



**CITY OF BLACK DIAMOND**  
**March 18, 2010 Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

**7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

**PUBLIC COMMENTS:** Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 253-631-0351. Thank you for attending this evening.

**PUBLIC HEARINGS:**

- 1.) AB10-023 – Proposed Phosphorus Ordinance** Mr. Nix  
*(Council action may follow public hearing)*

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None**  
**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

- 2.) AB10-024 – Resolution Authorizing Memorandum of Understanding to the**  
**Collective Bargaining Agreement-Police Officers Association** Ms. Martinez

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**CONSENT AGENDA:**

- 3.) Claim Checks – March 18, 2010 No.35302 through No.35364 in the amount of \$182,769.60**  
**4.) Payroll – February 2010 No.16896 through No.16967 in the amount of \$249,813.54**  
**5.) Minutes – Council Meeting of March 4, 2010**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>PUBLIC HEARING</b> <b>Ordinance No. 10-937, limiting the use of Phosphorous-based fertilizers on turf in Black Diamond</b>	<b>Agenda Date: March 18, 2010</b>		<b>AB10-023</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor - Rebecca Olness		
	Parks/Natural Resources – Aaron Nix	X	
	City Attorney – Noel Treat		X
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
Cost Impact: N/A			
Fund Source: N/A			
Timeline: N/A			
<b>Attachments: Ordinance No. 10-937 and Exhibit A</b>			
<b>SUMMARY STATEMENT:</b>  <p>The use of Phosphorous-based fertilizers has been linked to the reduction of water quality within waterbodies through-out the country and the state of Washington. This ordinance will take steps in limiting the use of Phosphorous-based fertilizers on turf in Black Diamond and will promote education in alleviating the impacts associated with their use.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Parks and Cemetery Committee reviewed.			
<b>RECOMMENDED ACTION:</b> <b>MOTION to adopt Ordinance No. 10-937, limiting the use of phosphorous based fertilizers on lawns throughout Black Diamond in order to preserve and protect water quality within water bodies throughout the City.</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
March 18, 2010			

## ORDINANCE NO. 10-937

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, LIMITING THE USE OF PHOSPHOROUS BASED FERTILIZERS ON LAWNS THROUGHOUT BLACK DIAMOND IN ORDER TO PRESERVE AND PROTECT WATER QUALITY WITHIN WATER BODIES THROUGHOUT THE CITY.

**WHEREAS**, research on lake water quality cites the contribution of excessive phosphorous loading to the degradation of lake waters through stimulation of algae and weed growth, leading to oxygen depletion resulting from the decomposition of plants; and that such processes can play a role in potential eutrophication of water bodies; and

WHEREAS, runoff resulting from the use of phosphorous based fertilizers on lawns is a primary source of phosphorous pollution in area waters; and

**WHEREAS**, turf fertilizers containing no or very low amounts of phosphorous are available; and

**WHEREAS**, there is a body of experience in other jurisdictions regarding limitations on the use of fertilizers containing phosphorous, which demonstrates that use limitations can be successfully managed without substantially impacting user needs; and

**WHEREAS**, it is the intent of the council of the City of Black Diamond to limit the use of fertilizers on lawns containing the plant nutrient phosphorous;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** A new chapter 14.06 entitled "Use of Phosphorous Based Fertilizers on Lawns," is hereby added to the Black Diamond Municipal Code and it shall read as show in the copy attached to this ordinance as Exhibit A and hereby incorporated by reference, with each page of the exhibit being initialed and dated by the Mayor.

**Section 2. Severability.** Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

**Section 3. Effective date.** This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by state law.

Introduced on the 18<sup>th</sup> day of March, 2010.

Passed by the City Council on the 18<sup>th</sup> day of March, 2010.

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Mayor Rebecca Olness

ATTEST:

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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

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Noel Treat, City Attorney

Published: \_\_\_\_\_

Posted: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## EXHIBIT A

### Chapter 14.06

#### USE OF PHOSPHOROUS BASED FERTILIZERS ON LAWNS

Section:

14.06.05	<b>Definitions</b>
14.06.10	<b>Applying Phosphorous Based Fertilizers to Turf</b>
14.06.15	<b>Applying Phosphorous Based Fertilizers to Impervious Services Prohibited</b>
14.06.20	<b>Education</b>

#### 14.06.05 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

14.06.06 **City** – The City of Black Diamond, WA.

14.06.07 **Fertilizer** – Any substance containing one or more recognized plant nutrients and that is either used for its plant nutrient content or is designated for use or claimed to have value in promoting plant growth, or both. “Fertilizer” includes gypsum and manipulated animal and vegetable manures. “Fertilizer” does not include:

1. Unmanipulated animal and vegetable manures and other products exempted by the department by rule;
2. Calcium carbonate (lime) and anhydrous ammonia; and
3. Materials including, but not limited to, compost biosolids or slow release fertilizer used in compliance with best management practices.

14.06.08 **Impervious Surface** – A highway, street, sidewalk, parking lot, driveway or other artificial surface that prevents infiltration of water into the soil.

14.06.09 **Turf** – Noncrop land planted in closely mowed, managed grasses on residential property. Turf does not include managed pasture, hayfield, hay turf grown on turf farms, home or commercial vegetable production, horticultural beds, flower beds, general landscaping or any other form of agricultural production.

