

BLACK DIAMOND CITY COUNCIL MINUTES

October 18, 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, Cline, McPherson and Olness.

ABSENT: None

Staff present were: Rick Luther, City Administrator/Police Chief; Dan Dal Santo, Public Works Director; May Miller, Finance Director; Andy Williamson, Economic Development Director; Jamey Kiblinger, Police Commander; Greg Smith, Fire Chief; Loren D. Combs, City Attorney and Brenda Streepy, City Clerk.

PUBLIC COMMENTS:

Donna Gauthier, 32427 6th Avenue Black Diamond distributed a letter to Councilmembers that outlines the water problem she has been experiencing at her home. She discussed with Council that this has been an ongoing problem since 1983 when the roadway in front of her house was torn up to put in a new sewer line. She is concerned that this has been going on for more than ten years and a permanent fix has not been done as her basement floods every year and experienced significant damage.

Scott Sherer, 22430 SE 300th Street Black Diamond informed Council that he just completed building a home in the City and upon final inspection was informed that his driveway needs to be paved to the street. He noted that he is the only one on his road that this regulation has been imposed in regards to new construction. He asked Council to consider him using pavers in the driveway instead, which would be a more green approach for the environment.

City Administrator Luther clarified that the City standard says that the City Administrator can waive this regulation, but he did not feel comfortable making this decision without Council consensus as it would set a precedence.

There was Council consensus to allow this concept if the manufacturer specifications for the pavers addressed this type of use.

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

Leonard Smith, PacWest Engineering reported to Council on the status of the City's Water System Plan update. Topics discussed were fire flow requirements, delineation of the Retail Water Service Area as required by the Municipal Water Law and the basis of the Capital Improvement Plan.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to forward the Draft Water System Plan Update to the Public Works Committee. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS:

Ordinance No. 07-834, Special Event Permits

City Attorney Combs reported that at the September 20, 2007 Council meeting a first reading was passed on proposed Ordinance No. 07-834, which would allow the City to regulate as well as provide the approval process for special events being held within the City.

On October 4, 2007 this proposed Ordinance was brought back to Council for final adoption. After discussion on new language that was added into the document Council felt that significant changes needed to be made and postponed adoption of this Ordinance until the changes could be incorporated into the document.

Attached are two different versions of the Special Events Ordinance, and two redline's of each version. The redline is a comparison of each version to the one that was before the Council at the last meeting. Both versions incorporate all of the changes council requested, as well as some "clean up" changes. However, as you will see, one version leaves in the "Yarrow Bay" issue and the other one takes it out.

A motion was made by Councilmember McPherson and seconded by Councilmember Olness to adopt Ordinance No. 07-834, adopting a new chapter 2.59 to the Black Diamond Municipal Code regarding special event permits.

Councilmember Olness expressed that she still has concerns with events that go on traditionally within the City such as the Easter Egg hunt, and how will residents be notified of this new Ordinance.

Mr. Combs replied that the new City Administrator will be staffing up and we should in the future have the required staff to put out a Public Service Announcement flyer informing residents.

Councilmember Bowie feels that adding the temporary use of office space on master planned development property should be done through a zoning change not a special

event permit, and if we do adopt this it should be a requirement that public hearing be held for surrounding residents to voice their concerns.

Councilmember McPherson noted that a person would have to come before Council to propose temporary office space on master planned development property and feels that this is acceptable.

Councilmember Sorci stated that if we are going to do this there could be other events that could happen and we could structure this to accommodate anyone who has a need or dire circumstances, with the requirement of reapplying every 90 days.

Vote: A roll call vote was taken and motion passed 3-2 with Councilmember Sorci and Councilmember Bowie voting against.

NEW BUSINESS:

EIS Process – Yarrow Bay

Attorney Combs reported that Yarrow Bay has requested that the City authorize the EIS process to begin. This is allowed in the City's ordinance, but we do need a yes vote from Council to this process started. Mr. Combs noted that from a legal perspective this makes no difference, but would allow Yarrow Bay to some work, while the City gets their foundation work done.

Mr. Combs further noted that Yarrow Bay is also asking that they be allowed to hire a consultant with City approval to do the initial draft, which then the City would review. Mr. Combs stated that his is an efficient way of doing it and other communities are allowing this approach.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Cline to authorize the EIS process to begin and to allow them to use their own consultant with City approval. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-464, Records Management Grant Contract

City Clerk Streepy reported that the City of Black Diamond is the recipient of a 2007-2009 Washington State Archives Local Records Express Grant. The grant of \$3,205 will provide protection and back-up of the City's permanent, essential and historical documents. The funding provides for the Washington State Imaging & Preservation Services to scan, microfilm and prepare discs and hard drive for long term storage of the data, which will then be followed by release of the original documents to the Washington State Regional Archives for permanent storage. At the October 4th meeting the City entered into an Interlocal Agreement with Washington State Imaging for these services. When this project is complete all ordinances, resolutions and minutes dating back to 1959 will be available to the public, officials and staff electronically.

