

<b>BLACK DIAMOND CITY COUNCIL MINUTES</b>
<b>February 5, 2009</b>
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; May Miller, Finance Director; Jamey Kiblinger, Police Chief; Andy Williamson, Economic Development Director; Aaron Nix, Natural Resources/Parks Director; Steve Pilcher, Community Development Director; Greg Smith, Fire Chief; Tom Guilfoil, Assistant City Attorney and Brenda L. Streepy, City Clerk.

**PUBLIC COMMENTS:**

**Jim Kemmer, 32607 3<sup>rd</sup> Avenue Black Diamond** expressed concern about the recent stormwater utility rate. Mr. Kemmer feels this is a drastic increase and should have been phased in over a few years. He urged Council to revisit the fees imposed to all developed property within Black Diamond.

**Paul Krzeszowski, Black Diamond Auto Wrecking** spoke in regards to the new stormwater utility rate. Mr. Krzeszowski stated he is concerned about the new rate. As a small business owner dealing with the recent downturn in the economy and the bridge closure he feels this is a hardship on his business and asked Council to consider putting a cap on commercial business.

**Sunrise Resort – Lake Sawyer,** stated he agreed with the previous speakers and asked Council to consider putting a cap on commercial business as he does not feel Council intended the burden to be bared by the small business owners.

**Don Buschard, Black Diamond resident,** stated he was surprised to see this new bill as he was not even aware anything had been passed. He asked what's the City's plan to control water run off as he sees no benefit for himself. He also noted he would have liked to have seen an explanation included with the bill.

**Larry Worcester, 29619 235h Avenue SE, Black Diamond** expressed his disappointment in the City for not notifying residents earlier of this fee. He stated he does not use a computer and would like to have seen an explanation included with the bill.

Mayor Botts asked Council if they would like to set up another workstudy to discuss the stormwater fees. There was Council consensus and Mayor Botts stated he would set up a workstudy for the next available date.

Councilmember Hanson mentioned she would like staff to look into the possibility of having an exemption or reduced rate for senior citizens and the disabled.

## **PUBLIC HEARINGS:**

### **Proposed Puget Sound Energy Gas Franchise**

Public Works Director Boettcher reported this is a public hearing for the proposed franchise agreement which establishes the rights, duties and responsibilities of Puget Sound Energy and the City of Black Diamond for the use of the public rights-of-way to serve customers within the City of Black Diamond. Puget Sound Energy provides natural gas service to 51 commercial gas customers, two industrial gas customers and 1,046 residential gas customers in the City of Black Diamond. Mr. Boettcher also noted the previous franchise with Washington Natural Gas has expired.

In addition, Mr. Boettcher pointed out one substantive change to the agreement - page 9 Section 16.1 should read twenty years with one five year extension instead of fifteen years with one five year extension.

**Mayor Botts opened the Public Hearing at 7:48 p.m.**

**Ron Taylor, Botts Drive Black Diamond** wondered if there is any compensation paid to the City for use of the right-of-ways, and if not, encouraged Council to consider this as rights-of-way are becoming a real asset to cities.

**Mayor Botts closed the Public Hearing at 7:50 p.m.**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

### **Resolution No. 09-573, King County Department of Natural Resources and Parks, Water and Land Resources Division Water Quality Monitoring Agreement**

Natural Resources/Parks Director Nix reported this is a continuation of an agreement entered into by King County Water and Land Resources Division and the City for surface water related technical services to the City. Mr. Nix stated this program has been ongoing for several years and provides water quality related documentation for Lake

Sawyer and various tributaries within the City. Mr. Nix also mentioned the City utilizes volunteers to do the sampling, which in turn helps to keep the rates at a low cost.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No 09-573, authorizing the Mayor to execute a water monitoring services agreement with King County's Department of Natural Resources and Parks, Water and Land Resources Division (WLRD). Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 09-574, Public Works Contract, Slead, LLC, Railroad Avenue Water Main Construction**

Public Works Director Boettcher reported when the Washington State Transportation Improvement Board (TIB) awarded the City a grant to reconstruct Railroad Avenue, Council directed staff to also upgrade the existing 4-inch asbestos concrete water main. That decision provides for commercial fire flow and prevents digging up the new street in a few years to repair or replace the asbestos concrete water main. Mr. Boettcher added PacWest Engineering was hired to design the water main replacement and upgrade to be installed prior to the Railroad Avenue street reconstruction project.

In addition, Mr. Boettcher discussed the funding for the project and also reported the City received 15 bids for the project. PacWest Engineering evaluated the bids and determined the bid received from Slead, LLC, is a responsive bid. Staff recommends awarding the contract to Slead, LLC.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Hanson to adopt Resolution No. 09-574, awarding the bid for the Railroad Avenue water main replacement to Slead, LLC and authorizing the Mayor to execute the Public Works Contract for this project. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 09-575, Professional Services Agreement with PacWest Engineering for Updating the City's Sewer Comprehensive Plan**

Public Works Director Boettcher explained the current sewer comprehensive plan was adopted in May of 2003 and is based on 1999 data. Although the city has not grown significantly in the past eight years, other changes are pushing the need for the update of the sewer comprehensive plan. Currently, the City needs to address: 1) Local operational planning by Black Diamond- The new land use and more defined Master Planned Development proposals before the City are prompting additional analysis of the system, capital projects and sewer capacity issues; 2) Regional planning by King County Metro Wastewater- Metro is getting close to finalizing their peak sewage storage project here in Black Diamond. The City needs to advance the planning to a higher level in order to affect the regional planning effort from the City's best interest position;

The Washington State Department of Ecology regulates sewer utilities and will require an update to implement current state requirements. Producing a draft document will take

approximately three months and the Department of Ecology usually will require about three months for their review.

A typical utility comprehensive plan update costs between \$130,000 and \$180,000. This update is substantially less because of the local background experience that PacWest has with Black Diamond and there is minimal growth and changes in the circumstances over the last eight years.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 09-575, authorizing the Mayor to execute a Professional Services Contract with PacWest Engineering for engineering and planning services to update the City's Sewer Comprehensive Plan. Motion **passed** with all voting in favor (4-0).

**Resolution No. 09-576, Profession Services Agreement with PacWest Engineering for Project Management and Inspection Services for the Railroad Avenue Water Line Project**

Public Works Director Boettcher explained with the development of plans and regulations underway, review of the early YarrowBay MPD materials and a multitude of capital project to move through scoping, design and permitting, the City currently does not have the staff to adequately manage this project. Additionally, some of the services needed for the Railroad Avenue water line replacement project—like survey staking and testing—are beyond the expertise of in-house staff.

Mr. Boettcher added PacWest Engineering has an experienced project manager with surveying credentials named Matthew Ruettgers. Mr. Ruettgers has many years of experience in construction oversight. PacWest is proposing to have Mr. Ruettgers perform his paperwork at the site to reduce the inefficiency of traveling back and forth from the office. Also, by keeping these services with PacWest (the firm that performed design and engineering for this project), there will be efficiency should questions of design or specification interpretation arise.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No.09-576, authorizing the Mayor to execute a Professional Services Agreement with PacWest Engineering for engineering and project management services during the Railroad Avenue water main replacement project. Motion **passed** with all voting in favor (4-0).

**Resolution No. 09-577, Interlocal Cooperation Agreement with South County Area Transportation Board 2009-2012**

Mayor Botts reported the South King County sub area has been involved in multi-jurisdictional transportation planning to develop coordinated plans for transportation improvement and programs for our area. He added the Board is an effective forum for information sharing, consensus building and providing valuable input on transportation

planning an implementation decisions as well as recognizing the need to coordinate with its regional partners to address issues that cross sub area and county boundaries.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Hanson to adopt Resolution No. 09-577, authorizing the Mayor to execute an Interlocal Cooperation Agreement with South County Area Transportation Board for the years 2009-2012. Motion **passed** with all voting in favor (4-0).

Mayor Botts announced Councilmember Boston has expressed interest in representing the City of Black Diamond on the South County Area Transportation Board and asked Council to support this appointment.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Hanson to appoint Councilmember Boston as the City's representative on the South County Area Transportation Board. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 09-578, Washington State Patrol Agreement for Electronic Collision and Ticket Online Records System**

Chief Kiblinger reported this agreement is between the Washington State Patrol and the City for the use of the Electronic Collision Report and Records System and Ticket Online Records. This would provide the Black Diamond Police Department the ability to submit collision reports electronically to the Washington State Department of Transportation and the Washington Department of Licensing as well as protect the confidentiality of such reports as required by law. In addition, Ms. Kiblinger mentioned through this agreement the Black Diamond Police Department will receive up to three (3) units of sector software at no cost through the Washington Association of Sheriff's and Police Chiefs.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston to adopt Resolution No. 09-578, authorizing the Mayor to execute an agreement with the Washington State Patrol for electronic collision and ticket online records systems. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 09-579, Interlocal Agreement with Washington State Department of Corrections, Contract No. K7965**

Chief Kiblinger reported this agreement is between the Washington State Department of Corrections and the City for their use of office space inside of the Black Diamond Police Department to house a Community Corrections Officer.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to adopt Resolution No. 09-597, authorizing the Mayor to execute an Interlocal Agreement with Washington Sate Department of Corrections, Contract No. K7965, to allow a Community Corrections Officer use of office space within the Black Diamond Police Department. Motion **passed** with all voting in favor (4-0).

## **Resolution No. 09-580, Addendum #3 to Parametrix Agreement for EIS Services**

Public Works Director Boettcher reported during the review process of the Transportation Element of the Comprehensive Plan several road segments proposed to complete the street grid system were questioned by the developer. The road network was then referred back to the Public Works Committee for further discussion. The Public Works Committee requested that the north/south connection across the Rock Creek wetland be eliminated and study the impact of eliminating the SE Connector on the west side of Lawson Hills to SR 169 at Jones Lake Road.

Mr. Boettcher added the proposed scope of work from Parametrix will provide the City and developer the information needed to determine the impact of removing segments of the street grid, so the right mitigation projects can be identified and or the Council can determine if the road segments should be removed or remain.

Staff recommends completing this analysis so the impact can be fully understood and informed decisions can be made.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Olness to adopt Resolution No. 09-580, authorizing the Mayor to execute contract addendum #3 with Parametrix, originally authorized under Resolution No. 08-496, for the purpose of completing additional analysis in preparation of Environmental Impact Statements for The Villages and Lawson Hills Master Planned Developments. Motion **passed** with all voting in favor (4-0).

### **DEPARTMENT REPORTS:**

#### **Public Works – Mr. Boettcher**

In regards to policy decisions on the Railroad Avenue project Council decided not to provide stormwater detention for the vacant properties along the Railroad Avenue street project at this time. Secondly, it was decided to design the storm system using the City's current code and thirdly Council decided to leave the power overhead at this time.

#### **Police – Chief Kiblinger**

Update on hiring, D.A.R.E. program, Citizens Academy, records management system, police crime statistics, and in car camera funding.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to purchase an in car camera using reserve funds should the grant fall through. Motion **passed** with all voting in favor (4-0).

### **MAYOR'S REPORT:**

Mayor Botts asked Council to confirm his appointment of Chief Kiblinger as the City's Emergency Services Director.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember to confirm the Mayor's appointment of Chief Kiblinger as the City's Emergency Services Director. Motion **passed** with all voting in favor (4-0).

Mayor Botts read a letter from a citizen thanking the fire department for all their help in saving their home during the recent flood event.

### **COUNCIL REPORTS:**

Councilmember Bowie inquired about allowing payment plans for past due utility accounts. Assistant City Attorney Guilfoil stated this is allowed as long as the City collects interest and offers it consistently. Mr. Guilfoil added a hardship policy needs to be established outlining the criteria for the payment plan.

### **ATTORNEY REPORT:**

Assistant City Attorney Guilfoil noted legal comments regarding questions on the Sensitive Areas Ordinance will be forthcoming from City Attorney Combs.

### **PUBLIC COMMENTS: None**

### **CONSENT AGENDA:**

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

**Claim Checks** – February 5, 2009, No. 32843, 32852 through 32854, No. 32839 through 32842, No. 32844 through 32850, No. 32855 through 32863, No. 32865 through 32896, No. 32907-32942 (voided checks No. 32851, 32864, No. 32897 through 32906) in the amount of \$302,794.21.


**Minutes** – Council Meeting of January 15, 2009 and Workstudy Notes of January 15, 2009, January 22, 2009 and January 29, 2009.


### **EXECUTIVE SESSION: None**

### **ADJOURNMENT:**

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

ATTEST:

  
Howard Botts, Mayor

  
Brenda L. Streepy, City Clerk