

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**March 19, 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:** Councilmembers Bowie, Boston, Olness and Mulvihill.

**ABSENT:** Councilmember Hanson (Excused)

Staff present were: Gwendolyn Voelpel, City Administrator; May Miller, Finance Director; Seth Boettcher, Public Works Director; Aaron Nix, Natural Resources/Parks Director; Andy Williamson, Economic Development Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney.

## **PUBLIC COMMENTS:**

## **UNFINISHED BUSINESS:**

## **NEW BUSINESS:**

### **Resolution No. 09-583, Authorizing the Mayor to Execute the Collective Bargaining Agreement Between the City of Black Diamond and the Black Diamond Police Officers Association**

City Attorney Combs reported to Council that the Black Diamond Police Officers Association is the authorized bargaining representative for the Black Diamond Police Officers. Mr. Combs explained that the Association was formed in 2008 and the City negotiating team (City Administrator, Gwendolyn Voelpel; City Clerk, Brenda Streepy; Chief of Police, Jamey Kiblinger and City Attorney, Loren D. Combs) has reached a tentative Agreement with the Union for a new six (6) year Collective Bargaining Agreement effective August 31, 2008 through August 30, 2014. The City negotiating team has recommended that the Council ratify the Collective Bargaining Agreement and the Association has approved the Agreement.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Resolution No. 09-583, authorizing the Mayor to sign the collective bargaining agreement between the City of Black Diamond and Black Diamond Police Officers Association. Motion **passed** with all voting in favor (4-0).

**Resolution No. 09-584, Authorizing the Mayor to Execute the Federal Emergency Management Agency Public Assistance Grant Agreement**

Public Works Director Boettcher reported to Council that early in January 2009 there was a major flood event in the Puget Sound Area. On January 7, 2009 huge water flows through the Ginder Creek culvert under Roberts Drive undermined the roadway and scoured the outfall basin exposing the water main which led City staff to close the road and coordinate repairs. Mr. Boettcher explained that since then the President has declared a disaster (3FEMA-1817-DR-WA) and will provide funds for the repair or restoration of damaged public facilities upon FEMA approval, in a preliminary assessment, the FEMA staff felt that most of the expenses on the Ginder Creek culvert repair were eligible and could be reimbursed at 75% plus 100% of documented administrative costs.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-584, authorizing the Mayor to execute the Washington State Military Department Public Assistance Grant Agreement for potential reimbursement of Ginder Creek culvert repairs. Motion **passed** with all voting in favor (4-0).

**Resolution No. 09-585, Authorizing the Mayor to Execute Contract Addendum #4 with Parametrix, Assisting the City of Black Diamond with Impacted Soil on the Water Pipeline Replacement Project on Railroad Avenue**

Public Works Director Boettcher reported to Council that during the water pipeline replacement on Railroad Avenue, impacted soil was encountered during excavation of the waterline. Mr. Boettcher explained that in the process to assist the City with the workload and advice with people who have dealt with contamination, the City had hired Sandra Matthews from Parametrix to help with the research and assistance in dealing with the proper handling of contaminated soils.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-585, authorizing the Mayor to execute contract addendum #4 with Parametrix, originally authorize under Resolution 08-496, for the purpose of assisting the City of Black Diamond staff with handling impacted soil encountered during a water pipeline replacement project on Railroad Avenue not to exceed \$7,998. Motion **passed** with all voting in favor (4-0).

**Resolution No. 09-586, Accepting STM Construction Company as the Lowest Bidder and to Authorize the Mayor to Execute a Contract for the Court Remodel Project**

Public Works Director Boettcher reported to Council that a remodel is necessary in the court office to create more office space. Mr. Boettcher explained that a wall will be removed in the court office and replaced six feet into the jury room to create more office space as well as removing the north entry and police squad room entry to enlarge the court office. A new door entry at the northeast corner of the court office and a new wall for a walk up counter will also be constructed. Mr. Boettcher also explained that the

existing window for the walk up counter will be re-used in the new counter area space and that the jury room will need sheetrock on the upper south wall to bring it up to code. He also stated that two solid core doors will be installed at both entries to the jury room for added privacy. Mr. Boettcher also stated that sheetrock will cover the south wall in the exiting court office to cover wall paper, new lights to be installed in jury room a trap door or pull down stairs will be installed above jury room for access and storage, trim work and painting. Mr. Boettcher stated that this project is included in the City's 2008-2013 Capital Improvement Plan.

Councilmember Bowie brought forth questions of the three (3) bids and stated that they didn't look like the bids were proposed for the same projects.

Mr. Boettcher stated that he will withdraw the item from the agenda and bring it back to Council with more clarification.

### **DEPARTMENT REPORTS:**

Natural Resources/Parks Director Nix reported to Council a few project updates regarding the Lake Sawyer Boat Launch fence having been removed and replaced with a new split rail fence paid for by grant money. Comprehensive Trail Plan was discussed at a previous meeting and wanted to report to Council that eventually there will be a lot of trail money filtering down to the Cities. Mr. Nix also reported on the Habenicht property, and reported to Council that he will be presenting to the Planning Commission to see if the city wants to expand the 12 TDR's to approximately 31 TDR's. Mr. Nix stated that he needed recommendation from Council to classify the parcel as treasured status. Mr. Nix answered previous questions that the Council had asked at the last Council meeting regarding easements at Morgan Creek and another question that was asked regarding additional TDR's that had been made available. Discussion occurred regarding park trails and easements for that area. Mr. Nix stated that he wanted to get consensus from Council regarding treasured status before he makes any moves.

Natural Resources/Parks Director Nix introduced Brad Habenicht to discuss the application brought forward regarding treasured status and expanding the TDR's.

There was Council consensus the Habenicht parcel has multiple factors that may qualify it for potential treasured place status.

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

Mayor Botts reported that a great citizen of Black Diamond, Mel Wik had passed away and stated it was a great loss to the community as Mel was well loved by many and contributed a lot to the City of Black Diamond.

### **COUNCIL REPORTS:**

Councilmember Boston reported on the South County Area Transportation Board (SCATBD) meeting he attended.

## ATTORNEY REPORT:

City Attorney Combs reported there will be a ten minute executive session on property acquisition with no action to follow the executive session.

## PUBLIC COMMENTS:

**Mario Sorci, 24304 Roberts Drive**, expressed he's happy to hear the Council is talking about trails in the City. He also expressed concerns the City is opening up a can of worms and asked the Council to be careful about what they are doing regarding TDR's.

## CONSENT AGENDA:

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

1. **Minutes** – Workstudy Notes of March 5, 2009, Council Meeting of March 5, 2009 and Workstudy Notes of March 12, 2009
2. **Claim Checks** – March 19, 2009 No. 33165 through No. 33195, No. 33200 through No. 33239 (voided checks No.33196-33199) in the amount of \$228,189.68
3. **Payroll Checks** – February 28, 2009, No. 15638 through No. 15715 in the amount of \$299,302.18

## EXECUTIVE SESSION:


Mayor Botts recessed the regular meeting for an Executive Session at 8:17 p.m. to discuss property acquisition. No action was anticipated to follow the Executive Session, which was expected to last ten minutes.

The regular meeting was called back to order at 8:27 p.m.

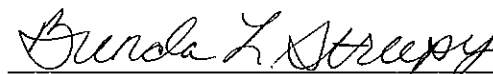
## ADJOURNMENT:

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



Brenda L. Streepy, City Clerk