

BLACK DIAMOND CITY COUNCIL MINUTES
September 3, 2009
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Botts called the regular meeting to order at 7:05 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; Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; Seth Boettcher, Public Work Director; Greg Smith, Fire Chief; Gregory F. Amann, Assistant City Attorney and Brenda L. Martinez, City Clerk.

Mayor Botts called a recess to the meeting for staff to set out agenda materials.

Mayor Botts reconvened the meeting at 7:07 p.m.

PUBLIC COMMENTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 09-921, Mid-Year Budget Amendment

Finance Director Miller reported Washington State Law requires that municipal budgets be amended by the City Council when expenditures are higher than budgeted amounts from any particular fund. She stated this budget amendment primarily reduces budgets for capital projects and their associated transfers that were either reduced or deferred to another budget year. Reductions for both expenditures and revenues totaled \$3,464,871, with the primary reductions being in the utility funds. She added all interest income accounts were reduced accordingly due to the falling rates.

In addition, Ms. Miller noted that due to the decrease in revenue projections for Real Estate Excise Tax (REET) I and REET II, departments were asked to reduce or defer 2009 capital projects. REET I was reduced by \$169,000 and REET II by \$345,055.

Lastly, Ms. Miller explained most increases in the budget amendment were due to grants awarded to various departments. She added the Finance Committee has reviewed and recommends adoption.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Olness to adopt Ordinance No. 09-921, amending the 2009 Budget Ordinance No. 08-888 as amended by Ordinance No. 09-907 to reflect changes in revenues and expenditures. Motion **passed** with all voting in favor (5-0).

Resolution No. 09-633, Accepting In City Forest Water Transmission Main Replacement Project as Complete

Public Works Director Boettcher explained this is a formal action required by the Council to start the 45 day waiting period to where an outside vendor, supplier or laborer would have the opportunity to file a claim against this project pursuant to RCW 60.28.011(2). He added after the 45 days the retainage being held by the City can be released once the City has received an affidavit of no liens, a release from the Department of Revenue that all taxes have been paid and a release from any claims from the Department of Labor and Industries.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 09-633, accepting the In City Forest Water Transmission Main Project as complete by Johansen Excavating according to the contract documents. Motion **passed** with all voting in favor (5-0).

Mr. Boettcher thanked Councilmember Bowie for suggesting inviting King County Councilman Dunn to participate in a tour of the project as his mother Jennifer Dunn played an instrumental part in securing the funds for this project.

South Annexation Petition

Community Development Director Pilcher reported Black Diamond Village Partners (South) has submitted to the Community Development Department an Annexation Petition for this proposed Annexation. As part of the annexation process the City Council once the petition has been certified as sufficient by the County Assessor must set a date for a public hearing providing notice specifying the time and place of the hearing and invite interested persons to appear and voice approval or disapproval of the annexation. Mr. Pilcher noted the City received the Annexation Petition Certification from the County Assessor via email on September 2, 2009. He added the applicant would like to have the hearing set for September 24, 2009 rather than staff's recommendation of October 1, 2009.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to set September 24, 2009 as the date for the public hearing to consider the South Annexation Petition. Motion **passed** with all voting in favor (5-0).

East Annexation Petition

Community Development Director Pilcher reported Black Diamond Lawson Partners (East) has submitted to the Community Development Department an Annexation Petition for this proposed Annexation. As part of the annexation process the City Council once the petition has been certified as sufficient by the County Assessor must set a date for a public hearing providing notice specifying the time and place of the hearing and invite interested persons to appear and voice approval or disapproval of the annexation. Mr. Pilcher noted the City received the Annexation Petition Certification from the County Assessor via email on September 2, 2009. He added the applicant would like to have the hearing set for September 24, 2009 rather than staff's recommendation of October 1, 2009.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to set September 24, 2009 as the date for the public hearing to consider the South Annexation Petition. Motion **passed** with all voting in favor (5-0).

Councilmember Hanson requested that a notice be sent to the PTA President at Black Diamond Elementary School letting members know how to get on the email distribution list for City announcements.

DEPARTMENT REPORTS:

Fire Department

Chief Smith updated Council on the capital improvements made this year at Station 98. He also mentioned that repairs to Station 99 commenced on August 20, 2009 and are progressing nicely.

MAYOR'S REPORT:

Mayor Botts commended the Public Works staff for all their hard work to get the In City Forest Water Transmission Main projected completed on time. He also thanked all departments for their hard work and wished everyone a wonderful time at Labor Days.

COUNCIL REPORTS:

Councilmember Bowie commented on ICC recently adopting a regulation that requires fire sprinklers in all new construction. He stated that four states are fighting this new regulation and it will become center state in our state as the WSBC will be holding two meetings (one of the east side and one on the west side) regarding this regulation.

Councilmember Boston announced that October 24, 2009 is Make a Difference Day and asked folks to please notify the Pastor at Lake Sawyer Christian Church with potential projects. He also mentioned that the kickoff breakfast for the event will be held at the Black Diamond Community Center on October 24th.

ATTORNEY REPORT:

Assistant City Attorney Gregory Amann introduced himself to Council and noted that he was filling in for Loren Combs tonight.

PUBLIC COMMENTS: None

CONSENT AGENDA:

A **motion** was made by Councilmember Hanson 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 3, 2009, No. 33960 through 34013 (voided check 33971) in the amount of \$290,257.71


Minutes – Council Workstudy Notes of August 20, 2009 and August 27, 2009 and Special Council Meeting Minutes of August 27, 2009

EXECUTIVE SESSION: None

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


Brenda L. Martinez, City Clerk