

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**April 4, 2013**

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, Edelman and Benson.

**ABSENT:** Councilmembers Goodwin and Taylor (excused).

Staff present were: Steve Pilcher, Executive Director of Community Development; May Miller, Finance Director; Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief; Mike Kenyon, City Attorney; Mark Hoppen, City Administrator and Brenda L. Martinez, Asst. City Admin/City Clerk

Mayor Olness introduced and welcomed Mr. Kenyon tonight who will be serving as City Attorney in Mr. Bacha's absence.

## **PUBLIC COMMENTS:**

Kathy Dussart, Black Diamond commented on the concern for the City and the direction it is going in. Losing Police Officers and the Senior Citizens are very concerned and what they can do to help bring the City back to where it was before. She thanked the Mayor and Council for all their hard work.

Erika Morgan, Black Diamond commented on what the citizens can do to help out the City; Abrams Avenue and the stolen mail that littered the road; commented on other instances of suspicious activity in the City.

Bob Edelman, Black Diamond commented he was confused on Prop. 1 and wondered if this could be explained.

Colin Lund, YarrowBay commented on Agenda Bill No. AB13-025 regarding the General Facility charge to be developed by MAKERS and the expense associated (to be paid by YarrowBay) with this since it is more than what was discussed during the negotiations.

Mario Sorci, Black Diamond commented on his concern with AB13-025 and would like to see what is actually being proposed in this agreement; encouraged Council to take another look at this as it does not need to be adopted tonight.

## **PUBLIC HEARINGS: None**

## **UNFINISHED BUSINESS: None**

## **NEW BUSINESS:**

### **Resolution No. 13-862, regarding Final Acceptance of the Roberts Drive Sidewalk Project**

Public Works Director Boettcher reported Scotty's General Construction, Inc. completed the required work for the Roberts Drive Sidewalk Project under budget and as outlined in the contract. Retainage in the amount of \$12,345.24 will be withheld until release is received by DOR, L & I and Employment Security. The State has established a 45-day period where labor or material providers may make a claim against the project. After 45 days from the date of project acceptance, the City may then release the retainage.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 13-862, regarding Final Acceptance of the Roberts Drive Sidewalk Project. Motion **passed** (3-0).

### **Resolution No. 13-863, authorizing the Mayor to execute a contract with MAKERS Architecture and Urban Design LLP to prepare a General Government Facilities Plan and Mitigation Fee**

Executive Director of Community Development Pilcher reported after the Development Agreements were approved a MDRT was formed and set about to hire an array of consultants with one of those being to fulfill Section 13.9 of the two agreements. In 2012 the City advertised for Statements of Qualifications from firms interested in performing the work associated with a General Government Facilities Plan. Eight firms submitted qualifications; three were selected to be interviewed. The interview panel consisted of Councilmember Deady, Mayor Olness, Chief Kiblinger and Andy Williamson. The interview panel's unanimous choice was to hire MAKERS. He noted the developer will pay for this study; however \$17,000 is listed to be used from City REET funds.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adopt Resolution No. 13-863, authorizing the Mayor to execute a contract with MAKERS Architecture and Urban Design LLP to prepare a General Government Facilities Plan and Mitigation Fee. Motion **passed** (3-0).

### **Resolution No. 13-864, authorizing a Professional Service Agreement with Peninsula Financial Consulting**

Finance Director Miller reported that during the budget process it was discussed looking at utility rates and having a rate study done. The proposal is to have Mr. Emery of Peninsula Financial Consulting provide a multi-year budget forecast for all the utility funds. The study will provide an updated multi-year computer model that will incorporate maintenance and operation costs, existing and planned debt payments, impact of rates from future growth, needed capital improvements, and maintenance of adequate utility fund reserves. The interactive model will show the impact of each of these items on future rates. Additionally, the model will be easy to update each year as changes occur. Mr. Emery will also be reviewing the exemptions and formulas used to pay the State B & O taxes for the Sewer

Fund which could result in a savings for the Sewer Fund in the future and a 4-year refund for past taxes paid. Funding for the study will be used from the remaining project funds in the utility completed projects. The amount is not to exceed \$11,600.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 13-864, authorizing a Professional Services Agreement with Peninsula Financial Consulting. Motion **passed** (3-0).

## **DEPARTMENT REPORTS:**

**Fire** – Chief Smith commented on Prop. 1 and noted this is just for King County Fire District 44 and does not impact Black Diamond residents. Black Diamond residents will not be voting on this and there will be no financial impact to Black Diamond residents.

## **MAYOR’S REPORT:**

Mayor Olness reported on the following:

- March 27<sup>th</sup> met with Mayor Harto, Covington and Mayor Allison, Maple Valley. They try to meet monthly to discuss current issues and mutual concerns they might have.
- Attended SEATS (South East Area Transportation Solutions Coalition) meeting with Mr. Hoppen and Mr. Williamson. We received a legislative update from Covington’s lobbyist, Briana Thomas We also heard updates on the proposed Auburn Amtrak Station and Metro transportation in our area.
- Toured Vine Maple Place in Maple Valley which serves single parent families in Maple Valley, Covington and Black Diamond.
- Attended the BDCC Easter breakfast.
- Met with Judge Dane to receive a general update on Court proceedings since the first of the year.

Reminders:

- Saturday, April 6<sup>th</sup> – Black Diamond/Maple Valley Kiwanis Club is teaming with the City to clean up the area around the Diamond Glen entrance on Highway 169, starts at 9 a.m. any help would be appreciated.
- Planning Commission – meets next Tuesday, April 9<sup>th</sup>. They will be holding a Public Hearing on proposed changes to Title 18 and 19 of the Black Diamond Municipal Code.
- Town Hall meeting scheduled for next Thursday, April 11<sup>th</sup>. One Councilmember said they will not be able to attend. A tentatively scheduled presentation by DOE staff on their Shoreline Master Program comments was cancelled.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to cancel the April 11<sup>th</sup> Town Hall meeting. Motion **passed** (3-0).

## **COUNCIL REPORTS:**

Councilmember Benson reported receiving a phone call from a survey company and one of the questions that was very misleading was the proposal for the Developer to build a Fire Station and wondered who had this survey done and it will be very misleading to folks.

Councilmember Deady reported she attended the Black Diamond Community Center Easter Breakfast and went out on YarrowBay property with King County to dig up plants.

Councilmember Edelman reported she attended the Finance meeting and Park and Cemetery meeting; very capable staff that is willing to get her up to speed and it has been very pleasant and thanked the Mayor and staff for their support.

**ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Mario Sorci, Black Diamond commented that Council turned down the CFD that the previous Council approved, which turned down the Fire Station.

**CONSENT AGENDA:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Consent Agenda. Motion **passed** with all voting in favor (3-0). The Consent Agenda was approved as follows:

**Claim Checks** – April 4, 2013, Check No. 39509 through 39546 (voided check no. 39407) in the amount of \$41,689.23

**Minutes** – Council Retreat of March 8, 2013, Town Hall Meeting of March 14, 2013, Special Council Meeting of March 14, 2013 and Council Meeting of March 8, 2013

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adjourn the meeting. Motion **passed** with all voting in favor (3-0).

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk