

BLACK DIAMOND CITY COUNCIL MINUTES

July 15, 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, Boston, Goodwin, Mulvihill and Saas.

ABSENT: None

Staff present were: Andy Williamson, Economic Development Director; Steve Pilcher, Community Development Director; Seth Boettcher, Public Works Director; May Miller, Finance Director; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk

PUBLIC COMMENTS:

Bob Edelman, Black Diamond – discussed letter from Mr. Kenyon to Mr. Bricklin regarding the tree removal by YarrowBay.

Melissa Coutant, Black Diamond – commented on Agenda Bill No. 10-061 and asked Council to reject this resolution.

Robert Taeschner, Black Diamond – read oath of office taken by Councilmembers, asked them to uphold the law regarding the tree removal.

Cindy Proctor, Sun Mountain Drive – asked Council to postpone resolution regarding hospital and stormwater ordinance; discussed vesting rights; commented on the letter from Mr. Kenyon regarding tree removal incident.

Sheila Hoefig, Black Diamond – commented on letter from City Attorney to Mr. Bricklin regarding YarrowBay tree removal incident.

Bill Wheeler, Black Diamond – commented on letter from City Attorney to Mr. Bricklin regarding YarrowBay tree removal incident.

PRESENTATIONS:

Mayor Olness read the following proclamation:

WHEREAS, Camp Fire USA was founded by Charlotte and Dr. Luther Gulick in 1910 as Camp Fire Girls, and was the first non-sectarian, interracial organization for girls in the United States. Based on a commitment to the entire family, membership was expanded to include boys in 1975, and today, half of the membership is comprised of boys under the name of Camp Fire USA; and

WHEREAS, Camp Fire USA is celebrating 100 years of building caring, confident youth and future leaders in 2010; and

WHEREAS, Camp Fire USA's motto since 1910 has been, "Give Service"; and

WHEREAS, Camp Fire USA welcomes all children, youth and adults regardless of race, religion, socioeconomic status, disability, sexual orientation or other aspect of diversity; and

WHEREAS, Camp Fire USA has as its logo, a fluid flame, symbolizing the hearth and the out-of-doors. The symbolism of Camp Fire USA's commitment to inclusiveness is apparent in the open triangle surrounding the flame; and

WHEREAS, Camp Fire USA promotes effective youth development that builds assets and empowers individuals through small groups where children and youth are actively involved in creating their own learning; and

WHEREAS, Camp Fire USA provides safe, fun and nurturing environments for children and youth in coeducational settings, providing opportunities for boys, girls and families to develop together with programs delivered in schools, camps, housing developments, neighborhood centers, and transitional housing shelters; and

WHEREAS, Camp Fire USA challenges parents and youth to build character, adopt strong values, develop positive life skills and exercise responsibility to family and community; and

WHEREAS, the keystone event of the **Camp Fire USA Central Puget Sound Council** will take place at Magnuson Park on Saturday, July 31, 2010, when Camp Fire USA will mark its 100th anniversary at Centennial Campfires held across the country; and

WHEREAS, Camp Fire USA celebrates its centennial to spark a new interest in Camp Fire USA and renew interest among Camp Fire alumni and create enthusiasm for Camp Fire USA's role -- past, present, and future -- in delivering quality program opportunities to all children, youth and their families; and

WHEREAS, the contributions of local youth, volunteers, employees, alumni, and stakeholders in helping to fulfill Camp Fire USA's mission will be recognized at the commemoration events; and

WHEREAS, representatives from all generations will celebrate a lifelong journey of social contribution and a proven pathway into the next 100 years of Camp Fire USA; and

NOW, THEREFORE, I, Rebecca Olness, Mayor do hereby salute **Camp Fire USA Central Puget Sound Council** for both its rich history and bright future. I applaud the mission of the organization and its continued effort to strive for excellence as it forges into its second century of existence, dedicated and committed to positively impacting youth, families and communities across the country. I am proud that Camp Fire USA exists in the Central Puget Sound, and I proclaim July 31, 2010, as *100 Years of Camp Fire Day* throughout the Central Puget Sound.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 10-699, accepting and awarding the low bid on the Morgan Street Sidewalk Project to Scotty's General Construction, Inc.

Public Works Director Boettcher reported he is glad to bring this project before Council which has moved quite smoothly through the design phase. He noted that Qwest is contributing to relocating the storm drainage system and the cost of overlaying the street. The project is under budget and is being funded by the Transportation Improvement Board (TIB) and the Community Development Block Grant (CDBG). As the bids came in lower than the award amount, TIB is reducing their contribution by \$52,000. Staff will be managing this project with a little assistance from Gray & Osborne.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to adopt Resolution No. 10-699, authorizing the Mayor to execute a \$366,183.35 contract with Scotty's General Construction, Inc. for the Morgan Street Sidewalk Project and authorize an additional \$36,000 to cover potential change orders. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-700, authorizing an additional \$30,000 for additions and change orders on the Railroad Avenue Street Improvement Project

Public Works Director Boettcher reported the City Administration and Public Works Committee would like to add a few additional changes to the Railroad Avenue Improvement Project. The first is to install a retaining wall between the two new sections on the east side of the street as it would give the project a more complete finished look. Second, in the course of the design review process, the desire on the part of the City to provide 110 volt wiring and outlets along with the street lights was not communicated to the Engineer and therefore was not included in the plans. Administration, staff and the Public Works Committee would like to have the wire available for various seasonal decorative lighting and also have the ability to provide electrical service for various public events.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No.10-700, authorizing an additional \$30,000 for additions and

change orders to the Railroad Avenue Street Improvement Project. Motion **passed** with all voting in favor (5-0).

