

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 21, 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; Greg Smith, Fire Chief; Eric Weinreich, Police Sergeant; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

**PUBLIC COMMENTS:** None

**PRESENTATIONS:** None

**PUBLIC HEARINGS:** None

**UNFINISHED BUSINESS:** None

## **NEW BUSINESS:**

**Resolution No. 10-711, authorizing the Mayor to execute an Assignment and Assumption Agreement with Ogden Murphy Wallace, PLLC and Olbrechts and Associates, PLLC, to retain Phil Olbrechts as the City's Hearing Examiner**

Economic Development Director Williamson reported Ogden Murphy Wallace has provided us Hearing Examiner services since June of 2008 with Phil Olbrechts serving as lead Examiner.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Saas to adopt Resolution No. 10-711, authorizing the Mayor to execute an Assignment and Assumption Agreement with Ogden Murphy Wallace, PLLC and Olbrechts and Associates, PLLC, to retain Phil Olbrechts as the City's Hearing Examiner. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-712, authorizing the Mayor to execute the First Amendment to the Agreement for Hearing Examiner Services by and between the City of Black Diamond and Olbrechts and Associates, PLLC**

Economic Development Director Williamson reported this is the First Amendment to the Agreement for Hearing Examiner Services with Olbrechts and Associates, PLLC.

Councilmember Goodwin noted that we may want to fix reference to Mr. Orrico.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 10-712, authorizing the Mayor to execute the First Amendment to the Agreement for Hearing Examiner Services by and between the City of Black Diamond and Olbrechts and Associates, PLLC. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-713, authorizing the Mayor to execute a Professional Services Agreement with Henderson, Young & Company for the development of Fire Impact Fees**

Economic Development Director Williamson reported this is a follow up to one of the conditions of the Master Planned Development. Fire Impact Fees will be necessary to fund fire protection services for newly developed residential areas. Research is necessary in order to determine the necessary fees to service new development, in this agreement; Henderson, Young and Company will provide consulting services to the City for developing Fire Impact Fees for the City of Black Diamond. They will attend a workstudy and a public hearing. He also noted that YarrowBay is aware this is part of the conditions and has provided a letter stating they will fund this professional services agreement.

Councilmember Goodwin noted that this is only one area where impact fees may be a significant issue. In the prioritization of those issues, why fire now; questioned the methodology regarding using the Capital Improvement Plan as a significant basis to determine the fee and are we comfortable this is current information as it was adopted before the approval of the MPDs.

Councilmember Boston commented on impact fees standing on their own.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 10-713, authorizing the Mayor to execute a Professional Services Agreement with Henderson, Young & company for the development of Fire Impact Fees. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-714, authorizing a Professional Services Agreement with Parametrix for the Green Valley Road Traffic Calming Study**

Public Works Director Boettcher reported this study is required as a condition of The Villages Master Planned Development approval. He noted a correction to Agenda Bill

and Resolution to add Lawson Hills to all places where it speaks to The Villages. He explained the cost of this study will be covered by YarrowBay and the results will assist the applicant in determining if any further measures should be taken to discourage MPD traffic from using the Green Valley Road so that the process and timing for such actions can be incorporated into the development agreement. He added the applicant will be taking the lead on establishing a committee representing their interest, the City and the Green Valley Road Community to engage the Community on whether any additional measures to discourage traffic on Green Valley Road should be taken.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to adopt Resolution No. 10-714, authorizing a Professional Services Agreement with Parametrix for the Green Valley Road Traffic Calming Study to include the addition of Lawson Hills with The Villages. Motion **passed** with all voting in favor (5-0).

**Resolution No. 10-715, authorizing the Mayor to execute a contract for Legal Services with Kenyon Disend, PLLC**

Mayor Olness reported last year we advertised for qualified law firms and received 11 applicants and four or five qualified firms were interviewed and it was a unanimous decision amongst the interview panel that Kenyon Disend was the most qualified firm. In addition she added she is happy with the service they have provided to the City and asked Council to approve their contract.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to adopt Resolution No. 10-715, authorizing the Mayor to execute a contract for Legal Services with Kenyon Disend, PLLC.

Councilmember Saas asked the reasoning behind the increase.

Mayor Olness responded that Kenyon Disend have not increased their rates in the last three years.

Councilmember Goodwin stated the intent for approval of a nine month agreement was to be able to go to a retainer type structure rather than an hourly fee and wondered why this agreement was structured as an hourly fee.

Mayor Olness responded thought was that nine months would be enough time to establish our legal needs, however, this year was not a typical year and it was hard to estimate what our needs will be to go to a retainer type contract.

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

**DEPARTMENT REPORTS:**

Public Works Director Boettcher reported on Morgan Street Sidewalk Project; update on meeting with Covington and Maple Valley Public Works Directors regarding shared services; update of weight limit ordinance.

Economic Development Director Williamson announced the Swinging Arm Restaurant has new owners and encouraged all to welcome the new owners.

### **MAYOR'S REPORT:**

Mayor Olness reported on the following: AWC Planning conference; budget update; National Make a Difference Day is Saturday, October 23 and noted projects to be completed; reminded all of the general election coming up on November 2 and announced the City no longer has a drop box so you will need to mail in your ballots and they have to be postmarked by November 2.

### **COUNCIL REPORTS: None**

### **ATTORNEY REPORT:**

City Attorney Bacha, on behalf of the firm thanked the Council for renewing their contract.

### **PUBLIC COMMENTS:**

**Howard Reese, Green Valley Road** – commented on the MPD entering the Green Valley Road.

**Clarissa Cross, Green Valley Road** – commented on the amount of folks from the Green Valle Road on the committee and asked that this be reviewed.

### **CONSENT AGENDA:**

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

The Consent Agenda was approved as follows:

**Claim Checks** – October 21, 2010, No.36120, No. 36161 through No.36219 in the amount of \$150,486.74


**Payroll** – September 30, 2010, No.17253 through No. 17275 (voided No. 17257) and ACH Pay in the total amount of \$272,094.29

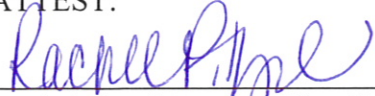
**Minutes** – Workstudy Notes of September 30, 2010 and Council Meeting of October 7, 2010

**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