

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**December 2, 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; Stephanie Metcalf, Court Administrator; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

## **PUBLIC COMMENTS:**

**Peter Rimbo, Maple Valley** – discussed his team’s comprehensive review of Development Agreements and the need to meet with staff.

**Susan Harvey, Ravensdale** – spoke regarding to the process of the upcoming Development Agreement and asked Council to please attend the Hearings.

**Judith Carrier, Green Valley Road** – distributed a packet which included several emails between herself, Mayor Olness and Mr. Sterbank.

**Cindy Proctor, Enumclaw** – discussed School Agreement and Impact Fees being brought back to the table; discussed Development Agreement process.

**Melanie Gauthier, Black Diamond** – commented on the proposed purchase of the new police vehicle.

**PRESENTATIONS:** None

## **PUBLIC HEARINGS:**

**Proposed Water Rate Increases**

Finance Director Miller reported the proposed water rate increase has been brought before the Committee and Council and noted that another Workstudy will be scheduled hopefully for next week.

**Mayor Olness opened the public hearing at 7:19 p.m.**

**Geoff Bowie, Black Diamond** – discussed the depressed economy and now isn't the time to do this. He stated the city needs to not hire anymore employees as all these employees being allocated to the Utilities Funds are driving the costs up; discussed taking out the money being allocated to the Enterprise Funds and would add the checking account; discussed buying the additional water from Tacoma Water and thinks we need to look at walking away from this; discussed fire hydrants and the City of Seattle case and read an excerpt from the case.

**Mario Sorci, Black Diamond** – commented on the unemployment rates and looked through the proposed budget and it appears to have increased. Asked Council when it comes to rate increases to look at where we are with the economy.

**Melanie Gauthier, Black Diamond** – commented that increased based on an old study and asked that they not impose rate increases.

**Mayor Olness closed the public hearing at 7:28 p.m.**

### **Proposed Sewer Rate Increase**

Finance Director Miller announced we have received notice from King County that they have increased rates to all their contract Cities which Black Diamond is one, and we are obligated to pass-through to our customer the \$4.20.

**Mayor Olness opened the public hearing at 7:30 p.m.**

**Mario Sorci, Black Diamond** – commented that we can't control what King County does and understanding the pass-through of these costs and hopes that we will not increase any of the utility rates until the economy improves.

**Geoff Bowie, Black Diamond** – commented that he understands the pass-through rate and does not feel we need to increase the City rate as we need to stop hiring employees and the money is all going to wages; discussed the past annexation of Lake Sawyer and that area not paying utility tax to the City while customers on the water and sewer system who pay this tax and others who pay no utility tax. Mr. Bowie asked Council to have some fairness and undue those taxes; discussed Kirkland's franchise fee; discussed the large amount of cash in the Reserve Fund and that is what this is for to smooth out during rough times; asked Council to think long and hard before raising rates.

**Mayor Olness closed the public hearing at 7:35 p.m.**

## **Proposed Final 2011 Budget**

Finance Director Miller announced tonight is the second and final hearing on the budget. She highlighted the changes in the documents, property tax decrease of \$8,805 and the Liquor Board Profit revenue.

**Mayor Olness opened the public hearing at 7:37 p.m.**

**Bob Rothschilds, Black Diamond** – addressed Council on the increase of the stormwater in the budget document. He understands the need for this is both State need for Comprehensive Plans that need to be put in place and feels staff has done a fair job of responding to the NPDES Phase II requirements as it requires the City to have a plan to maintain the catch basins and feels good things come out of this fund, feels more need to come out of it even though it is a burden to pay the increase. Does ask how much of the stormwater fee goes to stormwater action- 50% or 20%.

**Geoff Bowie, Black Diamond** – commented on the stormwater part of budget and discussed the phasing in of this fee. Wonders what we are doing with the money this year and is very cautious about the increases and not to add any new positions as this is something we can't afford; does not see the General Fund making any contributions to the Water Fund for fire flow; discussed WSFFA funds and the projects; urged caution before we jump out and spend the money; discussed amount of future connections.

**Mario Sorci, Black Diamond** – commented on budget and commented on Ms. Miller's job in forecasting revenue, but feels the amount of Property Tax will decrease as folks start to appeal their assessed value and we will see a decrease and the money you have at the beginning of the year may not be here at the end of the year.

**Mayor Olness closed the public hearing at 7:45 p.m.**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**Resolution No. 10-718, authorizing the Mayor to execute an Addendum to the Agreement for Dispatch Service for Valley Communications for 2011.**

Chief Kiblinger reported the City of Black Diamond contracts with Valley Communications for dispatch services. This is our yearly addendum to our contract which approves an increase to call rates from \$27.67 per call to \$30.78.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Saas to adopt Resolution No. 10-718, authorizing the Mayor to execute an Addendum to the Agreement for Dispatch Service for Valley Communications for 2011. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-719, authorizing the purchase of a new 2011 Chevrolet Tahoe Police Vehicle**

Chief Kiblinger distributed some information regarding the purchase and discussed the vehicle replacement program that started in 2006 and is part of the CIP. 2011 we are starting our Commercial Vehicle Program again as it is important to protect the infrastructure of our roads; discussed the reasons for choosing the Tahoe vs. the Charger or Crown Victoria.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Goodwin to adopt Resolution No. 10-719, authorizing the purchase of a new 2011 Chevrolet Tahoe Police Vehicle. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-720, confirming the Mayor's Appointment of Bill Bowman as Municipal Court Judge and authorizing the Mayor to enter into a Professional Services Agreement**

Mayor Olness reported most of you know that Judge Rosen has been elected to Seattle Municipal Court and will be leaving December 31, 2010. An open recruitment process began in August to fill the Judges unexpired term ending December 31, 2010. The selection committee consisted of the Mayor, Police Chief, Court Administrator and City Attorney. The committee interviewed six candidates and unanimously selected Bill Bowman as the most qualified candidate. Mayor Olness introduced Mr. Bowman.

Bill Bowman addressed Council and stated it is truly an honor to be appointed to the position.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Saas to adopt Resolution No. 10-720, confirming the Mayor's Appointment of Bill Bowman as Municipal Court Judge and Authorizing the Mayor to enter into a Professional Services Agreement. Motion **passed** with all voting in favor (5-0).

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Olness shared a letter from a citizen praising the Morgan Street Sidewalk Project and the staff and contractors involved on this project; reported on Veteran's Day Assembly at the Black Diamond Elementary; 11 people attended the Veteran's Day ceremony at the cemetery; attended workshop with Chief Kiblinger; thanked the Public Works Department for all their hard work during the recent snow storm; Thanksgiving lunch at the Senior Center and the Police Department helped serve; announced Christmas Tree Lighting Ceremony at the Community Center; tree at the Coal Car triangle; decorations on street lights on Railroad Avenue; Share the Joy Holiday tags are now available; December 11<sup>th</sup> shop with a Cop Program will take place thanks to the Kiwanis and Rotary and private donations; Fire Department Food Drive; Workstudy on Utility Rates and would like to recommend Monday, December 13 from 4 to 6 p.m.; need one

Councilmember to attend the Suburban Cities Association (SCA) caucus, Councilmember Boston volunteered.

### **COUNCIL REPORTS:**

Councilmember Mulvihill reported that the Black Diamond Bakery is hosting free Santa pictures on December 11 and 12.

Councilmember Goodwin reported on the Suburban Cities Association (SCA) annual business meeting; noted the importance of committees and the Councilmembers who are part of the committees.

### **ATTORNEY REPORT:**

City Attorney Bacha reported on the Animal control updated and looked at the provisions in the King County code regarding spayed and neutered and could not find a provision for breeders and if an animal is impounded the first offense they will not be altered the second offense they would be.

Council consensus was to not have this part of the ordinance.

### **PUBLIC COMMENTS:**

**Mario Sorci, Black Diamond** – announced that St. Elizabeth Hospital in Enumclaw will be open in January; this hospital is fully staffed just like Swedish and Harborview.

**Erika Morgan, Black Diamond** – fully agrees with those folks who spoke in regards to the budget situation.

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Boson 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 2, 2010, No. 36330 through No.36347 in the amount of \$43,612.49

**EXECUTIVE SESSION: None**

**UNFINISHED BUSINESS: None**

### **ADJOURNMENT:**

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

  
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Rebecca Olness, Mayor

ATTEST:

  
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Rachel Pitzel, Deputy City Clerk