

BLACK DIAMOND CITY COUNCIL MINUTES

May 7, 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:

Staff present were: Gwendolyn Voelpel, City Administrator; Steve Pilcher, Community Development Director, Aaron Nix, Natural Resources/Parks Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

Continuation of Administrative Appeal of 12 Developments Rights Issued to King County Parcel #1121069058

Mayor Botts announced the City is withdrawing its prior determination of the number of Transferrable Development Rights assigned to property owned by Mr. Brad Habenicht. This is being done to ensure that Mr. Habenicht's rights to due process are observed, as there was some confusion about materials that may or may not have been intended by Mr. Habenicht to be included in the information he wished the City to consider in making its determination.

The City's withdrawal makes the current appeal by Mr. Habenicht null and void. Based on all the materials submitted by Mr. Habenicht between now and May 15th, the City will calculate how many TDRs it believes should be assigned to this parcel and inform Mr. Habenicht. At that point, if Mr. Habenicht wishes to appeal the new TDR number, he may request an appeal and a closed-record appeal will be scheduled to be heard by the City Council.

Mayor Botts closed the public hearing at 7:04 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 09-595, Accepting Grant Funds from King Conservation District for Lake Sawyer Boat Launch

Natural Resources/Parks Director Nix reported staff applied and was awarded a grant in the amount of \$30,000 from the King County Conservation District. These funds will be utilized towards improvements at the Lake Sawyer Boat Launch. Mr. Nix added he will bring forward at the next Council a resolution and contract awarding this work.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 09-595, accepting grant funds from King Conservation District in the amount of \$30,000 for Lake Sawyer Boat Launch improvements. Motion **passed** with all voting in favor (5-0).

Ordinance No. 09-906, Giving the Mayor Authority to Deviate from Established Fees where Appropriate

Mayor Botts reported by law, fees charged to recover city administrative costs must reflect actual costs incurred by the city. For most types of services, 10% of a contract or item cost is an accepted amount that generally reflects the costs to a city of administering the contract or providing the service. However, where a contract is especially large or for other reasons, 10% can be significantly more or less than the city's actual costs. In such cases, this amount is unreasonable. The current municipal code does not authorize any deviation from the amounts listed on the official fee schedule. The proposed ordinance would allow the Mayor, or his or her designee, to deviate from the fee schedule where the actual costs to the city are likely to be at least 10% more, or less, than the fee listed on the schedule. Mayor Botts noted this change will not affect the City's ability to require deposits prior to providing services.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Olness to adopt Ordinance No. 09-906, updating the City's official fee schedule to clarify authority of the Mayor to deviate from established fees where appropriate. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-596, Updating the City's Official Fee Schedule

Finance Director Miller reported because of the limited financial resources of the City of Black Diamond, recovering actual costs incurred to provide staff services are very important. However, the City is legally required to establish fees that reflect actual costs. After reviewing the current fee schedule, the City Administrator and city staff have determined that a standard fee of 10% better reflects actual city administrative costs. The city will continue to be able to require a deposit prior to performing for certain types of

administrative work. Ms. Miller pointed out the new Utility Lifeline percent rate of 50% and the changes to the building fee portion of the schedule. In addition Ms. Miller noted a few specific fees have also been adjusted to reflect current actual costs. She also noted areas where the fee schedule has been changed are highlighted.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No. 09-596, updating the City's official fee schedule. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-597, Authorizing Contract with Seattle-King County Health Department for Reimbursement of Emergency Medical Services for 2009

Finance Director Miller explained the money is set aside by King County to help offset the costs of Emergency Medical Services provided for 2009.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 09-597, authorizing the Mayor to sign a contract with Seattle and King County Health Department for reimbursement to Black Diamond of \$53,104 for Emergency Medical Services fro 2009. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-598, Establishing Council Rules and Procedures

Mayor Botts reported the Revised Code of Washington (RCW) provides for open meetings of the City Council at which reasonable opportunity shall be given for citizens to be heard under such rules as the Council may provide. The Rules of Procedure establish guidelines to be followed by all persons attending a City Council meeting, including members of the City Council, administrative staff, news, media, and visitors.

In addition Mayor Botts noted a Council workstudy was held on April 9 to discuss the proposed rules and procedures and those changes requested have been incorporated into the document.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Mulvihill to adopt Resolution No. 09-598, establishing and adopting Council Rules and Procedures. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-599, Authorizing Amendment No. 1 to PacWest Contract for Sewer Comprehensive Plan Update

Public Works Director Boettcher explained this sewer system hydraulic modeling will give the staff the current capacity information of the existing sewer system, which will assist the City in planning upgrades, planning new sewer route connection points and focusing on maintenance locations. He also added the mapping will be an excellent tool for all types of project planning and maintenance planning. He further noted a budget

amendment will be needed before year end to address the unbudgeted, unplanned expenditure to cover this modeling and mapping.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-599, authorizing the Mayor to execute Amendment No. 1 to PacWest Contract for Sewer Comprehensive Plan Update. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-600, First Memorandum of Understanding with the Black Diamond Police Association

Mayor Botts reported due to the revenue shortfall the City is experiencing the Black Diamond Police Association is wanting to do its part to help the City avoid layoffs of Association members and other City staff and the decrease in services that would entail, the Association has voluntarily agreed to a temporary reduction of \$200 each month in the pay of each Association member through December 31, 2009.

Councilmember Bowie had questions regarding the furlough days for the rest of the employees and the COPS grant funding.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Resolution No. 09-600, authorizing the City to enter a First Memorandum of Understanding with the Black Diamond Police Officer's Association for a temporary reduction in pay for Association Officers through December 31, 2009. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Botts invited all Councilmembers to the Lake Wilderness Lodge reopening celebration on Sunday, May 17 from 2-5 p.m. and asked that they please let the City Clerk know so she can RSVP by Monday.

COUNCIL REPORTS: None

ATTORNEY REPORT:

Attorney Combs announced there will be a short executive session tonight regarding potential litigation.

PUBLIC COMMENTS: None

CONSENT AGENDA:

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

Claim Checks – May 7, 2009, No. 33409 through 33492 (voided check no. 33362) in the amount of \$362,754.75.

Minutes – Council Meeting of April 23, 2009

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting for an Executive Session at 8:13 p.m. to discuss property acquisition. No action was anticipated to follow the Executive Session, which was expected to last fifteen minutes.


Mayor Botts announced a ten minute extension of the Executive Session.

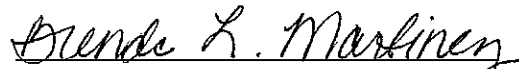
The regular meeting was called back to order at 8:36 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Martinez, City Clerk