

BLACK DIAMOND CITY COUNCIL MINUTES

March 1, 2007

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Botts called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Mayor Botts, Councilmembers Sorci, Bowie, McPherson and Olness.

ABSENT: Councilmember Cline (Excused)

Staff present were: Rick Luther, City Administrator/Police Chief; Dan Dal Santo, Public Works Director; Greg Smith, Fire Chief; and Brenda Streepy, City Clerk.

PUBLIC COMMENT:

Bob Rothchild, 29411 232 Ave., SE, Black Diamond feels the City is in need of additional revenue would like Council to consider a new source of revenue such as development impact fees. He gave examples of other Cities impact fees and urged Council to look into establishing these fees in the future.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Change Order No. 3 – T. Bailey, Schedule C - Water System Improvements

Councilmember Bowie introduced Change Order No. 3, T. Bailey with Council and explained that the water and sewer committee have reviewed this change order and recommend approval. Councilmember Bowie also noted that this change order is a deductive change order.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Sorci to approve Change Order No. 3 – T. Bailey, Schedule C – Water Systems Improvements for a deductive total of (\$39,443.47). Motion **passed** with all voting in favor (4-0).

Change Order No. 7 – VLS Const., Schedule B – Water System Improvements

Councilmember Bowie gave background information to Council concerning this change order.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Sorci to approve Change Order No. 7 – VLS Const., Schedule B – Water System Improvements for additional labor for rescheduling startup with the net change being \$2,500. Motion **passed** with all voting in favor (4-0).

Change Order No. 8 – VLS Const., Schedule B – Water System Improvements

Councilmember Bowie introduced and **motioned** to approve Change Order No. 8 – VLS Construction, Schedule B – Water System Improvements for labor and material for piping revisions to surge anticipator valve with the net change being \$2,590.73. Motion was **seconded** by Councilmember Sorci and **passed** with all voting in favor (4-0).

Change Order No. 9 – VLS Const., Schedule B – Water System Improvements

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Sorci to approve Change Order No. 9 – VLS Construction with the net change being \$1,626.89 for Schedule B of the Water System Improvements. Motion **passed** with all voting in favor (4-0).

Resolution No. 07-428, Extending King County ILA for fire investigation services

Rick Luther, City Administrator introduced proposed Resolution No. 07-428 and explained that the City executed an Interlocal Agreement with King County Department of Development and Environmental Service (DDES) on November 11, 2005 for fire investigation services. Per that agreement Section 3 allows for both parties to extend the agreement for up to five additional one-year terms.

Mr. Luther further noted that currently the City can not provide fire investigation services, but hopefully by next year we will have trained personnel in place to provide this service and asked that a one year extension of the Interlocal Agreement be executed.

A **motion** was made by Council Olness and **seconded** by Councilmember McPherson to adopt Resolution No. 07-428, authorizing the Mayor to sign a letter extending the ILA between King County (DDES) and the City for fire investigation services for the year 2007. Motion **passed** with all voting in favor (4-0).

Resolution No. 07-429, Wetland Permitting Services

Mr. Luther introduced and discussed with Council that adoption of the resolution will authorize him to sign an authorization letter for Wetland Permitting Services to provide wetland and stream consulting services related to tax parcel #112106-9092. Further Mr.

Luther explained that the City has entered into a purchase and sale agreement with the property owner of this site and completion of Phase 1 of this work is a necessary step in concluding the City's due diligence process.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Sorci to adopt Resolution No. 07-429, authorizing the City Administrator to sign an agreement letter with Wetland Permitting Services to provide wetland and stream delineation-related services for parcel # 1121069092.

Councilmember Bowie asked if we had an estimate cost in Phase 2 for plus expenses and report reproduction.

Mr. Luther responded that he believed the cost is not to exceed \$3,000, but will clarify.

Vote: Motion passed with all voting in favor (4-0).

Resolution No. 07-430, Prosecuting Attorney Services – Lineberry

Mr. Luther addressed Council on this proposed resolution and explained the need to search for a new prosecuting attorney.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Olness to adopt Resolution No. 07-430, authorizing the Mayor to execute an agreement with Jeanette A. Lineberry for prosecuting attorney services for the City for the year 2007 and subject to attorney review. Motion **passed** with all voting in favor (4-0).

DEPARTMENT REPORTS:

Administration – Rick Luther updated the Council on the Horseshoe Lake pumping. Mr. Luther explained that the lake is rising very quickly and staff has reached a conclusion that the pumping will not be a huge impact as Lake Sawyer moves very quickly in the winter and the phosphorous would not have much of a chance to settle. Mr. Luther suggested to allow pumping, as we do not want the homes around Horseshoe Lake to flood and if for any reason the homes surrounding Lake Sawyer start flooding pumping would stop immediately.

Mr. Luther further noted that an ordinance would be forthcoming that would prohibit any basin to basin pumping in the future.

MAYOR'S REPORT: None

COUNCIL REPORTS: None

ATTORNEY REPORTS: None

CONSENT AGENDA:

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Sorci to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

- 1.) **Minutes** – Council Meeting of February 15, 2007
- 2.) **Warrants** – March 1, 2007 No. 29359, 29808, 29811 through 29855, 29860 through 29892 in the amount of \$53,149.28

EXECUTIVE SESSION:

Mayor Botts recessed the regular meeting at 8:06 p.m. for a 15 minute Executive Session regarding potential litigation, with possible action to follow the executive session.

Mayor Botts announced another 15 minute extension of the executive session.

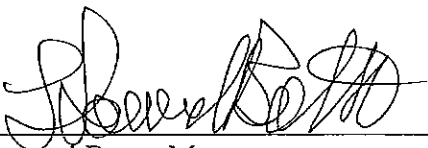
Mayor Botts reconvened the meeting at 8:30 p.m.

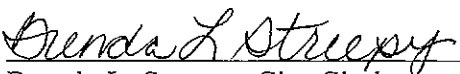
A **motion** was made by Councilmember Olness and **seconded** by Councilmember Bowie to approve the City Administrator to sign a Professional Service Agreement with Ridolfi Inc., to provide engineering and environmental consulting related to expansion of the Morgan Kame Terrance gravel mining and processing operation in Black Diamond, Washington and not to exceed \$10,000. Motion **passed** with all voting in favor (4-0).

ADJOURNMENT:

A **motion** was made by Councilmember Cline and **seconded** by Councilmember Olness to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk