

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**December 3, 2009**

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: May Miller, Finance Director; Seth Boettcher, Public Works Director; Andrew Williamson, Economic Development Director; Jamey Kiblinger, Police Chief; Yvonne Ward, Interim City Attorney and Brenda L. Martinez, City Clerk.

**PUBLIC COMMENTS: None**

**UNFINISHED BUSINESS: None**

## **PUBLIC HEARING:**

### **Final 2010 Budget**

Finance Director Miller reported that she is please to present the proposed final budget during these difficult times. This has been a year of cuts and freezes with the revenue down 3.4 percent. The proposed budget includes no COLAs, no step increases, 13 furlough days and higher medical costs from employees. Ms. Miller stated that she anticipated adoption at the December 17 meeting.

**Mayor Botts opened the public hearing at 7:05 p.m. There was no public testimony and Mayor Botts closed the public hearing at 7:05 p.m.**

## **NEW BUSINESS:**

**Resolution No. 09-657, authorizing the Mayor to execute an Emergency Interim Contract for Services with Yvonne Ward, LLC for Interim City Attorney**

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 09-567, authorizing the Mayor to execute an Emergency Interim Contract for Services with Yvonne Ward, LLC for Interim City Attorney. Motion **passed** with all voting in favor (5-0).

**Ordinance No. 09-925, repealing Ordinance No. 09-924 and setting the Property Tax Levy dollar amount for 2010 and Ordinance No. 09-925A, specifying the one percent Property Tax increase**

Finance Director Miller reported that this Ordinance repeals Ordinance No. 09-924 due to the failing of the Public Safety Levy. This is to levy the additional one percent.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 09-925, repealing Ordinance No. 09-924 and setting the Property Tax levy dollar amount for 2010 and Ordinance No. 09-925A, specifying the one percent Property Tax increase for 2010. Motion **passed** with all voting in favor (5-0).

**Resolution No. 09-653, approving the adoption of the 2009-2014 Capital Improvement Plan for the City of Black Diamond**

Finance Director Miller reported she is pleased to present the first update to the City's Capital Improvement Plan. She explained this document is necessary to have so that the City can be eligible to apply for grants. Ms. Miller noted that this is not a budget but rather a planning tool used to plan for future improvements and the only the 2010 items will be included in the 2010 operating budget.

Councilmembers Bowie and Hanson stated they had concerns with certain projects and the priority of some over others and would like to see some items come back before the Public Works Committee.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Resolution No. 09-653, approving the 2009-2014 Capital Improvement Plan. Motion **passed** (3-2) (Bowie and Hanson).

**Resolution No. 09-654, authorizing the Mayor to execute a contract with McPherson Law Office for Public Defense services**

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston to adopt Resolution No. 09-654, authorizing the Mayor to execute a contract with McPherson Law Office for Public Defense services. Motion **passed** with all voting in favor (5-0).

**Resolution No. 09-655, authorizing the Mayor to execute an agreement with the City of Maple Valley for the use of portable vehicle scales for law enforcement purposes**

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to amend Resolution No. 09-655, to insert December 31, 2010 as the end date of the contract. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 09-655, authorizing the Mayor to execute an agreement with the City of Maple Valley for the use of portable vehicle scales for law enforcement purposes as amended. Motion **passed** with all voting in favor (5-0).

**Resolution No. 09-656, authorizing the Mayor to execute a Memorandum of Understanding between Puget Sound Energy and the City of Black Diamond for the Powerful Choices for the Environment program and not to exceed \$500**

Councilmember Boston stated that he knows about the desire and the need to educate our students, but at the same time, should this be part of the teaching standards for the state? Mr. Boston reported that he had done some research and asked why there is not a standard for grades 7 and 8 as there is for grades 4 and 5. He gave examples of Solar World that goes around and teaches students for free about solar panels and wonders if it should be the responsibility of the school and not Puget Sound Energy.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 09-656, authorizing the Mayor to execute a Memorandum of Understanding between Puget Sound Energy and the City of Black Diamond for the Powerful Choices for the Environment program and not to exceed \$500. Motion **passed** with all voting in favor (5-0).

**DEPARTMENT REPORTS: None**

**COUNCIL REPORTS:**

Councilmember Bowie thanked the Police Department for helping out at the Lakewood Police Department.

**MAYOR'S REPORT:**

Mayor Botts read a letter he prepared on behalf of the citizens of Black Diamond to send to the Lakewood Police Department Chief.

Councilmember Olness added that the Soup Ladies have been there during the duration of this tragic event.

**ATTORNEY REPORT:**

Interim City Attorney Ward reported that she has been hired for a six-week period and has been working on personnel issues, transferring of files, coordination of legal matters and working with the public disclosure requests and aiding in attaining new counsel. Ms. Ward wanted to make clear that the city is not under investigation, it is prior city counsel.

**PUBLIC COMMENTS: None**

**CONSENT AGENDA:**

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

1. **Payroll** – October 31, 2009 No. 16546 through No.16625 in the amount of \$372,195.15
2. **Claim Checks** – December 3, 2009 No. 34893 through No. 34938 in the amount of \$269,509.75
3. **Minutes** – Council Meeting of November 19, 2009


**EXECUTIVE SESSION: None**

**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:

  
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Howard Botts, Mayor

  
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Rachel Pitzel, Deputy City Clerk