

BLACK DIAMOND CITY COUNCIL MINUTES
September 17, 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; Steve Pilcher, Community Development Director; Seth Boettcher, Public Works Director; Aaron Nix, Natural Resources/Parks Director; Jamey Kiblinger, Police Chief; Loren D. Combs, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

Resolution No. 09-634, Water System Comprehensive Plan

Public Works Director Boettcher briefly covered what is in the Comprehensive Plan and explained the steps that have been taken to get to this point. He explained that the plan will guide the administration over the next six years and its purpose was to evaluate water demands, identify the water system plans needed, deficiencies and how they would be funded; evaluate water quality issues and various programs, document operation and maintenance programs, cross connection and wellhead program. Mr. Boettcher stated that in general looking forward and meeting the needs of growth, the city will need a higher pump station and water tank in Lawson Hills that would be funded by the development. Depending on growth rates, the city will need to start drawing water from the City of Tacoma, which has already been funded by the developers.

Councilmember Hanson clarified although the City has water rights capacity, there are improvements needed at the springs.

Mayor Botts opened the Public Hearing at 7:12 p.m.

Craig Goodwin, resident of Black Diamond – stated to Council to please have some indulgence as this was a large document and he might not be able to adhere to the three minute time frame. Mr. Goodwin stated that the past history of Council is new development pays for development. Mr. Goodwin discusses what the rate payers pay and where the money is going and coming from in regards to growth. Funding agreements with Palmer Coking Coal and Plum Creek, those agreements require that they be paid back at a pro-rata share, where is the connection fee going to come from? 2005 water purchase rights from Tacoma not funded by developers, yet we incurred debt as a city in order to fund that, why do we have that with a burden to rate payers?

Gomer Evans – resident of Black Diamond – asked Council to give his three minutes to Craig Goodwin to continue speaking.

Council consensus was to give three more minutes to Craig Goodwin

Craig Goodwin, resident of Black Diamond – stated that he understood what current commitments and requirements are for providing water. Anticipated revenues will need to be used to repay developers and encourages Council to take a hard look at this prior to adoption. He stated that the plan as currently written says we will have 1400 connections, and that will not happen we will probably still have the 800 connections. Mr. Goodwin asked Council to do their due diligence when considering these.

Ryan Kohlman – YarrowBay – asked Council to turn to page 9-15 project numbers 8 and 9 relating to the spring source and watermain replacement. He asked Council to consider the timing of these facilities associated with the Water System Facilities Funding Agreement that YarrowBay acquired the rights to from Plum Creek, Black Diamond Associates and also a portion of Palmer Coking Coal. He noted YarrowBay realizes they have a huge financial obligation and with the current financial situation they still have to ask if this is the right kind of capital outlay right now, even though it is their obligation to fund he asked Council that they get the same consideration as if it was the City's money.

Wayne Anderson – resident of Black Diamond – stated that he has seen a lot of effort put into this matter by Mr. Goodwin and a group who are interested in the welfare of Black Diamond. Mr. Goodwin's background is an advantage and helpful on a matter of concern that is very important to Black Diamond. Mr. Anderson stated that he would like Council to study what Mr. Goodwin had put forward, and that he was upset that the city did not allow Mr. Goodwin more time as he wants to see the best decisions made and wonders why Mr. Goodwin couldn't have the opportunity.

Public Works Director Boettcher entered into record comments from the Muckleshoot Tribe which stated that they were concerned with change in point of withdrawal from the Palmer Springs. Mr. Boettcher stated that after conversations with them, they were satisfied.

Mayor Botts closed the Public Hearing at 7:28 p.m.

Councilmember Bowie stated that we needed to change the boundary as it is misleading. Portion on the 783 West annexation lies in Covington water district and this should be fixed, another area in potential service area that the church has purchased and on figure 2.7. Mr. Bowie asked how the city will pay for the extra water and should it be sold? Mr. Bowie feels Council needs to have the discussion if the city wants to continue with the extra 500,000 and how the city plans on paying for it.

PRESENTATION:

North Sound Paranormal Research Group – Lisa Marten – 17908 29th Ave. E., Marysville – Ms. Marten reported that North Sound Paranormal Research Group is a 501C(3) organization that has an interest in conducting research at the Black Diamond Cemetery. Ms. Marten proposed to notify the City one week prior to the investigation regarding how many people would be involved, duration of the investigation, and notify police within 24 hours and stated that the group would wear badges identifying and notifying anyone who is not in the group. She also proposed the group would provide the City a copy of any evidence and a full report of findings. Ms. Martin also asked that anyone who is experiencing paranormal activity to please call them.

Council consensus was to have City Attorney Combs prepare an agreement for the Mayor to execute.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 09-635, authorizing the Mayor to execute a Professional Services Agreement with AHBL, Inc. for services to update the City's Shoreline Master Program

Natural Resources/Parks Director Nix reported that the City is required by Washington Administrative Code (WAC) to update its Shoreline Master Program by the end of 2012. Mr. Nix stated that a grant of \$60,000 from the Department of Ecology has been awarded to the City in order to meet the deadline and comply with the required elements needing updating by June 30, 2012. He noted that in this process staff went through a request for proposals process and chose AHBL, Inc. to help the City complete this update process.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Mulvihill to adopt Resolution No.09-635, authorizing the Mayor to execute a Professional Services Agreement with AHBL, Inc. for services to update the City's Shoreline Master Program. Motion **passed** with all voting in favor (5-0).

Ordinance No. 09-922, creating a new section of Municipal Code regarding the Crime of Disorderly Conduct

Chief Kiblinger reported that this is a new ordinance, as the city's code currently only references the State Disorderly Conduct statute. She explained that this municipal code is more specific.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Bowie to adopt Ordinance No.09-922, relating to Crimes of Disorderly Conduct and amending section 9.56.020 of the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

Ordinance No. 09-923, relating to Possession of Drug Paraphernalia

Chief Kiblinger reported that this Ordinance prohibits the possession of drug paraphernalia in the City of Black Diamond, as well as correcting the City's outdated codes. She also mentioned that this Ordinance is identical to state statute.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to adopt Ordinance No.09-923, relating to possession of drug paraphernalia adding new section 9.90.020, amending sections 9.90.010 and 9.90.130 and repealing section 9.90.090 of the Black Diamond Municipal Code. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-636, declaring 1985 Dodge Ram as surplus property

Chief Kiblinger reported that this is the first vehicle to be seized under the DUI seizure statute. The vehicle was seized on April 24, 2009 and later forfeited on July 9, 2009. Adoption of this Resolution authorizes the disposal of a 1985 Dodge Ram after it is declared surplus property.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Boston to adopt Resolution No. 09-636, declaring a 1985 Dodge Ram as surplus property to the City. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-637, accepting Justice Assistance Grant in the amount of \$9,999 for purchase of a Livescan Fingerprinting System

Chief Kiblinger reported that on June 11, 2009 the Police Department applied for Justice Assistance Grant for the purpose of purchasing and implementing a Livescan Electronic Fingerprinting System and Security Detention Bench. Ms. Kiblinger stated that implementation of this system would reduce staff time by using a more efficient streamlined method. It would also benefit the citizens who are in need of fingerprinting services for background checks, concealed weapons permits and employment requirements as the Livescan system is quick and free of messy fingerprinting ink that can be inconvenient for person getting fingerprinted.

Councilmember Bowie stated that the application refers to a security detention bench, and asked if that was being purchased. Chief Kiblinger replied no.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-637, accepting the Justice Assistance Grant and authorizing the execution of Grant Number F09-34721-105 in the amount of \$9, 999 and **deleting** from second whereas on resolution the mention of purchasing a security detention bench. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-638, authorizing the Police Department to purchase L SCAN Guardian Livescan System from Cross Match Technologies in the amount of \$10,644.47

Chief Kiblinger reported that recently the Police Department was awarded Justice Assistance Grant in the amount of \$9,999 for the purchase and implementation of a Livescan Fingerprinting System. Adoption of this resolution would authorize the purchase of this equipment from Cross match Technologies, Inc. in the amount of \$10,644.47. Ms. Kiblinger explained that as the grant awarded was for \$9,999 the remaining amount of \$644.47 would come out of the City's Criminal Justice Fund.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Resolution No. 09-638, authorizing the purchase of L SCAN Guardian Livescan System from Cross Match Technologies, Inc. in the amount of \$10,644.47. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Olness to authorize money to be taken out of saving account for police to purchase a detention bench not to exceed \$1,000. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-639, authorizing the mayor to sign a contract Amendment #4 with Parametrix to provide additional funding to complete the two EIS documents for The Villages and Lawson Hills Master Planned Developments

Community Development Director Pilcher reported that is amendment #4 to the EIS contract with Parametrix. There have been additional expenses due to the fact of the independent fiscal analysis. A draft has been published but we need to get through the draft process and on to Final EIS.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 09-639, authorizing the Mayor to enter into contract amendment #4 with Parametrix, originally authorized under Resolution 08-496, for the purposes of completing work on the Environmental Impact Statements for The Villages and Lawson Hills Master Planned Developments. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Police- Chief Kiblinger shared the K-9 Benefit dinner was a huge success and raised over \$2,000. She discussed two big cases Officer Lynch was involved in. She reported the department received grant monies totaling over \$40,000 and Officer Cripe is trying to find grant monies for Electronic Ticketing. She added the EHM program is up and running. She added Sergeant Goral completed PIO training and is designated as the

departments PIO, and mentioned the new recruits will be in training until the middle of October. Ms. Kiblinger discussed training that was held at the bank with a mock robbery and distributed new stats through August 2009.

Community Development – Director Pilcher reported that the EIS document was published September 1st and the public hearing on these is scheduled for September 29th in the Council Chambers. He noted staff will be re-engaging with the owners of Cedarbrook Mobile Home park on the redevelopment of that property. He also noted Planning Commission is done with their recommendation on animal regulations and asked Council when they would like to hear the recommendation. There was Council consensus to bring forth after the first of the year.

Mr. Pilcher stated it has been a slow year in permits. Currently 51 permits were applied for with only two being single family residences. Planning staff is working on MPDs, EISs, Morgan Kane EIS, a three lot short plat on Lawson and a subdivision on the Kahne property located on 5th. He discussed monies received so far this year and mentioned there are not a lot of vacant lots left in the City, so there will be minimal permit activity next year.

MAYOR'S REPORT:

Mayor Botts reported on meeting with Councilmember Dunn and Mr. Freeman from King County EOC on the Howard Hanson Dam. He stated Black Diamond should not experience flooding although getting around in the valley will be an issue. He added the City will put information in the city newsletter and on the city website regarding what folks might do to prepare, such as extra food, supplies, etc. He stated as he finds out more information he will update everyone.

COUNCIL REPORTS: None

ATTORNEY REPORT:

City Attorney Combs reported there will be a thirty minute executive session on real property negotiations and on personnel to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) with no action to follow.

PUBLIC COMMENTS:

June Vines, Black Diamond resident- stated that she would like to know how much money is allotted for street improvements and any money coming from gas tax and is it kept in a separate fund for street repairs.

Finance Director Miller responded that \$85,000 was expected this year.

Ms. Vines stated that her interest is in old town where streets were platted in 1908 and 1939 and wondered how they are maintained and what the priority is.

Councilmember Bowie responded that repairs and maintenance is about \$4,500 and it is not a lot of money. He stated that the City is working with King County Department of Transportation to fix those areas that were affected by the detours due to the bridge closure.

Ms. Vines asked if any of the money was slated for Railroad Avenue, and if there was any work slated to go north of the Museum.

Councilmember Bowie responded that it will be bid next spring. Merino Street to the Museum which is grant funding with some match and then sidewalk improvements on Morgan Street with grant funds from Block Grant and Transportation Improvement Board.

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 (5-0). The Consent Agenda was approved as follows:

Claim Checks – September 17, 2009 No. 34014 through No. 34084 in the amount of \$303,754.56

Payroll Checks – August 31, 2009, No. 16176 through 16259 (voided checks 16177, 16178) in the amount of \$300,471.92

Minutes – Council Meeting of September 3, 2009 and Workstudy Notes of September 3, 2009

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting for an Executive Session at 9:08 p.m. to discuss potential litigation, real estate negotiation and on personnel to review the performance of a public employee pursuant to RCW 42.30.110(1)(g). No action was anticipated to follow the Executive Session, which was expected to last thirty minutes.

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

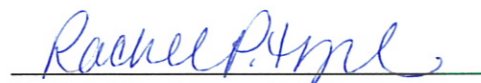
The regular meeting was called back to order at 10:06 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Rachel Pitzel, Deputy City Clerk