

BLACK DIAMOND CITY COUNCIL MINUTES

December 16, 2010

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Hanson, Goodwin, Boston, Mulvihill and Saas.

ABSENT: None

Staff present were: Seth Boettcher, Public Works Director; Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; May Miller, Finance Director; Aaron Nix, Natural Resources/Parks Director; Eric Weinreich, Police Sergeant; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS:

Peter Rimbos, Maple Valley – discussed comments submitted to the City by his technical team and the desire for a meeting; requested public meeting on the school mitigation agreement.

Jack Sperry, Black Diamond – discussed the responsibility of King County to provide storage for future development and the analysis done by the County as compared to the City's proposed site.

Cindy Proctor, Enumclaw – commented on RH2 contract and asked for denial.

Vern Gibson, Enumclaw – commented on growth in Black Diamond.

Rich Ostrowski, Black Diamond – asked Council to conduct public hearing on Tri-Party School Agreement and commented on the Workstudy held on the School Agreement.

Vicki Harp, Black Diamond – asked Council to conduct a public hearing on the Tri-Party School Agreement.

Judith Carrier, Green Valley Road – gave suggestions for the upcoming Development Agreement process.

Clarissa Metzler Cross, Green Valley Road – discussed recent and past flooding on the Green Valley Road and noted this road is not acceptable for development traffic; Citizen Advisory Group needs to be talking with staff.

Howard Meese, Green Valley Road – asked to allow their citizens group to talk directly with staff.

Joe May, Black Diamond – commented on his disappointment of this group not being able to meet with staff; tri-party agreement and the need for a public meeting; commented on the dam/weir on Lake Sawyer regarding the paperwork he dropped off for staff (spoke on behalf to the Lake Sawyer Community Club).

Melanie Gauthier, Black Diamond – commented on the selection of the official City Newspaper.

Cindy Proctor, Enumclaw – commented on her concerns with the Tri-Party School Agreement.

PRESENTATIONS: None

PUBLIC HEARINGS:

UNFINISHED BUSINESS:

Ordinance No. 10-951, relating to King County Code Chapter 11.04 Animal Care and Control Provisions

Mayor Olness announced Council concerns have been addressed and incorporated into the document.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 10-951, relating to the adoption of King County Code Chapter 11.04 Animal Care and Control Provisions, specifically repealing and reenacting Black Diamond Municipal Code 6.04; repealing Black Diamond Municipal Code 6.08.200, 6.08.210, 6.08.215 and 6.08.219; providing for severability; and establishing an effective date. Motion **passed** with all voting in favor (5-0).

NEW BUSINESS:

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Boston to amend agenda to take item No. 16 as the first order of business under new business. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-726, authorizing the Mayor to execute an amendment to the Interlocal Agreement between King County and the City for Jail Services, lowering the 2011 rates

Sergeant Weinreich reported this amended Interlocal agreement for jail services with King County was passed in May of 2010, this amendment lowers the 2011 rates by changing the extension contract methodology for calculating 2011 rates only.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to adopt Resolution No. 10-726, authorizing the Mayor to execute an amendment to the Interlocal Agreement between King County and the City for Jail Services, lowering the 2011 rates. Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-952, amending Ordinance No. 10-942, which adopted the 2010 International and Uniform Codes (technical codes)

Community Development Director Pilcher reported this is a housekeeping item to the code that was adopted earlier. He noted that a phrase was unintentionally left out and will put the missing verbiage back in the ordinance.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to adopt Ordinance No. 10-952, amending Ordinance No. 10-942, which adopted the 2010 International and Uniform Codes (technical codes). Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-953, providing for an Interfund Loan from the Wastewater Capital Reserve Fund to the Water Capital Reserve Fund for the Water Meter Project

Finance Director Miller reported this ordinance would authorize an Interfund Loan from the Wastewater Capital Reserve Fund to the Water Capital Reserve fund for the water meter project.

Councilmember Goodwin commented on the third paragraph and the fact that we have no choice but to adopt.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Boston to adopt Ordinance No. 10-953, providing for an Interfund Loan from the Wastewater Capital Reserve Fund to the Water Capital Reserve Fund for the Water Meter Project. Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-954, amending the 2010 Budget

Finance Director Miller reported Washington State law requires that municipal budgets be amended by the City Council when expenditures are higher than budget amount, or when budget authority is exhausted from any particular fund. She noted all new expenses

are either covered by new revenue or ending fund balance. She highlighted areas that needed amending; noted it has been reviewed by the Finance Committee.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 10-954, amending the 2010 Budget. Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-955, amending section 13.24.010 of the Black Diamond Municipal Code relating to sewer rates effective January 1, 2011

Finance Director Miller reported the ordinance before Council is to authorize the metro pass-through increase. She noted the workstudies and hearing that have taken place.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Saas to adopt Ordinance No. 10-955, amending section 13.24.010 of the Black Diamond Municipal Code relating to sewer rates. Effective January 1, 2011. Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-956, approving water rate increase of 15% effective January 1, 2011

Finance Director Miller reported the ordinance before Council tonight will increase water rates 15% to the base rate. She also mentioned the lifeline program that allows those citizens who qualify to a 50% reduction in the rate.

Councilmember Saas commented that he agrees with the rate increase, but not with any portion being used for staff salaries.

Councilmember Mulvihill commented that the City needs to start paying their own way and supports having this in the ordinance.

Councilmember Boston commented that the City should find their own ways to support staff and noted this is a nominal amount.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to adopt Ordinance No. 10-956, approving water rate increase of 15% effective January 1, 2011.

Councilmember Goodwin commented he does not agree with rate increase including the salaries.

Vote: Motion **passed** 3-2 (Goodwin and Saas).

Ordinance No. 10-957, adopting the 2011 Budget

Finance Director Miller reported she is really proud to bring forward the budget this year as this is the first time in her time here we have a budget that uses no fund balance.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to adopt Ordinance No. 10-957, adopting the 2011 Budget. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-721, authorizing the Mayor to enter into a Memorandum of Understanding with Olympic Environmental Resources in order to implement the City of Black Diamond's 2011 Spring Recycling Collection Event

Natural Resources/Parks Director Nix reported this is our annual MOU with Olympic Environmental for Spring Recycling Event. This has been reviewed by the Parks and Cemetery Committee and noted all costs are paid entirely by grant money.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Saas to adopt Resolution No. 10-721, authorizing the Mayor to enter into a Memorandum of Understanding with Olympic Environmental Resources in order to implement the City of Black Diamond's 2011 Spring Recycling Collection Event. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-722, authorizing the Mayor to execute the Second Amendment with RH2 Engineering, Inc. for technical review services on the Regional Wastewater Storage Facility Project

Public Works Director Boettcher reported this matter is back before us as we already addressed earlier in the year. City staff is requesting RH2 to assist the City and King County to see if a mutual agreement can be reached on the placement of a Wastewater Storage Facility. RH2 has completed a preliminary engineering report on an alternative site located in the western portion of Black Diamond. King county staff still has differing opinions as to the best solution for this regional facility.

Councilmember Hanson commented on her frustration allowing King County to put a sewer pipe through the core wetland.

Councilmember Saas agrees with Councilmember Hanson's comments and asked Mr. Boettcher to address comments by the public tonight.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Goodwin to adopt Resolution No. 10-722, authorizing the Mayor to execute the Second Amendment with RH2 Engineering, Inc. for technical review services on the Regional Wastewater Storage Facility Project. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-723, authorizing to dispose of soil temporarily stored at the Public Works facility from the Railroad Avenue Project that had low levels of hydrocarbons

Public Works Director Boettcher reported in the Railroad Avenue project we encountered soils that are slightly contaminated. The soil has been stored temporarily at the shop site covered with tarps to eliminate any potential liability. He noted that there is at least

\$130,000 that remains in the budget for this project. City staff is recommending final disposal.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adopt Resolution No. 10-723, authorizing to dispose of soil temporarily stored at the Public Works facility from the Railroad Avenue Project that had low levels of hydrocarbons. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-724, accepting the Covington/Maple Valley Reporter publication bid and designating it the official City Newspaper for 2011

Assistant City Administrator/City Clerk Martinez reported that RCW 35.23.352(7) requires the city to request bids annually for an official City newspaper for the publication of certain legal notices and bi requests. A request for bids was published and the city received two bids, one from the Voice of the Valley and the second from the Covington/Maple Valley reporter. Both are papers of high circulation within the Black Diamond zip code.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Boston to **table** Resolution No. 10-724, accepting the Covington/Maple Valley Reporter publication bid and designating it the official City Newspaper for 2011, to address later in the evening. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-725, authorizing the Mayor to execute the Fourth Memorandum of Understanding to the Police Association Collective Bargaining Agreement

Mayor Olness reported the Association has met and agreed to a Memorandum of Understanding stating that starting January 1, 2011. Those members currently enrolled on Regence Plan B will now be enrolled on AWC Health First Medical Plan.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 10-725, authorizing the Mayor to execute the Fourth Memorandum of Understanding to the Police Association Collective Bargaining Agreement. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness reported on the following: meeting with Puget Sound Energy and the plaque they awarded the city with for their participation in the Powerful Choices program; Shop with a Cop; Holiday Fire Engine; Community Center Christmas lunch; paranormal pictures received by a photographer of the Black Diamond cemetery; process of Share the Joy program with the Community Center; City Hall closed on Friday December 24 and December 31; new Judge will be sworn in on December 29 in the Council Chambers.

COUNCIL REPORTS:

Councilmember Mulvihill reported on the Santa event held at the Black Diamond Bakery.

Councilmember Boston commented on working cleanup on the senior luncheon and noted there are a lot of tags on the tree and encouraged folks to stop by and pick one up.

ATTORNEY REPORT:

City Attorney Bacha reported he cannot find the statute that requires the newspaper bid to be done annually.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Saas to **postpone** Resolution No. 10-724, accepting the Covington/Maple Valley Reporter publication bid and designating it the official City Newspaper for 2011, until the January 6, 2011 Council meeting. Motion **passed** with all voting in favor (5-0).

PUBLIC COMMENTS:

Jack Sperry, Black Diamond – commented on the Wastewater Facility and strongly supports the County and the City coming together but not having the developer foot the bill; urged Council to read the county's response to the City's proposed alternative site.

Melanie Gauthier, Black Diamond – thanked Council for tabling the paper; commented that Councilmember Mulvihill should recuse herself from the parking issue at the Bakery.

CONSENT AGENDA:

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

Claim Checks – December 16, 2010, No. 36348 through No.36402 in the amount of \$309,311.13

Payroll – November 30, 2010, No. 17301 through No. 17321 and ACH Pay in the total amount of \$268,362.47

Minutes – Workstudy Notes of November 29, 2010, Special Council Meeting of November 29, 2010 and Council Meeting of December 2, 2010

EXECUTIVE SESSION: None


UNFINISHED BUSINESS: None

ADJOURNMENT:

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



Rebecca Olness, Mayor

ATTEST:


Rachel Pitzel, Deputy City Clerk