The attached grant agreement accepts the funding and the ILA we entered into at the last meeting was an agreement with Washington State Imaging Services to complete the scanning and microfilming of the documents funded by the grant.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-464, accepting the Washington State Archives Local Records Express Grant. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-465, Memorandum of Understanding PSE

City Clerk Streepy reported that for the past several years the City of Black Diamond has participated in the Powerful Choices for the Environment program. This program is aimed at educating middle school and junior high students on changing how they and their families think about and use natural resources, thus giving them the opportunity to become better stewards of our natural resources.

Adoption of proposed Resolution No. 07-465 would continue the City's participation in this program for the 2007-2008 school year.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Resolution No. 07-465, authorizing the Mayor to execute a Memorandum of Understanding between Puget Sound Energy and the City of Black Diamond for the Powerful Choices for the Environment Program and not to exceed \$500. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-466, City Administrator Contract, Confirmation

Mayor Botts was pleased to present Ms. Gwendolyn Voelpel to the Council for confirmation of her appointment as City Administrator for the City of Black Diamond.

The City of Black Diamond began recruitment for a new City Administrator after the position became vacant in September of 2006. After a long search the City is fortunate to have found Ms. Voelpel who is qualified for this position in both areas of education and experience.

Ms. Voelpel comes to us highly recommended from numerous sources and the Mayor feels she will be a valuable community asset.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Cline confirming the Mayor's appointment of Gwendolyn Voelpel as City Administrator and authorizing the mayor to execute an employment agreement. Motion **passed** with all voting in favor (5-0).

Ms. Voelpel addressed Council and expressed that she is excited to start her new position here with the City on November 5th.

Resolution No. 07-467, Dispatch – Valley Communications

Commander Kiblinger reported that adoption of proposed Resolution No. 07-467 would continue our Emergency Dispatch for Police Service with Valley Communications for 2008.

A **motion** was made by Councilmember Cline and **seconded** by Councilmember Olness authorizing the Mayor to execute an addendum to the Emergency Dispatch Agreement for Police Service with Valley Communications Center for 2008. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-468, Amendment #2 – Jones & Stokes PSA

City Administrator Luther explained to Council that proposed Resolution No. 07-468 authorizes work that Council requested at a workstudy held on September 27th. It mostly includes mapping and some additional work. There are two budget amounts on the Scope of Work, one for Jones & Stokes and the other for Mirai.

A **motion** was made by Council Bowie and **seconded** by Councilmember Sorci to adopt Resolution No. 07-468, authorizing the Mayor to execute amendment #2 to the Jones & Stokes Professional Services Agreement excluding task #7 in the Scope of Work and not to exceed \$25,245. Motion **passed** with all voting in favor (5-0).

Resolution No. 07-469, Legal Services Agreement – VSI Law Group

City Administrator Luther reported that as of December 31, 2007 Mr. Combs will be leaving the law firm of McGavick. He explained that the City has had a long standing relationship with Mr. Combs and believes it is in the City's best interest to maintain Mr. Combs as the City Attorney.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness to adopt Resolution No. 07-469, authorizing the Mayor to enter into an Agreement for Legal Services with Loren D. Combs and VSI Law Group, PLLC. Motion **passed** with all voting in favor (5-0).

Councilmember McPherson expressed to Mr. Combs that he deeply appreciates his work for the City and is happy to see this relationship continue.

DEPARTMENT REPORTS:

Police – Commander Kiblinger handed out the past three months crime stats to Council and reported that the force has a police officer who just returned from SWAT training and that officers will be participating in EVOC training at Pacific Raceway the week of the 27th and invited anyone who would like to come out and ride with an officer on the course as they would be more than happy to accommodate anyone interested.

Finance – Finance Director Miller reported on the September 07 financial statements and updated Council on the B&O tax form problems.

Public Works – Utilities Superintendent discussed with Council the history of Ms. Gauthier's water and flooding situation.

MAYOR'S REPORT:

Mayor Botts welcomed our new City Administrator Ms. Voelpel.

COUNCIL REPORTS:

Councilmember Bowie reported that the Utility Committee will be holding a meeting soon to discuss the gas franchise with PSE.

Councilmember Olness informed everyone that October 26th is the end of the public comment period on the Lake Sawyer Park Plan.

ATTORNEY REPORT:

City Attorney Combs requested a 20 minute executive session on personnel and potential litigation.

PUBLIC COMMENTS: None

CONSENT AGENDA:

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Cline to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

- 1.) **Minutes** – Council Meeting of October 4, 2007
- 2.) **Claim Warrants** – October 18, 2007, No. 30739 through No. 30798 (voided warrant 30782) in the amount of \$122,524.89
- 3.) **Payroll Warrants** – Sept. 2007, No. 14175 through No. 14240 in the amount of \$205,523.15

EXECUTIVE SESSION:

Mayor Botts recessed the meeting at 9:07 p.m. for a 20 minute executive session on a personnel matter and potential litigation with action to follow.

Mayor Botts called the meeting back to order at 9:27 p.m.

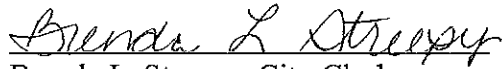
A **motion** was made by Councilmember Bowie and **seconded** by Councilmember McPherson to include task #7 on the scope of work that was adopted with Resolution No. 07-468. Motion **passed** with all voting in favor (5-0).

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk