

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**January 7, 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, Saas and Mulvihill.

**ABSENT: None**

Staff present were: Jamey Kiblinger, Police Chief; Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; Seth Boettcher, Public Works Director; Steve Rosen, Municipal Court Judge; Stephanie Metcalf, Court Administrator; May Miller, Finance Director; Aaron Nix, Natural Resources/Parks Director; Justin Cripe, Police Officer; Greg Goral, Police Sergeant; Greg Smith, Fire Chief; Yvonne Ward, Interim City Attorney and Brenda L. Martinez, City Clerk.

**PUBLIC COMMENTS: None**

## **PRESENTATIONS:**

Judge Rosen administered the Oath of Office for Rebecca Olness, Mayor; William Saas, Councilmember and Craig Goodwin, Councilmember.

Mayor Olness asked for nominations for Mayor Pro-Tem.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to elect Councilmember Bill Boston as Mayor Pro-Tem. Motion **passed** with all voting in favor (5-0).

Mayor Olness announced a five minute recess at 7:06 p.m.

Mayor Olness called the meeting back to order at 7:12 p.m.

**UNFINISHED BUSINESS: None**

## **NEW BUSINESS:**

### **Agenda Bill No. 10-001, Confirmation of Council Standing Committee Appointments**

Mayor Olness read the proposed Council Standing Committee appointments.

A **motion** was made by Councilmember Boston and **seconded** by Mayor Olness to confirm the 2010 appointments to the Council's Standing Committees. Motion **passed** with all voting in favor (5-0).

### **Resolution No. 10-663, authorizing the Mayor to execute a Legal Services Agreement with Kenyon Disend, PLLC**

Mayor Olness recapped the process that was taken in the search for the new City Attorney Counsel.

Interim City Attorney Ward reported that all firms interviewed were highly skilled and capable and felt Kenyon Disend provided what a community vision is and that is what Black Diamond really needs.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 10-663, authorizing the Mayor to execute a Legal Services Agreement with Kenyon Disend, PLLC. Motion **passed** with all voting in favor (5-0).

Mayor Olness introduced Attorney's Noel Treat and Mike Kenyon.

Attorney Kenyon stated that Kenyon Disend, PLLC is sincerely looking forward to serving Black Diamond and the staff.

Mayor Olness thanked Ms. Ward for coming to the City in our time of need and helping us through a very difficult time and really appreciated all the time and energy she spent helping the City out.

### **Ordinance No. 10-933, amending Black Diamond Municipal Code section 19.04.250 relating to the SEPA appeal process and establishing a fee for filing an appeal**

Interim City Attorney Ward explained at the last meeting was the issue of the appeal fee being reduced and also wanted to explain the appeal process. She stated that this ordinance changes that fee to \$250 from \$500 and clarified the appeal process.

Clarification was made on section 1.A regarding the responsible SEPA official is the Community Development Director not the Hearing Examiner.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to adopt Ordinance No. 10-933, amending the Black Diamond Municipal Code section 19.04.250 relating to the SEPA appeal process and establishing a fee for filing an appeal. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-664, authorizing the Mayor to execute a Technical Services Agreement with the Department of Natural Resources for continued water monitoring services throughout Black Diamond**

Natural Resources/Parks Director Nix reported the City has identified the need for continued water monitoring services with the Department of Natural Resources and Parks, Water and Land Resources Division (WLRD). He stated that the City received good data regarding phosphorous and temperature and recommends adoption.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Mulvihill to adopt Resolution No. 10-664, authorizing the Mayor to execute a Technical Services agreement with the Department of Natural Resources and Parks, Water and Land Resources Division for continued water monitoring services throughout the City of Black Diamond.

Councilmember Boston remarked on the phosphorous report and said it was a good sign. He also stated that the funding source comes from the stormwater utility and that is why folks pay the \$10 rate.

Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-665, amending Council Rules and Procedures adopted on May 7, 2009**

Mayor Olness reported Exhibit A shows the new Council Standing Committees and their scope of authorities. She also noted the establishment of these new committees will better meet the needs of the Council, staff and citizens.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adopt Resolution No. 10-665, amending Council Rules and Procedures adopted on May 7, 2009. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-666, authorizing the Mayor to execute a contract with RH2 for Technical Review Services for the Master Planned Developments with an emphasis on water and sewer**

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Goodwin to **postpone** Resolution No. 10-666, authorizing the Mayor to execute a contract with RH2 for Technical Review Services for the Master Planned Developments with an emphasis on water and sewer until the January 21, 2010 regular scheduled Council meeting. Motion **passed** with all voting in favor (5-0).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Olness reported that she is excited to serve as Mayor for the next four years and wanted to ensure that she is going to do her best to represent the City and the citizens and carry out their wishes. She stated that now is the time to unite; with two new Councilmembers, and a fresh new start at some things. She encourages citizens to contact herself and the Councilmembers with any concerns and said she thinks a difference can be made in Black Diamond.

## **COUNCIL REPORTS:**

Councilmember Boston asked Finance if they could create an expense report by month to see where departments are monthly and year to date.

Finance Director Miller replied that they can create that report and also noted that the Finance Committee will be reviewing vouchers prior to the Council meetings.

## **ATTORNEY REPORT:**

Interim City Attorney Ward stated that the transition is seamless and going very well and is extremely pleased with the Council Attorney selection. She stated that it has been an amazing experience and only knew about Black Diamond from riding her Harley. Black Diamond is amazing and the staff is very sharp and responsive as well as Council and felt very blessed to have this experience and wished the community the very best in the future.

## **PUBLIC COMMENTS:**

**Joe Androsko, Black Diamond-** questioned Public Works Director Boettcher on the Railroad Avenue Project and if a selection has been made for work to begin.

Public Works Director Boettcher reported that over 20 bids were received and will be forthcoming to Council at the January 21, 2010 Council meeting as the City was still reviewing the bids; he noted that the bids came in under budget and the project is on schedule.

Councilmember Mulvihill reported that she noticed various utilities are marking up the road.

Public Works Director Boettcher reported that utilities need to do some relocation as the first step; the Gas Company will be relocating first and then Qwest.

**CONSENT AGENDA:**

A **motion** was made by Councilmember Mulvihill 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:

1. **Claim Checks** – January 7, 2010 No. 34991 through No. 35054 in the amount of \$122,916.34
2. **Minutes** –Council Meeting of December 17, 2009 and Workstudy Notes of December 10, 2009

**EXECUTIVE SESSION: 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).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk