

BLACK DIAMOND CITY COUNCIL MINUTES

December 20, 2012

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 Deady, Goodwin, May, Benson and Taylor.

ABSENT: None

Staff present were: Steve Pilcher, Executive Director of Community Development; Andrew Williamson, Executive Director of Engineering Services/Ec Dev; May Miller, Finance Director; Pete Butkus, Interim City Administrator; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, Asst. Admin/City Clerk.

PUBLIC COMMENTS:

Janie Edelman, Black Diamond wished everyone a Merry Christmas; commented on preliminary plat that was approved with conditions.

UNFINISHED BUSINESS:

Ordinance No. 12-985, adding a new section to the Black Diamond Municipal Code regarding compensation of the City Council

Attorney Bacha reported at a workstudy meeting on October 29, 2012 Councilmembers discussed refusing compensation for 2013. He added this ordinance meets that request and also establishes a process for Councilmembers to refuse compensation should they so choose. In addition he noted that Councilmembers can choose to specify a certain time for refusal or may elect a non-revocable refusal of compensation for a budget year.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt Ordinance No. 12-985, adding a new section to the Black Diamond Municipal Code regarding compensation of the City Council; providing for severability; and establishing an effective date. Motion **passed** with all voting in favor 5-0.

NEW BUSINESS:

Ordinance No. 12-986, adopting amendments to the City of Black Diamond Comprehensive Plan

Executive Director of Community Development Pilcher reported a public hearing was held on November 15, 2012 regarding the proposed amendments and since that time staff has pulled the sewer plan from this so there are now only three remaining amendments. He noted that before Council is two ordinances; one that reflects the Planning Commission's recommendations and the other includes adoption of all of the potential changes, even if the Commission did not recommend approval.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Benson to adopt Ordinance No. 12-986, amending the City of Black Diamond Comprehensive Plan which includes all amendments to the plan; providing for severability and establishing an effective date. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-987, establishing city office hours as per RCW 35A.21.070

Interim City Administrator Butkus reported this is part of the 2013 Budget process and since we will be changing the office hours for the Municipal Court this is an opportune time to assure compliance with state law as well as provide for the reality of office closings due to inclement weather and other circumstances. He noted the phrase "for the efficient operation of the city" would include such circumstances as department or city-wide staff training.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to adopt Ordinance No. 12-987, establishing city office hours as per RCW 35A.21.070. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-988, increasing the existing utility tax on cable services

Interim City Administrator Butkus reported at the Council meeting on October 29 there was a Council-initiated proposal to consider an increase in the utility tax on cable services with the rate going from 1% to 6%.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember May to adopt Ordinance No. 12-988, increasing the utility tax rate for cable services for one percent to six percent; providing for a referendum petition; providing for severability; establishing an effective date; and providing for suspension of the effect of the ordinance. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-989, increasing the existing utility tax on the City stormwater utility

Interim City Administrator Butkus reported this ordinance is also part of the 2013 budget process and was discussed at many meetings with the Council. He noted this is a rate increase for both 2013 and 2014 and all monies collected goes to the general fund.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to adopt Ordinance No. 12-989, increasing the utility tax rate for stormwater from six percent to twelve percent for the year 2013 and from twelve percent to eighteen percent for year 2014 and thereafter; providing for a referendum petition; providing for severability; and establishing an effective date; and providing for suspension of the effect of the ordinance. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-990, increasing the existing service charge rate for the City Stormwater Utility

Interim City Administrator Butkus reported this is a proposed utility rate increase that is supported by the rate study that was completed by PacWest Engineering in 2008. This increase will address the rate study, inflationary costs, state excise and local utility tax increases.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Ordinance No. 12-990, relating to stormwater utility rates amending section 14.02.110 of the Black Diamond Municipal Code; implementing a monthly rate increase of one dollar per ERU in 2013 and one dollar per ERU in 2014; providing for severability; establishing an effective date. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-991, establishing permit fees for special events

