

<p style="text-align: center;">BLACK DIAMOND CITY COUNCIL MINUTES November 15, 2007 Council Chamber, 25510 Lawson Street, Black Diamond, Washington</p>

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 Cline, McPherson and Olness.

ABSENT: Councilmembers Sorci and Bowie (Excused)

Staff present were: Gwendolyn Voelpel, City Administrator; Rick Luther, Police Chief; May Miller, Finance Director; Andy Williamson, Economic Development Director; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS:

Craig Rhodes 32800 3rd Avenue, Black Diamond addressed Council concerning his work truck being parked on 3rd Avenue. He explained that he has received letters from the City's Code Compliance Officer stating that he could not park his truck on 3rd Avenue as it is a site issue for people pulling out onto the highway. He has asked for a formal hearing, but has not heard back from anyone.

Mayor Botts asked that this issue be forwarded to the Public Safety Committee.

PUBLIC HEARING:

Revenue Sources, Ordinance No. 07-840 – Setting 2008 Property Tax Levy

Finance Director Miller provided background information regarding revenue sources for the 2008 budget.

Ms. Miller also reported that in keeping with the voter's approval of Initiative 747 in the State of Washington on November 6, 2001, the Mayor and staff recommend that the City Council approve the allowable 1% increase to the City of Black Diamond regular property tax levy for 2007. The result of the 1% increase would be \$9,287 added to the regular tax levy that the City collected last year. This increase is in addition to the increase resulting from new construction in the approximate amount of \$25,000 including

improvements to existing properties and increase in the value of state-assessed property, less \$2,300 for prior year refunds and corrections.

The 2007 levy basis for calculation of the 2008 levy is \$928,661. Adding the 1% to the 2007 levy plus the above amounts for new construction, less re-levy for prior year refunds and corrections will result in a new regular tax levy of \$960,648 a total increase of \$31,987. The amount attributable to new construction, annexation and state assessed property is an estimate and may change slightly.

The Mayor recommends that the proceeds of the increase to the regular tax levy be used to support anticipated expenditures in the general fund.

Mayor Botts opened the 2008 Property Tax Levy Public Hearing at 7:25 p.m.

There were no public comments and the Mayor closed the Public Hearing at 7:26 p.m.

Ordinance No. 07-840, Setting the 2008 Property Tax Levy

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Ordinance No. 07-840 fixing the amount of tax levy necessary to raise the amount of money needed to meet the estimated expenses for the year 2008 less the estimated revenue from sources other than taxation, for the General and Special Funds of the City of Black Diamond for the year 2008 and to levy the annual Ad Valorem Taxes of the City of Black Diamond for the fiscal year 2008. Motion **passed** with all voting in favor (3-0).

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

Raise the Bar – Exterra Black Diamond

Economic Development Director Williamson gave background information on the Special Event Permit Application received from Raise the Bar. He reported that the City's Technical Review Committee has reviewed the application and responses to the committee's questions are attached to the application. Staff recommends approving this event subject to the conditions outlined in the application.

Councilmember McPherson commended Raise the Bar for answering the issues on parking.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember Cline to allow Raise the Bar/Exterra Black Diamond to conduct an Off-Road Triathlon in the City of Black Diamond. Motion **passed** with all voting in favor (3-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 07-841, Civil Service Employees

Police Chief Luther stated that traditionally Police Chiefs use to fall under civil service, but that is no longer common practice and that is why this proposed ordinance is before you tonight. Adoption of this proposed ordinance would do two things: 1) Remove the Police Chief from Civil Service status, thus making them an at will employee, and 2) provide permanent Civil Service status for current Civil Service employees.

A **motion** was made by Councilmember Cline and **seconded** by Councilmember Olness to adopt Ordinance No. 07-841, amending Black Diamond Municipal Code Section 2.64.040 to provide permanent civil service for current civil service employees and exempting the Police Chief from civil service. Motion **passed** with all voting in favor (3-0).

Resolution No. 07-471, Amendment #2 – Ridolfi Professional Services Agreement

Police Chief Luther reported that this amendment is a modification to the Professional Services Agreement between the City and Ridolfi, Inc. for consulting services related to Palmer Coking Coal Company's proposed Morgan Kame Terrace gravel operation expansion.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-471, authorizing the City Administrator to execute Amendment No. 2 to the Professional Services Agreement between Ridolfi Inc. and the City of Black Diamond and not to exceed \$10,000. Motion **passed** with all voting in favor (3-0).

DEPARTMENT REPORTS:

Finance – Finance Director Miller updated Council on the Revenue report through October 2007.

Police – Commander Kiblinger provided Council with the monthly police stats.

MAYOR'S REPORT:

Mayor Botts expressed that it is a busy time of year as it is budget season and also wished everyone a Happy Thanksgiving.

COUNCIL REPORTS: None

ATTORNEY REPORT:

City Attorney Combs requested two executive sessions for this meeting, one for potential litigation and the second for property negotiations with no action to follow.

PUBLIC COMMENTS: None

CONSENT AGENDA:

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

5.) **Minutes** – Council Meeting of November 1, 2007

6.) **Claim Warrants** – November 15, 2007 No.30841 through No.30903 in the amount of \$464,475.79

7.) **Payroll Warrants** - No. 14241 through No. 14307 in the amount of \$206,657.26

EXECUTIVE SESSION:


Mayor Botts recessed the regular meeting for an Executive Session at 7:48 p.m. to discuss potential litigation and potential real estate acquisition, pursuant to RCW 42.30.110(1). No action was anticipated as a result of the Executive Session, which was expected to last twenty minutes.


The regular meeting was reconvened at 8:08 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk