



**CITY OF BLACK DIAMOND**  
**May 6, 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.) **AB10-030** – Proposed 312<sup>th</sup> Parking Ordinance Mr. Pilcher  
(No Council Action to follow Public Hearing)

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:**

**Presentation** – Animal Control Ken Nakatsu

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

- 2.) **AB10-031** – Resolution Accepting Third Memorandum of Understanding to  
Police Collective Bargaining Agreement Ms. Miller
- 3.) **AB10-032** – Resolution Authorizing Contract with Seattle King County Public  
Health for Reimbursement of EMS Services Ms. Miller
- 4.) **AB10-033** – Ordinance Authorizing Interfund Loan from Wastewater Capital Fund  
to the Public Works Capital Fund Ms. Miller

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**CONSENT AGENDA:**

- 5.) **Claim Checks** – May 6, 2010 No. 35478 through 35546 (voided check 35510) in the amount of  
\$480,416.57
- 6.) **Minutes** – Council Meeting of April 1, 2010 and April 15, 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>Proposed SE 312<sup>th</sup> Street</b> <b>Parking Ordinance</b>	<b>Agenda Date: May 6, 2010</b>		<b>AB10-030</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney –Chris Bacha		
	City Clerk – Brenda L. Martinez	X	
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact: \$1,000	Natural Resources/Parks – Aaron Nix		X
Fund Source: CIP	Comm. Dev. – Steve Pilcher		
Timeline: N/A			
<b>Attachments: Memo, Committee Meeting Agendas and Notes, Draft Ordinance, Public Comments</b>			
<b>SUMMARY STATEMENT:</b>  <p>Staff has had several meetings with residents looking at alternatives to address concerns related to parking along SE 312<sup>th</sup> Street and access to regional park property. At the February 26, 2010 Parks and Cemetery Committee meeting, the committee recommended that staff draft an ordinance prohibiting parking along SE 312<sup>th</sup> Street. The draft ordinance is attached for reference. Additional policy guidance is needed to complete the draft ordinance.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Parks and Cemetery Committee recommends ordinance to close SE 312 <sup>th</sup> Street to parking.			
<b>RECOMMENDED ACTION: PUBLIC HEARING ONLY</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
May 6, 2010			



## INTEROFFICE MEMORANDUM

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TO: BLACK DIAMOND CITY COUNCIL  
FROM: AARON NIX, NATURAL RESOURCES DIRECTOR  
SUBJECT: 312<sup>TH</sup> STREET PARKING ISSUES, REGIONAL PARK FACILITY  
DATE: 3/19/2010  
CC: REBECCA OLNES, MAYOR, BRENDA MARTINEZ, ACTING CITY ADMINISTRATOR

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Honorable Councilmembers,

With spring quickly approaching, staff is looking for some guidance from the City Council with regard to addressing concerns to parking along SE 312<sup>th</sup> Street. Staff shares concerns with the local community to the use of 312<sup>th</sup> as an access point into the City's regional park property. Several suggestions have been brought forward in how to handle the situation along 312<sup>th</sup>. The most commonly heard suggestions include:

- Closing both sides of 312<sup>th</sup> to any type of parking and erecting a fence at the end of the road to keep foot traffic from entering the regional park facility.
- Strictly limiting the areas for parking with posted hours and upgrades to the existing signage at the entrance of the park.
- Developing a formal entrance along Lake Sawyer Road where users of the park could hike in on an existing trail located within the park property.

In light of these suggestions, the City Council last year dedicated a portion of its Capital Improvement Project funds to help alleviate these problems through enhanced signage. Legitimate reasons for closing off 312<sup>th</sup> including alcohol use, profanity, speeding and general riff-raff have been expressed to staff and elected officials. Additional concerns with regard to emergency vehicle access have been brought forward. Conversely, proponents to keeping access open argue that the elderly and other, less mobile citizens, need it open in order to access the regional facility and enjoy its passive recreation opportunities.

An important note to consider is that the Lake Sawyer Regional Park Plan is very specific to, "minimizing impacts from the ball fields on the surrounding community." These ball fields are planned to be constructed in the vicinity of 312<sup>th</sup> Street. The plan continues to say:

“A new road will be built off Lake Sawyer Road that will serve as the primary public access in and out of Lake Sawyer Park. No public access will be allowed along 312<sup>th</sup> Street which will retain privacy for residents along this street. A vegetative ‘buffer’ approximately 150 feet wide will be retained along 312<sup>th</sup> street to screen private residences from the ball fields.”

Staff considers the Regional Park Plan as a guide to the development of the park facility. Modifications to current plan may be warranted as existing information of the ground is made available. Logical next steps to the development of the park would be to acquire ground truthing data such as survey information that might help staff refine the plan. In the intermediate, your guidance is needed.

Included within the packet of materials are meeting notes of Parks/Cemetery meetings that occurred in the past where this issue was discussed. Previous to these meetings, two community meetings were held. In addition, staff prepared a Regional Park Acquisition and Planning Timeline for your reference. This document gives you some background on how the City acquired the regional park and planning that has occurred on the facility. Finally, as requested by the Parks/Cemetery Committee, a draft ordinance closing off SE 312<sup>th</sup> Street to parking. Please, note that additional guidance and policy direction is needed in order for staff to complete the ordinance. These areas are highlighted within the draft ordinance.

Aaron Nix

Enclosures:

1. October 2009 Parks Committee agenda and meeting notes.
2. February 2010 Parks/Cemetery Committee agenda and meeting notes.
3. November 2009 staff generated Lake Sawyer Regional Park Acquisition and Planning Timeline.
4. Draft agenda bill.
5. Draft ordinance prohibiting parking along SE 312<sup>th</sup> Street.



## Parks Committee

10/20/2009

2:00 PM to 3:00 PM

City Hall, Council Chambers

Councilmembers: Rebecca Olness, Bill Boston

Staff Present: Leonard Smith, City Administrator, Aaron Nix, Parks/Natural Resources Director

## Agenda

1. 312 <sup>th</sup> Street parking issues discussion	Councilmember Boston	30
2. "Make a Difference Day" event discussion	Nix	10
a. Boat launch planting		
3. Trails plan survey review	Nix	10
a. review handout, get approval for posting		
3. Lake Sawyer boat launch low water launching condition discussion	Nix/Smith	20
4. Lake Sawyer boat launch swing installation discussion	Nix	5

## Additional Information

Special notes:           Materials attached

## Meeting Notes on Parks Committee Meeting October 20, 2009

Topic: Lake Sawyer Regional Park

A strong sentiment was made towards keeping the park more natural and in its current state as opposed to making any improvements as outlined in the Lake Sawyer Concept Plan. More of a passive use as opposed to active recreation (i.e. ball fields, etc.)

Immediate infrastructure needs - signage, restrooms, and garbage cans. Several citizens felt strongly that the park should not be utilized for open space enjoyment, until infrastructure was in place to support this use.

Residents expressed their concerns about light and noise pollution, crime (including littering, alcohol use, etc.) and water quality issues associated with development of the park (One citizen supplied photos that Aaron Nix has available to anyone who'd like to view them).

Strong concerns at the meeting were focused at the types of impacts on residences of 312<sup>th</sup> Street. This concern was for not only the future development of the park, but impacts people are feeling in the interim. Many wanted no parking allowed along 312<sup>th</sup> and some sort of barrier separating the regional facility from the residences along 312<sup>th</sup> Street and the surrounding community. It was expressed that 312<sup>th</sup> should not be used for any access into the park property.

Some felt that the City was not respecting the past planning efforts geared towards the Lake Sawyer Park Concept Plan.

Several citizens felt that the actions of the City were not reflective of the Citizens views on the development of the park. Specifically, discussion of allowing handicapped parking along 312<sup>th</sup> Street and the construction of a trail into the Park for the "Make a Difference Day" event.

Concern were expressed about permits allowing vendors, overnight moorage and camping, and alcohol with the passage of the recent park's rules by the council (Ordinance #09-918)

Concerns were expressed about information flow from the City to citizens (not just about the park), notification of changes from the concept plan and how the City was dealing with issues associated with 312<sup>th</sup> Street. Many wanted more community involvement as the impacts will be felt by all City residences.

There was a suggestion made that the City might pursue working with King County in the development of the triangle property (West side of Lake Sawyer Road, parcel #) for future parking and a trail head into the regional park.

Others wanted to know if the City had any immediate plans (Capital Improvement Projects) to construct some sort of trailhead or parking area in the vicinity of Lake Sawyer Road.

## **Parks and Cemetery Committee**

**02/26/2010  
2:00 PM to 3:30 PM  
Public Works Portable**

Councilmembers: William Saas, Craig Goodwin

Staff Present: Aaron Nix, Parks/Natural Resources Director, Amy Donlan, Permit Center Supervisor

## **Agenda**

1. Review of Meeting Notes (12/17/09)	Committee	5 minutes
2. 312 <sup>th</sup> Street Parking Issues	Nix	30 minutes
3. Tree Preservation Ordinance	Nix	20 minutes
4. Lake Sawyer Boat Launch Project Update	Nix	20 minutes
5. Shoreline Master Planning	Nix	10 minutes
6. Fertilizers Containing Phosphorous Discussion	Nix	10 minutes

## **Additional Information**

Special notes: Committee Packet

**Parks Committee Meeting  
Public Works Conference Room  
February 26, 2009**

**Attendees:** William Saas, Craig Goodwin, Aaron Nix, Seth Boettcher, Andy Williamson, Mayor Olness, Amy Donlan

Meeting Started: 2:00pm

Aaron consulted Saas and Goodwin if this time slot was acceptable for them and the frequency of meetings. They agreed to stick with Friday afternoons and meet monthly as necessary.

**Adoption of Meeting Notes 12/17/09**

-Aaron summarized content of meeting notes: Chadwick TDR request, Parking Fees at the Boat Launch, and the fence at Eagle Creek Park.

-Update on the progression of the Eagle Creek Park fence:

- The Make a Difference Committee is willing to donate time to assist in building the fence.
- The City has decided on a 4' chain link fence that would border the Roberts Drive side of the park
- Seth has verified that there are no site distance issues.

-Chadwick did not want to pursue the Subordination Agreement for the conservation easement because she didn't want to notify her mortgage lender. Aaron consulted the City Attorney and was advised that the conservation easement is a mandatory requirement of the program.

**312<sup>th</sup> Street Parking Issues**

-Aaron summarized the background on the parking issue and provided some possible remedies that have been suggested.

- Citizen Ron Dodge proposed that the City designate certain areas of the road that are wider and where cars can get completely off the street as designated parking areas and post the rest of the street as "No Parking".
  - The City, at one point in time, suggested opening the gate and allowing parking inside the park property in order to alleviate parking on SE 312<sup>th</sup> Street. This plan was rejected by property owners along 312<sup>th</sup> as it was opening the park without needed infrastructure improvements.
  - The City also suggested an alternate parking lot area off Lake Sawyer Rd with a trail into the park.
  - Many of the residents suggested closing all of 312<sup>th</sup> to parking.
  - Some have suggested that people could park at the triangle which is the trailhead to Horse Park.
- There are some timing and money restrictions to being able to solve this problem.
- The park plan is a long term goal that is going to take quite a bit of money and time to accomplish. In the meantime it is a regional park that is open to the public. We are supposed to maintain passive and active uses within the park.

- Providing a temporary fix is difficult to fund as Grants require certain built right concepts. We could allot funds under the City's CIP, but probably not significant amounts of money as the budget is very limited.
- How should we proceed?
- We need to resolve some of the minor problems and help address the parking issue as possible. Look into the cost of building a screen fence.
  - Start CIP process to add a temporary parking area off of Lake Sawyer Rd.
  - Immediately propose to Council that we close all of 312<sup>th</sup> to street parking on both sides.