Interim City Administrator Butkus reported this proposed ordinance is also part of the 2013 Budget process that Council has been involved in the past several months. He added city code needs to be amended to establish authority for special event fees; actual establishment and adoption of the fee will take place early next year by resolution.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember May to adopt Ordinance No. 12-991, amending section 2.59.050 of the Black Diamond Municipal Code authorizing special event permit fees to be set by resolution; providing for severability; and establishing an effective date. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-992, amending Black Diamond Municipal Code 10.04.100 relating to payment of parking fee or annual pass and establishing an effective date

Interim City Administrator Butkus reported as part of the 2013 Budget process and at Council direction the proposed ordinance modifies the vehicle parking fees at the Lake Sawyer Boat Launch and the underlying Ordinance also needs to be changed. Actual fee setting will occur as part of the annual review of fees in early 2013 and will be established or modified by resolution.

A **motion** was made by Councilmember May and **seconded** by Councilmember Taylor to adopt Ordinance No. 12-992, amending Black Diamond Municipal Code 10.04.100 relating to payment of parking fee or annual pass and establishing an effective date. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-993, amending the 2012 Budget

Finance Director Miller reported this is a housekeeping ordinance as state law requires cities to amend adopted budgets when expenditures are higher than budgeted amounts, or when budget authority is exhausted from any particular fund or when carry-over projects need to be added to the current year budget. State law does not require budget amendments for reductions, but those adjustments are included as it makes clearer reporting and preparation of trend information. She noted this is an overall decrease of \$84,512, however there are increases and decreases throughout the amended budget. She added the biggest increase is in the general fund - \$108,817 and includes \$50k for potential Hearing Examiner costs related to the SEPA appeal, plus \$12,025 for Town Hall meeting expenses, and legal costs for the declaratory judgment and community facility district. She highlighted other changes and noted that the budget amendment was reviewed by the Finance Committee at their December 13, 2012 meeting and they recommend approval.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt Ordinance No. 12-993, amending the budget for calendar year 2012 as adopted by Ordinance No. 11-972, 12-975 and 12-976 by means of appropriations, adjustments and transfers within various funds in the 2012 budget. Motion **passed** with all voting in favor 5-0.

Ordinance No. 12-994, adopting the 2013 Budget

Finance Director Miller reported this was an extremely difficult year putting the budget together. She thanked all involved in the process and added the proposed budget is balanced and long range planning was involved in the process to make sure we are sustainable for a few years. She noted a few corrected pages that were distributed tonight as well as posted to the website and sent out to the agenda distribution list.

A **motion** was made by Councilmember May and **seconded** by Councilmember Taylor to adopt Ordinance No. 12-994, adopting the 2013 Budget. Motion **passed** with all voting in favor 5-0.

Resolution No. 12-844, authorizing the Mayor to execute a grant agreement for the SE 288th St. Overlay from 288th to 236th project, TIB #2-P-800(003)-1

Executive Director of Engineering Services/Ec Dev Williamson reported Black Diamond was selected for a Small City Preservation Program grant from the Washington State Transportation Improvement Board (TIB). This project would be to complete repairs on SE 288th St. from 228th to 236th. Recently Public Works completed another project

funded by TIB for repairs of SE 288th from 216th to 224th. He also added the City has a match requirement of \$15,945 which can be made up from cash contributions as well as staff labor; \$10,000 in REET II funds were targeted in the 2013-2018 CIP.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember May to adopt Resolution No. 12-844, authorizing the Mayor to execute a grant agreement for the SE 288th St. overlay from 288th to 236th project, TIB #2-P-800(003)-1. Motion **passed** with all voting in favor 5-0.

Resolution No. 12-845, authorizing the Mayor to execute a one-year extension of the Interlocal Agreement that created South County Area Transportation Board (SCATBd)

Interim City Administrator Butkus reported adoption of this resolution would extend the current Interlocal Agreement for SCATBd for one more year. He noted SCATBd promotes and facilitates regional cooperation and is directly related to fulfillment of part of the City's Capital Improvement Plan. The cost of annual membership is \$100 per year.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-845, authorizing the Mayor to execute a one-year extension to the South County Area Transportation Board Interlocal Agreement. Motion **passed** with all voting in favor 5-0.

Resolution No. 12-846, providing for the return of donations for the K-9 Program

Interim City Administrator Butkus reported this is also part of the 2013 budget process. He noted the K-9 program was eliminated from the budget therefore necessitating the need for the donations to be returned. He also noted that he was made aware today that private citizens have also donated to the K-9 program and is suggesting modifying the resolution to take care of those folks too.

A **motion** was made by Councilmember May and **seconded** by Councilmember Taylor to amend proposed Resolution No. 12-846 to add a new section 2 that states: Any other donations received by the City in 2012 and not yet accepted by Ordinance or Resolution for the purpose of K-9 support shall be identified, documented and returned to the donor by the Mayor and the original section 2 of the resolution shall be re-numbered and amended to read as section 3. Motion **passed** with all voting in favor 5-0.

Councilmember Deady stated that because of a potential conflict, I have not participated in the discussion on this resolution nor have I voted and to have the record indicate that I have recused myself from any discussion or vote on this resolution.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Taylor to adopt Resolution No. 12-846, providing for the return of a donation as

previously accepted in Resolution No. 12-830. Motion **passed** (4-0) Councilmember Deady recused herself.

DEPARTMENT REPORTS:

Director of Engineering Services/Ec Dev Williamson updated Council on funding for regional stormwater pond and Roberts Drive Sidewalk Project.

MAYOR'S REPORT:

Mayor Olness read a letter from YarrowBay regarding a status update on the Water Quality Review Committee; reported on the Holiday Engine Food Drive she and Councilmembers Deady and Benson attended; attended December 13 luncheon hosted by Rotary; participated in Shop with a Cop and Share the Joy program at the Black Diamond Community Center; reminded folks that in addition to holiday closures City offices will also be closed December 24 and December 31 for furlough days and wished everyone a happy new year.

COUNCIL REPORTS:

Councilmember Deady commented on volunteering at all lunches at the Black Diamond Community Center and other functions there too; volunteering at the Black Diamond PTA Thanksgiving dinner.

Councilmember Taylor thanked Mr. Butkus for the work he has done and appreciates his efforts and expertise and wished him well in his future endeavors.

Councilmember Benson thanked Mr. Butkus for all his help on the budget process.

ATTORNEY REPORT:

Attorney Bacha reported oral argument on the New Cingular tax case is December 21st and the outcome will affect Black Diamond.

PUBLIC COMMENTS:

Mario Sorci, Black Diamond wished everyone a Merry Christmas; commented on the Comprehensive Plan Amendment Ordinance that was adopted; Council commenting they are pro-growth; disappointed utility tax on sewer and water were not repealed.

Bill Boston, Black Diamond stated is he happy Council continued membership with SCATBd; agreed with Mr. Sorci's comments; discussed Council stating they are pro-growth; thanked Council for their service to the community.

CONSENT AGENDA:

A **motion** was made by Councilmember May 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 20, 2012 Check No. 39077 through No. 39139 and No. 39141 and No. 39142 (voided check nos. 39076, 39099, 39124) in the amount of \$124,431.61

Payroll Checks- November 30, 2012 No. 17919 through No. 17940 and ACH Pay in the amount of \$286,816.65

Minutes –Council Special Meeting Minutes of December 3, 2012 and Council Meeting of December 6, 2012

EXECUTIVE SESSION: None

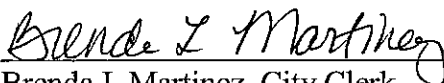
ADJOURNMENT:

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

ATTEST:



Rebecca Olness, Mayor



Brenda L. Martinez, City Clerk