

<p style="text-align: center;">BLACK DIAMOND CITY COUNCIL MINUTES September 6, 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 Bowie, Cline, McPherson and Olness.

ABSENT: Councilmember Sorci (Excused)

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

PUBLIC COMMENTS:

Carla Hopkins, King County Library System informed Council that the official groundbreaking of the new Black Diamond Library will take place on Monday, October 8th at 3:30 p.m. She extended an invitation to all Councilmembers to come and participate in this exciting event and asked Mayor Botts if he would say a few words at the ceremony.

APPOINTMENTS, PESENTATIONS, ANNOUNCEMENTS:

Leih Mulvihill and Councilmember Olness presented the Civil Servant of the Year Award to Rick Luther. Leih read the nomination letter that was submitted to the committee by Becky Olness as well as letters of support from Jason Paulsen former City Administrator and Brenda Streepy, City Clerk.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Stormwater Management Grant

Finance Director Miller reported to Council that Washington State Department of Ecology has set aside funds for each city to Implement Phase II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits. Black Diamond has been designated a \$75,000 Grant to assist with Stormwater management. The deadline to FAX a Grant Acceptance Intent Notice was August 31, 2007. Since this was free money,

with **NO** required match, we submitted the acceptance intent notice. The money would have gone to other cities if we did not meet the August 31, 2007 intent deadline. A formal Grant Agreement must still be signed by Black Diamond and Department of Ecology before eligible costs are incurred.

The grant funds have until June 30, 2009 to be used. Some useage under the Grant are exploring a Stormwater Utility, Reviewing Stormwater management, projects and financing options and conducting inventory of stormwater sources.

A **motion** was made by Councilmember McPherson and **seconded** by Councilmember Olness authorizing the Finance Director to apply for grant funding from the Washington State Department of Ecology to assist with Stormwater Management. Motion **passed** with all voting in favor (4-0).

Ordinance No. 07-833, Interfund Loan

Finance Director Miller reported to Council that adoption of proposed Ordinance No. 07-833 would allow a short term loan from the Water Fund to the General Fund to facilitate the purchase of furniture, software and other one time and ongoing costs needed to hire and move City Departments to the Modular Facilities. The loan will be repaid at \$15,000 a month, including interest at State Pool Interest Rate. The funding agreement with BP Partners will reimburse the City at the rate of \$15,000 a month. Any costs above \$15,000 a month will be covered in the city budget.

Councilmember Bowie asked Ms. Miller if the Water fund is solvent to do this action.

Ms. Miller responded yes.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Cline authorizing the Interfund Loan from the Water Fund to the General Fund for purchase of furniture, software and other costs associated with the move of City departments to a modular facility. Motion **passed** with all voting in favor (4-0).

Resolution No. 07-458, Economic Development Director Position

City Administrator Luther introduced proposed Resolution No. 07-458 to Council and explained that a number of positions are forthcoming to the City and this Resolution adds one more addition to the City's organizational chart.

Mr. Luther explained that part of the fundamental mission is to get out into the real estate and commercial community to stimulate future business residing in Black Diamond. He further noted that this is a fundamental position that is needed in the City and will be high on the priority list for hiring in the next several months.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Cline adopting Resolution No. 07-458, authorizing the creation of the position known as Economic Development Director. Motion **passed** with all voting in favor (4-0).

Resolution No. 07-459, Addendum #1 to Prof. Services Agreement, Catalyst

City Administrator Luther reported to Council that On April 5, 2007 the City entered into a Professional Services Agreement with Catalyst Award Based Services to provide planning assistance to the City. Task #3 of this agreement consists of other planning related assistance deemed necessary by the Mayor with the consent of the City Council. Adoption of this resolution would allow for services deemed necessary under Task #3 of this agreement.

He further explained that the attached Scope of Work and Budget for Addendum No. 1 is related to two projects that include providing support to the City's Planning Department Staff regarding the John Henry Mine permitting process, and the on-going Comprehensive Plan update process.

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson to adopt Resolution No. 07-459, authorizing the Mayor to execute Addendum #1 to the Professional Services Agreement between the City of Black Diamond and Catalyst Award Based Services. Motion **passed** with all voting in favor (4-0).

Resolution No. 07-460, Appraisal Contract - Allen Brackett Shedd

Attorney Combs reported that this is a clean up item as it concerns the easement that the City has acquired from Palmer Coking Coal.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Cline to adopt Resolution No. 07-460, authorizing the Mayor to execute a contract for consulting/appraisal services with Allen Brackett Shedd. Motion **passed** with all voting in favor (4-0).

DEPARTMENT REPORTS:

Police Chief Luther distributed and discussed with Council the Marine Patrol statistics that were asked for at the last Council meeting.

MAYOR'S REPORT:

Mayor Botts reported that Black Diamond Labor Days event was a great success and the turn out was good.

COUNCIL REPORTS:

Councilmember Olness explained that the Lake Sawyer Park Newsletter has been sent out to residents announcing the public meeting that will take place on September 26, 2007 at the Community Center on the Draft Park Plan.

ATTORNEY REPORT:

Attorney Combs reported that the Municipal Code Book revisions have started and it should take about 45 days or so for Council to start seeing chapters for review. He explained that a different approach is being taken on the revisions as we will not be starting with the old code, but with new ideas. Hopefully by the end of the first quarter next year the City will have a finished product.

Mr. Combs requested a 30 minute executive session on potential litigation and litigation update with no action to follow.

PUBLIC COMMENTS:

Joan Burlingame a resident of Ravensdale discussed with Council the Ravensdale Park and Ballfields and how the process has been driven by the residents.

CONSENT AGENDA:

A **motion** was made by Councilmember Olness and **seconded** by Councilmember McPherson 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 August 16, 2007
- 2.) **Claim Warrants** – September 6, 2007 No. 30547 through 30623 in the amount of \$124,394.84
- 3.) **Payroll Warrants** – No. 14106 through 14174 in the amount of \$197,959.48

EXECUTIVE SESSION:

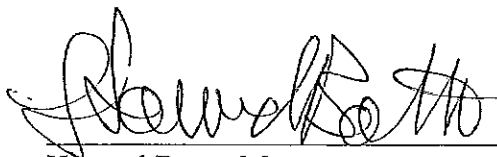
Mayor Botts recessed the meeting at 8:05 p.m. for a 30 minute executive session concerning potential litigation and litigation update with no action to follow.

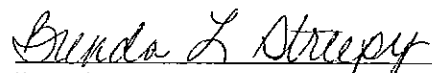
Mayor Botts called the meeting back to order 8:33 p.m.

ADJOURNMENT:

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

ATTEST:


Howard Botts, Mayor


Brenda L. Streepy, City Clerk