \$4.13 per month.

The City portion of the rate of \$15.29 per month will remain the same. The 2008 base rate of \$46.83, including the King County Metro, Soos Creek and City portion will

increase to \$50.92 in January 2009, an 8.7% overall increase. The proposed rate increases will be effective January 1, 2009, and be reflected in the utility bills that are mailed out toward the end of January 2009.

Mayor Botts opened the Proposed Pass-through Sewer Rate Increases public hearing at 7:26 p.m. With no public comments heard Mayor Botts closed the public hearing at 7:26 p.m.

A **motion** was made by Council member Boston and **seconded** by Councilmember Hanson to adopt Ordinance No. 08-877, amending section 13.24.010 of the Black Diamond Municipal Code relating to sewer rates.

Councilmember Bowie asked if staff reviewed the Soos Creek agreement to see what the allowed increase is per year. Ms. Miller said she would check into this.

Vote: Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 08-553, Addendum #2 to Parametrix EIS Agreement

Community Development Director Pilcher reported on April 17, 2008, the City Council passed Resolution 08-496, which authorized the Mayor to enter into a contract (professional services agreement) with Parametrix to manage the public participation process and prepare Environmental Impact Statements (EISs) for two YarrowBay Master Planned Developments (The Villages and Lawson Hills). Since YarrowBay had conducted significant amounts of background data collection regarding their projects, the concept was for Parametrix to conduct “peer review” of those materials and determine if they were adequate or if additional analysis was necessary. For several areas of the environment, Parametrix has determined that additional analysis is needed in order to prepare EIS documents that will both meet the expectations of the City and will be defensible. This contract amendment will allow that additional work to occur.

Mr. Pilcher also mentioned the Lawson Hills Draft EIS document is scheduled to be complete on 3/31/09; the DEIS for The Villages will follow approx. 6 weeks later (5/10/09).

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to adopt Resolution No. 08-553, relating to the preparation of environmental impact statements for anticipated master planned communities and authorizing the Mayor to execute the second addendum to the professional services agreement between Parametrix and the City. Motion **passed** with all voting in favor (5-0).

Resolution No. 08-554, Addendum No. 2 to Fire District 44 Interlocal Agreement

City Administrator Voelpel reported the City and King County Fire Protection District No. 17 entered into an interlocal agreement on December 3, 2002. In anticipation of a vote by the citizens to authorize a merger of District 17 into District 44, the two districts and the City entered into a Memorandum of Agreement on April 17, 2008. With the voters approving the merger it necessitated the amendment of the interlocal agreement in order to eliminate the references to issues that are only relevant while District 17 continued to exist as a separate legal entity. Ms. Voelpel also noted a change was made to reflect the use of the June CPI to calculate cost and also added language to identify the level of service that is currently provided.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 08-554, authorizing the Mayor to amend the existing interlocal agreement for fire protection and related emergency services between King County Fire Protection District No. 44 and the City of Black Diamond by adopting a second addendum to that interlocal agreement. Motion **passed** with all voting in favor (5-0).

Resolution No. 08-555, Supplement #1 to Hammond Wade Collier Livingstone Contract

Public Works Director Boettcher reported that in the original Railroad Avenue project scope, off-site treatment and detention of stormwater was not anticipated. Therefore, the design concept of a large subsurface vault and filter cartridge box was developed to meet stormwater discharge requirements.

In June, City staff reviewed the on-site subsurface option and rejected it because of the disruption to the residents and businesses in the area, as well as the long-term maintenance expense.

In July and August, staff investigated various options for off-site treatment and detention. A suitable site was identified in September but thereafter the proximity to wetlands caused staff to expand the search to other properties. Several suitable sites have now been identified and property negotiations have begun.

Staff negotiated and refined the scope of work as attached to efficiently progress with the work toward finalizing the drawings and preparing for construction in the summer of 2009.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to allow Hammond Wade Collier Livingstone to perform only task number 2.2 of the agreement for an amount not to exceed \$4,000. Motion **passed** with all voting in favor (5-0).

Resolution No. 08-556, Authorizing the Purchase of Two Police Vehicles

Police Commander Miller reported the adoption of this resolutions provides authorization to purchase two 2009 Dodge Charger police vehicles as budgeted and approved in the 2008-2013 Capital Improvement Plan, which was adopted by Council on November 6, 2008. Commander Miller added the purchase cost is based on the Washington State Government Bid contract for the dealership of Dwayne Lane's Fleet Headquarters located in Everett, Washington.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Boston authorizing the Mayor to purchase two 2009 Dodge Charger police vehicles. Motion **passed** with all voting in favor (5-0).

Resolution No. 08-557, Cascade Rifle and Pistol Club Contract

Commander Miller discussed that currently the police department utilizes the City of Issaquah's indoor shooting range. However, the range is often unavailable and limited to what kinds of training can be conducted. With the recent development of the department's firearm training program there is a greater need for a locally located shooting range. Commander Miller also mentioned the contract with Cascade Rifle and Piston Club would very beneficial to the department as it would allow quarterly training for department members, train new hires, save on travel time and would be more flexible in scheduling time for training.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Olness to authorize the Mayor to enter into an agreement with Cascade Rifle and Pistol Club for shooting range services. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Police

Commander Miller updated Council on the upcoming Citizens Academy that is scheduled to begin in March, 2009, DARE program, new hires and encouraged Councilmembers to schedule a ride along with a police officer.

Economic Development

Economic Development Director Williamson gave a brief overview to Council on the recent trip to Hope, British Columbia where he and the Economic Development Committee toured Nestle bottling facility. He also updated Council on meetings held with local business owners, emergency planning, and capital facilities projects approved through the 2008-2013 Capital Improvement Plan.

Mr. Williamson also addressed Council on getting authorization for the purchase of a used truck for the City's facility division. He handed out quotes obtained from various vendors, which were ranked in order of preference. Mr. Williamson added he met with the Finance Committee earlier in the day to go over the quotes and asked Council for

authorization to purchase vehicle #1 from Good Chevrolet, and if not available then authorization to purchase vehicle #2.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to authorize the Mayor to purchase vehicle #1 from Good Chevrolet, and if not available then vehicle #2 from Sunset Chevrolet. Motion **passed** with all voting in favor (5-0).

Public Works

Public Works Director Boettcher updated Council on the Kummer Bridge (hwy 169) closure. Mr. Boettcher added he and Mr. Williamson are working with the state to place detour signs in various locations in the City. He also mention he is working on videoing Roberts Drive as this sets the state for entering into an agreement to cover the costs of repairs should the road be damaged due to the detour route.

Ordinance No. 08-878, Vehicle Weight Limits

City Attorney Combs introduced emergency Ordinance No. 08-878 and reported the City currently has in affect an ordinance that imposes a ten ton vehicle weight limit on city streets, however the officer must weigh the vehicle. Mr. Combs explained the City has the scales to do this but not the trained personnel, so the existing ordinance has been modified to tie the weight limit to the gross registered vehicle weight limitations as this allows them to enforce the weight limit without having the weigh the vehicle.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Mulvihill to adopt emergency Ordinance No. 08-878, amending Black Diamond Municipal Code section 10.12.010 by imposing a ten (10) ton gross registered vehicle weight limitation on vehicles traveling on city streets excluding Third Avenue (State Route 169) and declaring this ordinance a public emergency and thus effective immediately. A roll call vote was taken and motion **passed** with all voting in favor (5-0).

MAYOR'S REPORT:

Mayor Botts announced he planned on attending the South County Caucus on December 3rd.

COUNCIL REPORTS:

ATTORNEY REPORT:

City Attorney Combs reported there will be a twenty minute executive session on property acquisition and potential litigation, with no action to follow.

PUBLIC COMMENTS:

Fire Chief Smith reported Station 75 out of Covington will be covering for Medic 12 during the bridge closure on State Route 169.

CONSENT AGENDA:

A **motion** was made by Councilmember Olness 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:

Claim Checks – November 20, 2008 No. 32533 through 32539 and 32542 through 32595, 32600 through 32603, 32605 through 32607 (voided checks 32596 through 32599 and 32604) in the amount of \$485,285.25.

Payroll Warrants – October 2008, No. 15300 through 15374 in the amount of \$271,283.56.

Minutes – Workstudy Notes of November 5th and 6th 2008.

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting for an Executive Session at 9:17 p.m. to discuss potential litigation and property acquisition. No action was anticipated to follow the Executive Session, which was expected to last twenty minutes.

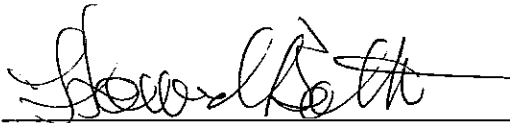
Mayor Botts announced at 9:37 p.m. that the Executive Session would last an additional five minutes.

The regular meeting was reconvened at 9:41p.m.

ADJOURNMENT:

A **motion** was made by Councilmember Boston 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