

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 16, 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, and Olness.

**ABSENT:** Councilmember Mulvihill (excused).

Staff present were: Gwendolyn Voelpel, City Administrator; Seth Boettcher, Public Works Director; Aaron Nix, Natural Resources Director; Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; Greg Smith, Fire Chief; Jamey Kiblinger, Chief of Police; Loren D. Combs, City Attorney and Rachel Pitzel, Deputy City Clerk.

**PUBLIC COMMENTS: None**

**PUBLIC HEARINGS: None**

## **PRESENTATIONS, ANNOUNCEMENTS, INTRODUCTIONS**

### **Presentation – Xterra Black Diamond**

Ms. Sweburg presented to Council a slide presentation of the Xterra event that was held on Lake Sawyer in August. Ms. Sweburg noted that over 155 athletes participated. She explained that the event was a huge success and was thankful for the City, staff, Council and contributors for all of their support and look forward to working with the City in the future.

Councilmember Olness asked if Xterra was surprised by the amount of athletes.

Ms. Sweburg commented that yes, they were surprised, but was also thankful for the outpouring of community support and citizen volunteers.

**UNFINISHED BUSINESS: None**

## **NEW BUSINESS:**

### **Special Events Permit Application – Xterra Black Diamond**

Economic Development Director Williamson addressed the Council with the needs of Xterra to hold a multi-day event at Lake Sawyer Park under a Special Event Permit as stated in the Black Diamond Municipal Code. He explained that the event would be the same as the event held in August 2008; the only changes to the application would be the need for Xterra to add Saturday night camping for the registered athletes to the event. Mr. Williamson explained that it would be easier for the athletes to be able to stay the night there and pack the tents up early Sunday morning.

Councilmember Boston asked about campfires and if they would be allowed.

Mr. Williamson stated that it was up to the Council and the Fire Department.

Fire Chief Smith stated that recreational fires were okay, but it was up to Council and they could cross that bridge when the time comes.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston to adopt the Special Events permit from Xterra permitting a multi-day event held at Lake Sawyer Park. Motion **passed** with all voting in favor (4-0).

### **Resolution No. 08-545, Declaring certain City property as surplus**

Economic Development Director Williamson reported that Facilities Equipment Coordinator Kevin Esping has compiled a list of vehicles and office and technology equipment that have accumulated in the storage areas of the City. This resolution formally declares the property as surplus to the needs of the City and authorizes its disposal.

Councilmember Hanson stated that the Black Diamond Elementary school is in need of some of the items noted on the surplus list such as computers and printers, etc.

Mr. Williamson stated that the items Councilmember Hanson is referring to are very old and would not suit the school district for the use they need.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness declaring certain City property surplus to the needs of the City. Motion **passed** with all voting in favor (4-0).

**Resolution No. 08-546, Amendment #1 to the Professional Services Agreement with Berk and Associates**

Community Development Director Pilcher explained to Council that in December 2006 Council passed Resolution 06-418 authorizing Berk and Associates to develop a fiscal model of the City and assist staff in the preparation of the Capital Facilities Plan (CFP) element of the Comprehensive Plan update. In discussions with Berk and Associates it was determined they had been asked to perform some additional tasks which has resulted in a fund shortage to complete work on the CFP. Mr. Pilcher is asking that Council authorize the Mayor to execute Amendment #1 to the Professional Service Agreement with Berk and Associates in the amount of \$25,000 which is funded by the Funding Agreement.

Councilmember Bowie stated that the Amendment is showing a balance of \$27,000 not \$25,000.

Mr. Pilcher explained that there is a reserve in the last amount of \$2,000.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston authorizing the Mayor to execute Amendment #1 to the Professional Services Agreement with Berk and Associates to provide assistance to staff in completion of the Capital Facilities Plan element of the Draft Comprehensive Plan. Motion **passed** with all voting in favor (4-0).

**Resolution No. 08-547, Reimbursement Agreement with Nestle Waters North America for consultant costs**

City Administrator Voelpel stated that in July, Council directed staff to begin exploring the feasibility of siting a Nestle Waters North America (Nwana) bottling plant in Black Diamond. Ms. Voelpel affirmed that this agreement allows the City to seek reimbursement from Nwana for amounts paid to outside consultants, including the City Engineer and City Attorney, for the feasibility phase. Ms. Voelpel also noted the agreement is for a maximum amount of \$25,000. It does not commit either party to any future obligations for the sale or purchase of spring water.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness authorizing the Mayor to execute a Reimbursement Agreement with Nestle Waters North America for consultant costs associated with feasibility exploration. Motion **passed** with all voting in favor (4-0).

**Ordinance No. 08-871, Boating Regulations – Amending Sections 10.36.010 and 10.36.020 of the Black Diamond Municipal Code**

Chief Kiblinger explained that this ordinance adopts RCW 79A.60, updating our current ordinance for recreational vessels. This also includes the new boater education card laws and increases marine infractions from \$75.00 to \$120.00.

Councilmember Olness stated that she had a question on Section 3, she stated that Council passed an ordinance two years ago stating that you needed to be 16 to operate a personal water craft, and would like for this new ordinance to be consistent with the other ordinance.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston amending sections 10.36.010 and 10.36.020 of the Black Diamond Municipal Code, amending Ordinance 08-871 by taking out Section 1- 79A.60.190 and changing Section 3 boater card age to reflect the age of 16. Motion **passed** with all voting in favor (4-0).

A **motion** was made by Councilmember Boston to reconsider Ordinance No. 08-871 and **seconded** by Councilmember Bowie. Motion **passed** with all voting in favor (4-0).

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Bowie amending Section B-Number 4 to reflect the age of 16. Motion **passed** with all voting in favor (4-0).

**Main motion:** A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Ordinance No. 08-871 as amended. Motion **passed** with all voting in favor (4-0).

**Resolution No. 08-548, City staff to begin the process of discussion and evaluation of granting Russell Cahill “Treasured” status for ten TDRs**

Natural Resources Director Nix explained that Mr. Cahill submitted an application for a Development Right Certificate for Transfer of Development Rights (TDR) associated with his King County Parcel #1421069021. Mr. Nix also explained that Mr. Cahill has offered to give the land in question to the City, which includes wetland areas and a small upland part that could be utilized for future park facilities including a parking lot, bathroom facilities, etc.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson authorizing City staff to begin the process of discussion and evaluation of granting Russell Cahill “treasured” status for ten Transfer of Development Rights (TDR’s) associated with his property, King County parcel #1421069021. Motion **passed** with all voting in favor (4-0).

**Resolution No. 08-549, Amendment #1 to the Professional Services Agreement with PacWest for Water System Plan Update**

Public Works Director Boettcher explained that in June of 2007 City Council authorized a contract with PacWest Engineering to prepare the Water System Comprehensive Plan. Mr. Boettcher then reminded Council that they had authorized the Mayor to transmit the Water Comprehensive Plan to the State Department of Health for their review on June 5, 2008, which came back with comments noting that the Land Use Plans have changed substantially.

Mr. Boettcher stated that the population forecasts and corresponding water demands will need to be updated. The change in land use will also affect the fire flow requirements. Mr. Boettcher explained that the water system model will need to be updated which would provide the information needed to reassess the recommended pipe sizes and the capital projects that will be needed to serve the developments of the City. Mr. Boettcher requested that Council authorize the Mayor to execute Amendment #1 to the Professional Service Agreement between PacWest and the City to update the Water Comprehensive Plan to match the current Land Use Plan and not to exceed \$13,565.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson authorizing the Mayor to execute Amendment #1 to the Professional Service Agreement between PacWest and the City to update the Water Comprehensive Plan to match the current Land Use Plan and not to exceed \$13,565. Motion **passed** with all voting in favor (4-0)

Mayor Botts noted that Agenda Bill No. 08-108 has been pulled from the Agenda and will not be considered at this time.

## **DEPARTMENT REPORTS:**

**Public Works** - Public Works Director Boettcher requested that Council authorize the Mayor to enter into a Professional Service Agreement with VSI Law Group for property acquisition regarding the Railroad Avenue Street Improvement project. Not to exceed \$3,500.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston authorizing the Mayor to enter into a Professional Service Agreement with VSI Law Group for property acquisition regarding the Railroad Avenue Street Improvement project. Not to exceed \$3,500. Motion **passed** with all voting in favor (4-0).

## **MAYOR'S REPORT:**

Mayor Botts thanked staff and Council on all the hard work they have been doing lately.

## **COUNCIL REPORTS:**

**ATTORNEY REPORT:** City Attorney Combs reported there will be a twenty minute executive session, with no action to follow. Mr. Combs also explained to the Council that he received a memo on bear issues and if the Council wanted to have hunting allowed within city limits that Council needed to discuss the issue further.

Councilmember Bowie asked if it was only bears or any animals.

Mr. Combs stated that it could be any animal and if Council would like to know the limits, Tom Guilfoil from VSI is here to answer any questions Council had.

Mr. Guilfoil explained that state statutes discourage the trapping of animals. As far as hunting being allowed within the City, it would need to be discussed what types of animals, for example bear, you would need to get a license and can hunt on private property. The issues would be that some people in Black Diamond have large lots and what type of control or power would you have, would you need a license, have a certain time of the season for it. The City could change it to read that they can hunt in any City park. Mr. Guilfoil stated that Council has a lot of latitude to work with. Mr. Guilfoil recommended to Council that they have someone from the Department of Wildlife come out and talk with Council. He also noted that Council can work with the Wildlife Department on some kind of animal control thinning practice that would be both a safe and effective method.

Councilmember Hanson stated that she didn't want to see hunting opened up for everyone but perhaps archers or master hunters. She also stated that Council needs to determine this smartly.

Councilmember Hanson further stated that she would try to get Bruce Richards from the Department of Wildlife to come out and talk with Council.

## **PUBLIC COMMENTS:**

Mario Sorci 24303 Roberts Drive, Black Diamond stated that Council might want to look at everyone who has property on the Rock Creek Corridor and look at treasured places through that whole area. The quality of wetlands should encourage Council to look into that. He also stated that regarding the bear issue, he has a mom and baby cub bears that come out in his yard every night.

## **CONSENT AGENDA:**

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

**Claim Checks** – October 16, 2008, No. 32349, 32358 through 32397, 32401 through 32405, 32407 through 32451 (voided checks 32357, 32398 through 32400, 32406) in the amount of \$235,669.76.

**Payroll Checks** – September 2008, No. 15220 through 15299 in the amount of \$278,954.34.

**Minutes** – Council Meeting of October 2, 2008 and Workstudy Notes of October 1, 2008 and October 2, 2008.

**EXECUTIVE SESSION:** Mayor Botts recessed the regular meeting for an Executive Session at 9:00 p.m. to discuss labor negotiations. No action is to follow the Executive Session, which was expected to last twenty minutes.


Mayor Botts announced at 9:20 p.m. that the Executive Session would last an additional twenty five minutes.

The regular meeting was reconvened at 9:45 p.m.

**ADJOURNMENT:**

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

ATTEST:

  
Howard Botts, Mayor

  
Rachel Pitzel, Deputy City Clerk