### **Revisions to the Tree Preservation Code**

- The original ordinance was passed in 2008. The response has been down the middle. Some people thought it was too restrictive and other thought it was too loose.
- City staff discussed possible alterations with the Planning Commission and has made suggested revisions. They are being presented to the Parks Committee and with their approval will be forwarded to the Council.
- If trees are removed without permit, the City will not accept a Building or Land Use permit on that property for a period of 6 years. Ch. 19.30.040
- The City can require an arborist report if there is a conflict on the health of a tree. Ch. 19.30.050(C)
- Removing trees for single family construction is allowed where the tree driplines are located within three (3) feet of the building exterior wall or less than ten (10) feet from driveways or utilities. Ch. 19.30.050(E)
- Replacement trees shall be planted on the property parcel from which removed or at an approved offsite location. Ch. 19.30.070(B)
- Replacement tree sizes revised. Ch. 19.30.070(C#5)
- Replacement fee changed to \$100. Ch. 19.30.070(D)
- Removal of Heritage trees are subject to \$1000 fine. Ch. 19.30.090(E)
- Goodwin wants to require a permit for any tree (other than those defined as non-significant trees) over 18" needs a permit regardless of the quantity of trees being removed.

### **Boat Launch**

- The City has secured \$80,000 in Grant money.
- City Council has set aside \$50,000 in the years CIP towards completing the design and permitting of the boat launch facility.
- \$100,000 of Grant match money should be available for construction of the facility.
- Construction is projected for 2011 summer
- drawings at 30%, ready to start permitting
- Received HPA permit to start maintenance work this summer
- Should have drawings 100% complete next year.
- The City already organized a community event for replanting
- Planning on doing some maintenance work to the launch this summer
- Goodwin wanted to know if we can do a phase development as the construction plans are not tangible. He also feels the actual launch should be the priority.

### **Shoreline Master Program**

- Lake Sawyer and Frog Lake are designated shorelines. These are the two waterbodies meeting the criteria within the City limits.
- The SAO had some provisions for shorelines, but current court decisions state that the shorelines should be separated from the SAO guidelines.
- The lead agency for the SAO is the City. The Shoreline program is dual agency program with the City and the Department of Ecology.
- Our shoreline legislation is very outdated. Biggest changes in the program will deal with managing the shoreline area differently, with less focus on hardening of the shoreline and focus on maintaining habitat
- The shoreline program should be updated by 2011. Community meetings will start this Spring. Aaron is hoping to form a citizen's technical committee.
- Aaron secured a \$60,000 grant for 3 years to help in the costs associated with updating this program.
- Updating this program will help protect the fish habitat and other aspects of the Lake system. Failure to complete the program leaves us liable to litigation from DOE.

### **Fertilizers**

- The State is currently listening to legislation to ban phosphorus based fertilizers for lawns in the state of Washington. King County already has. The Mayor would like Aaron to develop an ordinance for the City.
- Committee discussed the benefits and drawbacks of this ordinance, whether or not we want to put teeth in it, the importance of educating residents about the benefits.
- Mayor Olness suggested doing some education in the schools. Saas suggested that we put notices on the website and perhaps an article in the next newsletter.
- Aaron will present the ordinance as part of his department report at the March 4<sup>th</sup> Council meeting.

### **Water Quality Sampling**

- Aaron purchased a meter and will be doing testing around the City at selected locations. Those tests will be for temperature, conductivity, PH, and dissolved oxygen.
- There are 9 sample sites.
- We also may want to collect data on turbidity, heavy metals, and Phosphorus, but will have to identify additional funds to do this in the future.

Meeting Adjourned: 3:42pm

## Lake Sawyer Regional Park Acquisition and Planning Timeline November 2009

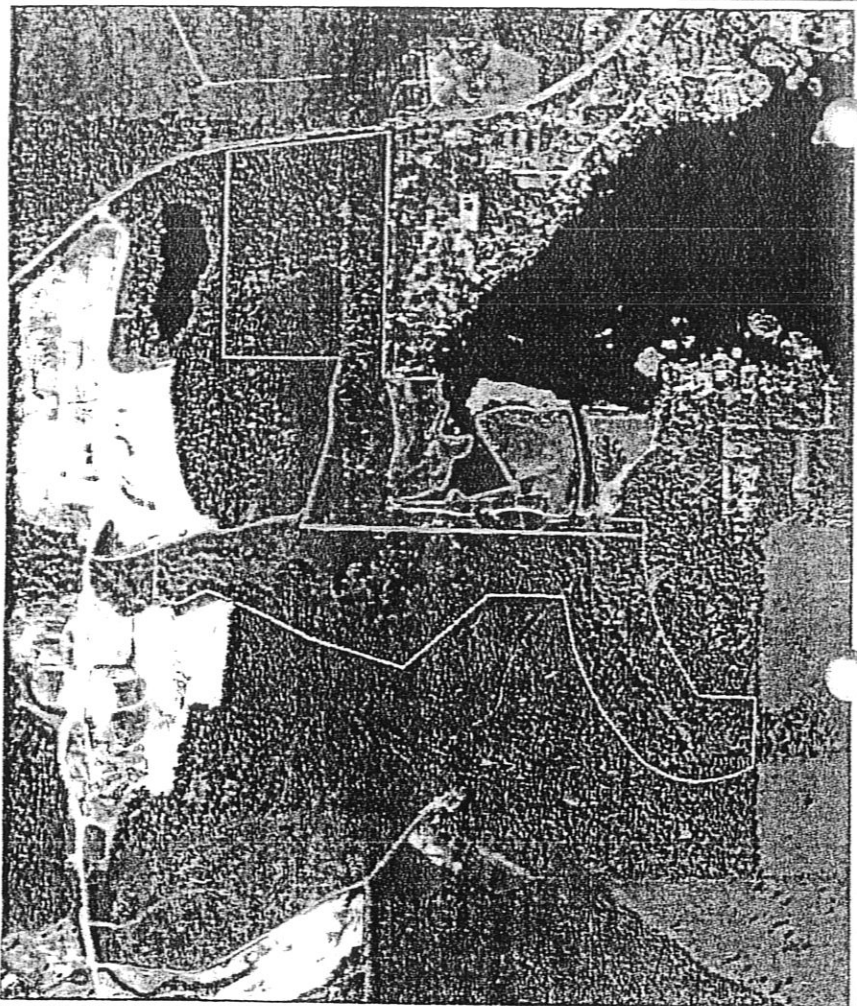
The Lake Sawyer Regional Park (165 acres) was purchased by King County in 1999 from Palmer Coking and Coal for the amount of \$9,080,000. A combination of King County Open Space Bonds as well as grants from Conservation Futures and the Interagency for Outdoor Recreation (IAC) were used to purchase the property.

Prior to the City acquiring the property in 2005, County staff had worked on developing a concept plan for the regional park, but funding issues prevented the completion of a final plan. Staff has tried to obtain copies of the draft plan, with no success. Within this initial planning effort, King County and others identified 39 acres of park property that were suitable for active recreation at the west end of the property, 60 acres suitable for passive recreation such as picnic areas (waterfront area) and 64 acres suitable for natural area conservation and appreciation (Frog Lake Area). This information, based on notes made within the Lake Sawyer Community Club newsletter dated, May of 2001 and discussions with past participants, was used in helping shape the current version of the Lake Sawyer Park Development Concept Plan.

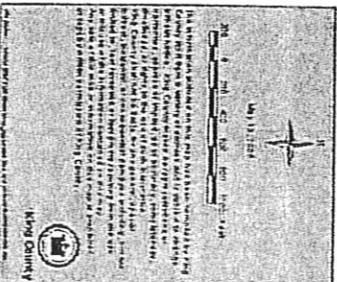
Under the bargain and sale deed dated December 14, 2005, King County gave the City of Black Diamond approximately 150 acres within the area south of Lake Sawyer (Identified as parcels # 1021069007, 1021069009, 1021069026). Under Black Diamond Resolution # 05-389 and shown by Exhibit C (attached), area A is designated to be used towards active recreation (Defined as areas that contain athletic fields, buildings etc.) and area B used for passive recreation (Defined as areas of undeveloped space or environmentally sensitive areas that require minimal development). Based on staff research, including a phone conversation with David Tieman, program manager with Conservation Futures, this agreement and map provides the legal basis for future development at the regional park. It should be noted that in addition to the City accepting the property, a provision was included in resolution # 05-389 that allowed for King County to reserve a regional trail easement through the park property that, "shall enter the Property in the vicinity of SE 312<sup>th</sup> and Lake Sawyer Road SE and shall exit the Property at the far northern boundary of the Property to connect with the trail easement to the north. The Easement shall ultimately be a strip of land generally 30 feet in width, centered on an alignment to be determined by the parties pursuant to the terms of the easement."

