

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 2, 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; Andy Williamson, Economic Development Director; Seth Boettcher, Public Works Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda L. Streepy, City Clerk.

### **PUBLIC COMMENTS:**

**Colin Lund, YarrowBay Group** spoke to Council regarding the Reserve at Covington Creek. Mr. Lund explained that the Growth Management Planning Committee (GMPC) met today on this issue and it didn't go quite as he had hoped. He also mentioned a conversation he had with Michael Hubner of Suburban Cities Association who Mayor Botts spoke with earlier this week and feels that Mr. Hubner took from that conversation that Black Diamond would be supportive of the amendment, but only after a pre-annexation agreement had been reached.

Mr. Lund further explained that if the County does not pass the amendment and add the reserve to Black Diamond's potential annexation area the City loses the opportunity to enter into a pre-annexation agreement and he would hate to have this happen as he wants the best for Black Diamond and feels this is a unique opportunity for the City.

Mayor Botts made a clarifying statement explaining the only reason he said to Mr. Hubner that the Council would be in opposition is if we do not hear anything from the County.

Mayor Botts asked Council if King County was willing to do all the things we asked in the letter what their reaction would be.

Councilmembers answered they would be thrilled.

Councilmember Bowie suggested Council should send emails to Councilmember Dunn's office explaining the City's position.

Mayor Botts stated that he would contact Michael Hubner, Councilmember von Reichbauer, and Councilmember Dunn to clear up any confusion to the City's position on this issue.

## **PUBLIC HEARINGS:**

### **Resolution No. 08-508, Latecomers Agreement – Black Diamond Development, LLC**

Public Works Director Boettcher reported the latecomers public hearing was continued until this meeting to allow the developer time to testify on this agreement. However, Mr. Boettcher was notified by the developer today that their representative on this matter could not attend tonight's meeting and are asking for a two week continuance of the hearing.

Mayor Botts stated the hearing has been open long enough and the developer had ample time to send written comments and if someone wants to speak tonight that is ok, but recommends to Council to close the public hearing tonight.

**Mayor Botts opened the Latecomers Agreement Public Hearing at 7:20 p.m. With no public comments heard Mayor Botts closed the Public Hearing at 7:20 p.m.**

### **Resolution No. 08-508, Latecomers Agreement**

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill authorizing the Mayor to enter into a Latecomers Agreement with Black Diamond Development, LLC.

Councilmember Bowie asked, for those parcels that are occupied and connected to the water system already would they be forced to pay for something they would not benefit from?

Attorney Combs clarified that for those parcels already connected to the water system the only way they would be required to pay under this agreement would be if their property required additional upgrades within the ten year period.

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

**UNFINISHED BUSINESS: None**

## **NEW BUSINESS:**

### **Resolution No. 08-542, ILA – King County for Fire Investigation Services**

Mayor Botts explained that King County has provided fire investigation services to the City in the past and adoption of this resolution would allow him to enter into an Interlocal Agreement with King County for Fire Investigation services. Mayor Botts also mentioned the agreement would become effective January 1, 2009 and shall automatically terminate one year thereafter.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Resolution No. 08-542 authorizing the Mayor to enter into an Interlocal Agreement with King County for provision of Fire Investigation Services. Motion **passed** with all voting in favor (5-0).

### **Resolution No. 08-543, ModSpace Lease Agreements**

Economic Development Director Williamson reported the current modular offices that house Community Development and the Utilities Department and funded under the Funding Agreement need to have the Lease Agreements approved by the City Council. Mr. Williamson noted that adoption of this resolution would authorize the Mayor to execute these Lease Agreements, which ModSpace has already delivered and set up these modulars and staff has been using since December of 2007.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston to adopt Resolution No. 08-543, authorizing the Mayor to execute Lease Agreements with Modular Space Corporation (ModSpace). Motion **passed** with all voting in favor (5-0).

### **Resolution No. 08-544, Protective Service Agreements – Brinks**

Economic Development Director Williamson explained to Council that the City does not own the security equipment as he previously stated at an earlier Council meeting and therefore the agreements are back before you for approval of the monitoring contracts the City has with Brinks for the Court trailer, Police Department, Community Development/Public Works trailers and City Hall. Mr. Williamson also stated that adoption of this resolution would approve the installation of equipment at the new City Hall office.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill authorizing the Mayor to execute Protective Services Agreements with Brinks Security. Motion **passed** with all voting in favor (5-0).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

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

## **COUNCIL REPORTS:**

Councilmember Boston spoke regarding Make a Difference Day, a national day of caring that is always held on the last Saturday of October. Councilmember Boston urged Council to have the City become an active partner in this annual national event and consider donating \$500 that would be used towards the purchase of a reusable banner announcing this event.

Councilmember Boston also noted that this year's event would be held on October 25, 2008 with a kickoff breakfast starting at 8:00 a.m. at the Black Diamond Community Center.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Olness to allow the City to allocate \$500 towards the banner for Make a Difference Day. Motion **passed** with all voting in favor (5-0).

## **ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

**Ed Burnside, Black Diamond resident** wondered why the latercomers agreement has three different total of fees on various pages.

Councilmember Bowie explained that Exhibit A is the so called "meat and potatoes" of the agreement.

## **CONSENT AGENDA:**

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

**Minutes** – Council Meeting of September 18, 2008, Workstudy Notes of September 11<sup>th</sup> and September 18<sup>th</sup>, 2008.

**Claim Checks**- October 2, 2008, No. 32317 through No. 32318; No. 32319 through No. 32348, (voided checks No.32316, 32347) in the amount of \$39,093.66.

## **EXECUTIVE SESSION:**


Mayor Botts recessed the regular meeting for an Executive Session at 7:47 p.m. to discuss pending and potential litigation. No action is to follow the Executive Session, which was expected to last ten minutes.

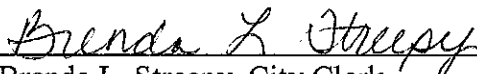
The regular meeting was reconvened at 7:57 p.m.

**ADJOURNMENT:**

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

ATTEST:

  
Howard Botts, Mayor

  
Brenda L. Streepy, City Clerk