14.06.10

**Applying Phosphorous Based Fertilizers to Turf Prohibited**

- A. Except as provided in subsection B of this section, a person may not apply to turf a fertilizer containing the plant nutrient phosphorous.
- B. Subsection A. of this section does not apply when:
  - i. Soil tests or other certification by a turf specialist performed within three years prior to the application indicates that the level of available phosphorous in the soil is insufficient to support healthy turf growth, and the application rate is consistent with best practice standards; or
  - ii. The property owner or an agent of the property is first establishing turf via seed or sod procedures and the application is made only during the first calendar year following the first seeding or sod installation; or
  - iii. Applying turf fertilizer for agricultural or horticultural uses.

14.06.15

**Applying Phosphorous Based Fertilizers to Impervious Services Prohibited**

A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or another legal site or returned to the original container or another appropriate container.

14.06.20

**Education**

The City shall seek to identify opportunities for grant funding and partnerships to support a consumer education and outreach effort, making use of existing outreach materials produced by other entities to the extent possible.

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT:</b> <b>Resolution No. 10-679, authorizing the Mayor to execute the Second Memorandum of Understanding to the Collective Bargaining Agreement between the City of Black Diamond and the Black Diamond Police Officers Association</b>	<b>Agenda Date: March 18, 2010</b>		<b>AB10-024</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney – Noel Treat		X
	City Clerk – Brenda L. Martinez	X	
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Ed Volpone	X	
Cost Impact:			
Fund Source:			
Timeline:			
	Court – Kaaren Woods		
	Comm. Dev. – Steve Pilcher		
<b>Attachments: Resolution No. 10-679, Memorandum of Understanding</b>			
<p><b>SUMMARY STATEMENT:</b></p> <p>The Black Diamond Police Officers Association (the “Association”) is the authorized bargaining representative for the Black Diamond Police Officers. The Association was formed in 2008.</p> <p>In accordance with Section 15.1 of the CBA, the Association members have agreed to add Vision and Orthodontia coverage offered by Association of Washington Cities at such costs as established by the insurer: Vision Service Plan – Full Family, \$25 deductible and Orthodontia – Plan V, these additional coverage’s shall be the employees’ sole expense and cost.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>			
<p><b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 10-679, authorizing the Mayor to sign the Second Memorandum of Understanding to the Collective Bargaining Agreement between the City of Black Diamond and Black Diamond Police Officers Association, adding Vision and Orthodontia coverage at the employees’ sole expense and cost.</b></p>			
<b>RECORD OF COUNCIL ACTION</b>			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
March 18, 2010			

**RESOLUTION NO. 10-679**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON,  
AUTHORIZING THE MAYOR TO EXECUTE THE SECOND  
MEMORANDUM OF UNDERSTANDING TO THE  
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
CITY OF BLACK DIAMOND AND BLACK DIAMOND  
POLICE OFFICERS ASSOCIATION**

**WHEREAS**, the Black Diamond Police Officers Association (the "Association") is the authorized bargaining representative for the Black Diamond Police Officers; and

**WHEREAS**, the Association was formed in 2008; and

**WHEREAS**, the City and the Association entered into a new six (6) year Collective Bargaining Agreement ("CBA") effective August 31, 2008 through August 30, 2014; and

**WHEREAS**, in accordance with Section 15.1 of the CBA, the Association members have agreed to add vision and orthodontia insurance coverage and pay costs of such coverage; and

**WHEREAS**, it is mutually understood and agreed by and between the parties that all Association members will participate in the following Vision Service Plan-Full Family, \$25 deductible and Orthodontia-Plan V offered by Association on Washington Cities at such costs as established by the insurer;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City Council hereby authorizes the Mayor to execute the Second Memorandum of Understanding to the Collective Bargaining Agreement substantially in the form attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF MARCH, 2010.**

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Rebecca Olness, Mayor

Attest:

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Brenda L. Martinez, City Clerk



SECOND MEMORANDUM OF UNDERSTANDING  
CITY OF BLACK DIAMOND  
AND  
BLACK DIAMOND POLICE OFFICERS' ASSOCIATION

1. Date of Parties. This Second Memorandum of Understanding (MOU-2) is effective upon execution by the City of Black Diamond (City) and the Black Diamond Police Officers' Association (Association).
2. Background and Purpose.
  - 2.1 The Parties have executed a Collective Bargaining Agreement for the period from August 31, 2008 to August 30, 2014 (CBA)
  - 2.2 In accordance with Section 15.1 of the CBA, the Association members have agreed to add vision and orthodontia coverage.
3. Additional Agreed Coverage
  - 3.1. It is mutually understood and agreed by and between the parties that all Association members will participate in the following plans offered by Association of Washington Cities at such costs as established by the insurer:  
Vision Service Plan – Full Family, \$25 deductible  
Orthodontia – Plan V

These additional coverages shall be the employees' sole expense and cost.

4. Confirmation of Agreement Terms. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

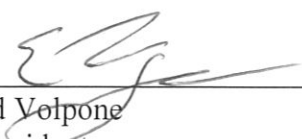
CITY OF BLACK DIAMOND

BLACK DIAMOND POLICE OFFICERS'  
ASSOCIATION

Date: \_\_\_\_\_

Date: 030510 \_\_\_\_\_

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Becky Olness  
Mayor

  
\_\_\_\_\_  
Ed Volpone  
President