Ordinance No. 10-944, amending the 2010 Budget and Salary Schedule

Finance Director Miller reported this is a technical housekeeping budget amendment and distributed a revised ordinance and highlighted the changes made. This second amendment includes items approved by Council from the previous year or added to the budget since adoption and first amendment to the 2010 budget.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Boston to adopt Ordinance No. 10-944, amending the 2010 Budget Ordinance No. 09-925 and the Budget Amendment Ordinance No. 10-937, to reflect changes in revenues, expenditures and the revised salary schedule. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-701, recognizing need for a hospital in the South King County area

Mayor Olness reported she was contacted several months ago to consider adopting a resolution supporting the need for a Hospital in the South King County area.

Council consensus was to wait on acting on Resolution No. 10-701.

Ordinance No. 10-945, amending Chapter 14.04 of the Municipal Code regarding Stormwater Regulations

Public Works Director Boettcher reported this ordinance is technical changes to the existing stormwater regulations and further clarifies certain maintenance and inspection obligations of property owners with respect to stormwater drainage, treatment and conveyance facilities and potential enforcement options available in the event of noncompliance with the requirements of Black Diamond Municipal Code Chapter 14.04. He noted minor edits in section 2, which should read 14.02.365 for both numbers and page 3 Section 3, should read 14.04.400 in both numbers.

Council consensus was to table Ordinance No. 10-945 until after the Executive Session.

DEPARTMENT REPORTS:

Community Development Director Pilcher reported that the City received notice last month from the Washington Survey and Rating Bureau a report that was based on the evaluation of our building and permitting functions and our rating went up from Class 4 to Class 3. He also noted the Enumclaw School District is scheduled to adopt their Capital Facility Plan and it addresses Impact Fees from Black Diamond in the amount of \$12,000 and asked if Council wishes that staff comment to the Enumclaw School District that we do not agree with this high of an amount.

Council consensus was to authorize the Mayor to comment to the Enumclaw School District that Council is not supportive of that high of an amount for Impact Fees.

MAYOR'S REPORT:

Mayor Olness commented on her meeting with the South King County Cities with Congressman Reichert, she noted trails was a big concern; met with the library on starting a Library Advisory Board; discussed the funding for Metro to expand bus service in our area; temporary parking for the Regional Park is under construction and hope to have it ready next week; Miner's Day is Saturday and also the Ribbon Cutting Ceremony of Railroad Avenue.

COUNCIL REPORTS: None

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Cindy Proctor, Sun Mountain Drive – thanked Council for tabling the hospital resolution; commented on impact fees; final comment on vesting; miscommunication from City Attorneys.

Robert Taeschner, Black Diamond – commented on rate of unemployment in relation to Impact Fees.

Bob Edelman, Black Diamond – commented on closed session of the Council on quasi judicial matters.

Sheila Hoefig, Black Diamond – commented on sitting in on Council meetings; procedures for tree ordinance.

Joe May, Black Diamond – spoke in favor of the School Impact Fees and does not think it is high enough.

Councilmember Hanson commented that she does think they are too high and is doing some research, Council needs to look into this.

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 – July 15, 2010, No. 35808 through No. 35869 (voided checks 35790, 35842, 35845) in the amount of \$777,457.55

Payroll – June 30, 2010, No. 17185 through No. 17209 (voided checks 17194, 17195) and ACH Pay in the total amount of 269,977.99

Minutes – Council Meeting of July 1, 2010

EXECUTIVE SESSION:

Mayor Olness announced an Executive Session at 8:22 p.m. to discuss potential litigation pursuant to RCW 42.30.110(1) (i) which was expected to last 15 minutes, possible action to follow.

Mayor Olness announced a 10 minute extension to the Executive Session.

The regular meeting was called back to order at 8:52 p.m.

UNFINISHED BUSINESS:

Ordinance No. 10-945, amending Chapter 14.04 of the Municipal Code regarding Stormwater Regulations

A **motion** was made by Councilmember Goodwin to defer the ordinance until the first meeting in August. There was no second, **motion** died.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvhill to adopt Ordinance No. 10-945, amending Chapter 14.04 of the Municipal Code regarding Stormwater Regulations with the amendments as noted earlier. Motion **passed** (4-1 Goodwin).

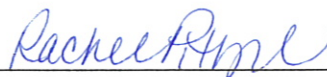
ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk