

BLACK DIAMOND CITY COUNCIL MINUTES

July 16, 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: Gwendolyn Voelpel, City Administrator; May Miller, Finance Director; Seth Boettcher, Public Works Director; Steve Pilcher, Community Development Director; Steve Munson, Planner; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS: None

UNFINISHED BUSINESS: None

PUBLIC HEARINGS:

Establishing Pre-Annexation Zoning for South Annexation

City Planner Munson reported Black Diamond Lawson Partners (South) has submitted to the Community Development Department a draft Pre-Annexation and Development Agreement for this proposed Annexation. He explained the agreement details the specific land use designations and zoning to be applied to the properties and the specifics of other features including, but not limited to, roads and utilities. In preparation for future City Council consideration of this document, Council is required by RCW 35A.14.330 and RCW 35A.14.340 to conduct two public hearings at least 30 thirty days apart to allow public testimony on any proposed pre-annexation zoning.

He noted Council's action tonight is to conduct the public hearing, take testimony, close the hearing and schedule the next public hearing date for August 20, 2009.

Mr. Munson stated at this time staff is recommending the assignment of the MPD except for two parcels which will be zoned R-4, Single Family Residential District zoning designation for the proposed annexation area. He also mentioned staff notified residents within a large radius of the annexation.

Mayor Botts opened the Public Hearing at 7:05 p.m.

Mr. Berkey, Black Diamond resident wondered what is intended for the property as he just became aware of this issue. Mayor Botts responded it will be a Master Planned Development.

Community Development Director Pilcher stated he sent an email to Council notifying them the Master Planned Development applications are deemed complete and notice boards will be posted around the property. He also mentioned copies of the applications are available at the Library, City Hall and on the City's website for residents to take a look at.

Mayor Botts closed the Public Hearing at 7:09 p.m.

Establishing Pre-Annexation Zoning for East Annexation

City Planner Munson reported Black Diamond Lawson Partners (East) has submitted to the Community Development Department a draft Pre-Annexation and Development Agreement for this proposed Annexation. He explained the agreement details the specific land use designations and zoning to be applied to the properties and the specifics of other features including, but not limited to, roads and utilities. In preparation for future City Council consideration of this document, Council is required by RCW 35A.14.330 and RCW 35A.14.340 to conduct two public hearings at least 30 thirty days apart to allow public testimony on any proposed pre-annexation zoning.

He noted Council's action tonight is to conduct the public hearing, take testimony, close the hearing and schedule the next public hearing date for August 20, 2009.

Mr. Munson stated at this time staff is recommending the assignment of the R-4; Single Family Residential District zoning designation for the entire proposed annexation area. He also mentioned staff notified residents within a large radius of the annexation.

Mayor Botts opened the Public Hearing at 7:13 p.m.

No public testimony.

Mayor Botts closed the Public Hearing at 7:15 p.m.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to set the next Public Hearings on August 20, 2009 for the Pre-Annexation zoning classification for the proposed South annexation and Pre-Annexation zoning

classification for the proposed East Annexation. Motion **passed** with all voting in favor (5-0).

NEW BUSINESS:

Resolution No. 09-615, authorizing the purchase of playground agreement from Miracle Recreation Equipment Company for Eagle Creek Park

Community Development Director Pilcher explained he is filling in for Mr. Nix as he is on vacation. Mr. Pilcher explained that this resolution is for the purchase of equipment at Eagle Creek Park, which was adopted in the CIP and the amount for the equipment is \$12,523.40.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill authorizing the purchase of playground equipment from Miracle Recreation Equipment Company for playground equipment at Eagle Creek Park in the amount of \$12,523.40. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-616, accepting the State of Washington Department of Ecology \$60,000 Grant for updating the City's Shoreline Master Program and authorizing the Mayor to execute the grant agreement

Community Development Director Pilcher again sitting in for Mr. Nix explained that State laws require the City to update our Shoreline Master Program by the end of 2012. He stated that the nice thing about that is this is not a totally unfunded mandate. Mr. Pilcher explained that Mr. Nix worked with the state to increase the amount from \$50,000 to \$60,000. Proposals were due last Monday and there were about eight submittals. Staff felt that it was important to have this update completed prior to the end of December 2012 deadline, so there would be added flexibility if any problems were encountered during this process.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston accepting the \$60,000 grant from the State of Washington Department of Ecology for the update of the City's Shoreline Master Program and authorizing the Mayor to execute SMA Grant Agreement No.G1000014 between the City and the State of Washington Department of Ecology. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-617, approving an Interlocal Cooperation Agreement with King County allocating Flood Control District Funds to Black Diamond's account for a future project

Public Works Director Boettcher reported this agreement is to allocate funds to our stormwater account from King County Flood Control District, the City is recommending the funds allocated (\$12,922) be held in our account for future projects. Mr. Boettcher noted that the best use would be to help leverage grant funding for replacement of a culvert.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston authorizing the Mayor to execute an Interlocal Agreement with the King County Flood Control District for the allocation of funds to the City of Black Diamond's stormwater account. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-618, authorizing the Mayor to award a construction contract to Johansen Excavating for the in City Forest Water Transmission Main Replacement Project for \$109,933.07

Public Works Director Boettcher reported that Council may recall earlier in the year the City discovered Congressional grant funds were available to the City and the timeframe was running out. He stated the City was able to get through the environmental phase thanks to the diligence of Utilities Supervisor Dal Santo getting the City through the NEPA process by spending many hours on the phone and going through paperwork and the process. Mr. Boettcher explained that Parametrix has been hired to move forward with the design and thanked them for moving so quickly on this and appreciated their efforts to meet the tight timeline. Mr. Boettcher also noted that the comment period closes tomorrow on SEPA and if some issue comes up, the City may need to have a change order to deal with it. Mr. Boettcher reported that the bids came in very low and the City can accomplish everything plus some additional main line piping, which means he may possibly be coming back before Council with a change order to approve the additional piping.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson, authorizing the Mayor to execute a contract with Johansen Excavating for construction of the In City Forest Water Transmission Main Project and changing in the Resolution August 6 in WHEREAS to July 6.. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-619, authorizing First Addendum to the Construction Services Agreement with Parametrix for the In City Water Transmission Main Replacement Project

Public Works Director Boettcher explained that this agenda bill is a partner to the previous bill and allows the project management and inspection process for the In City Forest Water Main Replacement Project. Mr. Boettcher noted that this project needs to be completed by the end of August. He also explained that full time inspection through the end of August is included, however he doesn't feel the City will need that much time, but the contract does allow for this. Mr. Boettcher added that this contract is 100% funded by the grant, so it is at no cost to the City.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston authorizing the Mayor to execute Addendum #1 with Parametrix for Construction Services for the In City Forest Water Transmission Main Replacement Project. Motion **passed** with all voting in favor (5-0).

Ordinance No. 09-916, amending Chapter 5.08 of the Municipal Code regarding payment due date for utility taxes

Finance Director Miller explained that this is a housekeeping ordinance as current utility tax codes set the 30th day of each month as the due date for payment. Ms. Miller requested that the City change the due date to the 25th of each month to allow enough time for the payments to reach the City on time.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill amending Section 5.08 of the Black Diamond Municipal code to allow the Finance director to establish the payment due date for the City utility taxes. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Finance-

Finance Director Miller briefly reviewed with Council May's revenue and expenditure reports and noted that expenditures are currently under by 5%. She also noted that the credit card acceptance has been very responsive as well as the lifeline program for seniors which currently has approximately 50 residents, thus saving seniors about \$18,000 annually. Ms. Miller also informed Council that installation of the new financial software is scheduled for September 14, with Payroll following in October. Ms. Miller also reported that the Auditor will be at the City the first week in August for the two year audit and added the CIP update is in progress and mentioned departments will start the 2010 operating budget process in August.

Public Works-

Public Works Director Boettcher reported that all normal activities are running smoothly. He updated Council on the status of the Railroad Avenue project, staff training on stormwater illicit discharge and elimination and mentioned Council will see an Ordinance come forward at the next meeting adopting this program. He reported the Morgan Street Sidewalk Project NEPA process has been completed and the grant agreement will come before Council for approval at the August 6th meeting. He also updated Council on a meeting with Department of Transportation regarding the detour route road impacts, update on the court remodel and warehouse roof repairs.

MAYOR'S REPORT:

Mayor Botts reported that he will be out of town next week.

COUNCIL REPORTS:

Councilmember Mulvihill reported that for the 50th Anniversary Committee would like to have a pushcart derby at Septemberfest. She explained legal has reviewed the hold harmless waiver, but needs Council's approval for the event to take place. She also reviewed with Council the derby rules and awards, time schedules and asked for Council's approval.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Bowie authorizing the City to sponsor the event and authorizing it to occur on September 29, 2009. Motion **passed** with all voting in favor (5-0).

ATTORNEY REPORT:

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

PUBLIC COMMENTS:

Mario Sorci- Roberts Drive, Black Diamond encouraged Council to consider expanding to a seven member Council.

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. **Minutes** – Council Meeting of June 25, 2009 and July 2, 2009 and Workstudy Notes of July 2, 2009
2. **Claim Checks** – July 16, 2009, No. 33772 through 33829 in the amount of \$83,818.99
3. **Payroll Checks** – June 30, 2009, No. 16006 through 16093 and 1692, 916005 in the amount of \$306,345.20

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting for an Executive Session at 8:30 p.m. to discuss potential litigation. No action was anticipated to follow the Executive Session, which was expected to last twenty minutes.

Mayor Botts announced a ten minute extension of the executive session.

The regular meeting was called back to order at 8:59 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Martinez, City Clerk