In October of 2006, planning efforts culminated in a 3-day design charrette sponsored by the National Park Service and staffed by the Washington Chapter of the American Society of Landscape Architects. This work helped create the development concept plan that was completed in February of 2008 and subsequently adopted by the Black Diamond City Council in December of 2008 as part of its Parks, Recreation and Open Space Plan.





**Legend**  
 Active Recreation Area A  
 Passive Recreation Area B



**Exhibit C**

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BLACK DIAMOND, KING COUNTY,  
WASHINGTON, PROHIBITING PARKING ON SE  
312<sup>TH</sup> STREET

WHEREAS, City has been made aware of safety issues, detrimental activities and impacts associated with parking along SE 312<sup>th</sup> Street by users of the Lake Sawyer Regional Park;

WHEREAS, SE 312<sup>th</sup> Street is not identified as entrance point to the City's Lake Sawyer Regional Park Property and other adequate entrance points are available to the public; and  
WHEREAS, it is in the best interests of the City and its residents to prohibit parking on SE 312<sup>th</sup> Street;

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

**Section 1.** A new chapter 10.10 entitled "Public Roadway Parking Restrictions," 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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Mayor Rebecca Olness

ATTEST:

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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Noel Treat, City Attorney

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

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

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

Draft

EXHIBIT A TO ORDINANCE NUMBER

Chapter 10.10

PUBLIC ROADWAY PARKING RESTRICTIONS

Sections:

**10.10.010 Parking Restrictions**

**10.10.020 Penalties**

**10.10.030 Supplemental Authority**

**10.10.010 Parking Restrictions**

SE 312<sup>th</sup> Street

Parking of vehicles along both sides of SE 312<sup>th</sup> Street from its intersection with Lake Sawyer Road, east 1600 feet to its terminus at the gate to the City park property shall be prohibited.

**10.10.020 Penalties**

Any person violating any provision of this chapter shall have committed a civil infraction and shall be assessed a monetary penalty of \$\_\_\_\_\_.

[Aaron – do you want to develop a code provision to allow towing and impounding of vehicles?? Policy Question for the council.]

**10.10.030 Supplemental Authority**

The parking restrictions set forth in this Chapter shall be in addition to any other parking restrictions imposed in accordance with other provisions of the City of Black Diamond Municipal Code or state law.

**Brenda Martinez**

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**From:** Mike and Karina Jennings [mkjennings4@comcast.net]  
**Sent:** Wednesday, March 24, 2010 9:15 PM  
**To:** Aaron Nix; 'Sheila Hoefig'; 'Sheri Miller'; geomar52@comcast.net; leahgrant@comcast.net; sawyerstewarts@comcast.net; shavelduis@comcast.net; janiceedelman@comcast.net; joe@ejmay.com; 'bruce and julie earley'; glenneross@msn.com; flyhab@earthlink.net; palmercokingcoal@aol.com; jerrysailer@comcast.net; dodger@tx3.com; 'mike and wendy ward'; bmiller@geosyntec.com; lcd511@comcast.net; stelleri52@comcast.net; gail@aircommodities.com; pern6@comcast.net; silverstardogs@comcast.net; lakecricket@yahoo.com; sgjenks@comcast.net; cincy63@comcast.net  
**Cc:** Rachel Pitzel; Brenda Martinez; Rebecca Olness  
**Subject:** RE: SE 312th Street Prohibited Parking Ordinance

Crazy to think closing it off to all public is a solution. I believe if parking is widened and is limited with times established it shouldn't be too much of an issue. I say this but I don't live at the end where I can see some of the people parking have zero respect for the residents that live at the end of the street, and of course the few that use the road as their personal race track as they exit the park. I know we get a lot of extra traffic as the summer rolls around in front of the house, but that area is a public area and should remain open for access. Once it is closed - it closed for all of us to utilize, not just a private park for 312<sup>th</sup> and Lake residents. So whether parking is established along Lake Sawyer road or elsewhere as indicated above, the park should remain open to all... I walk along the road daily, mostly at night, taking the dogs for a walk and never had problem with partiers, drinking, profanity, so not sure whether that comes from isolated incidents or what.. There are very few regulars that use the property as it is. People trashing the area is limited as in any other public are. I personally have spoken too several fishermen about picking up their trash upon finishing fishing and they have not been leaving their trash around anymore. It our part also as community to keep things in check. Last time I heard a lot of grumblings about the annual bike/run event. It is a very well planned event, which has by the way has improved all the trails and bike paths tremendously. They have cleaned everything up after their events for the past two years to better than it was prior to their starting the event. The three issues I see that can lead to problems are; the fourth of July, but hey that's once a year, the lady who took up residence along the back part of the road adjacent to the creek entering the lake (although I haven't seen her or her Austrian Sheppard so far this year) and the horse trailers parking wherever they please and failing to p/u the horses deposits along the road en-route to the park. I really think that instead of separate voices presenting arguments, we ought to come to a conclusion as residents along the road and hopefully convince the city what direction to go prior to the meeting. There is unity in numbers versus staggering voices of unreasonable arguments. My two cents, but I guess you see which way I think it ought to go, no matter what the park needs to remain open. Mike Jennings

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**From:** Aaron Nix [mailto:ANix@ci.blackdiamond.wa.us]  
**Sent:** Wednesday, March 24, 2010 3:26 PM  
**To:** Sheila Hoefig; 'Sheri Miller'; geomar52@comcast.net; leahgrant@comcast.net; sawyerstewarts@comcast.net; shavelduis@comcast.net; janiceedelman@comcast.net; joe@ejmay.com; 'bruce and julie earley'; glenneross@msn.com; flyhab@earthlink.net; palmercokingcoal@aol.com; jerrysailer@comcast.net; dodger@tx3.com; 'mike and wendy ward'; bmiller@geosyntec.com; lcd511@comcast.net; stelleri52@comcast.net; gail@aircommodities.com; mkjennings4@comcast.net; pern6@comcast.net; silverstardogs@comcast.net; lakecricket@yahoo.com; sgjenks@comcast.net; cincy63@comcast.net  
**Cc:** Rachel Pitzel; Brenda Martinez; Rebecca Olness  
**Subject:** RE: SE 312th Street Prohibited Parking Ordinance

As requested, we've been able to reschedule the public hearing for no parking along 312<sup>th</sup> to the May 6, 2010 at 7:00 pm council meeting (Council Chambers). I hope that this works with your schedules.

Also, here are the draft materials for that hearing.

Thanks,

Aaron Nix

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**From:** Sheila Hoefig [mailto:shoefig@comcast.net]  
**Sent:** Sunday, March 21, 2010 2:20 PM  
**To:** 'Sheri Miller'; Aaron Nix; geomar52@comcast.net; leahgrant@comcast.net; sawyerstewarts@comcast.net; shaveldluis@comcast.net; janiceedelman@comcast.net; joe@ejmay.com; 'bruce and julie earley'; glenneross@msn.com; flyhab@earthlink.net; palmercokingcoal@aol.com; jerrysailer@comcast.net; dodger@tx3.com; 'mike and wendy ward'; bmiller@geosyntec.com; lcd511@comcast.net; stelleri52@comcast.net; gail@aircommodities.com; mkjennings4@comcast.net; pern6@comcast.net; silverstardogs@comcast.net; lakecricket@yahoo.com; sgjenks@comcast.net; cincity63@comcast.net  
**Cc:** Rachel Pitzel; Brenda Martinez  
**Subject:** RE: SE 312th Street Prohibited Parking Ordinance

Mr. Nix

Per our conversation on Friday-I have the same commitments with Kent School District and would like it rescheduled to the next available date. I understand that you would like to get this scheduled before the summer hits and I appreciate the efforts.

Thank you

Sheila Hoefig

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**From:** Sheri Miller [mailto:nwlattelover@hotmail.com]  
**Sent:** Sunday, March 21, 2010 1:51 PM  
**To:** anix@ci.blackdiamond.wa.us; geomar52@comcast.net; leahgrant@comcast.net; sawyerstewarts@comcast.net; shaveldluis@comcast.net; janiceedelman@comcast.net; joe@ejmay.com; shoefig@comcast.net; bruce and julie earley; glenneross@msn.com; flyhab@earthlink.net; palmercokingcoal@aol.com; jerrysailer@comcast.net; dodger@tx3.com; mike and wendy ward; bmiller@geosyntec.com; lcd511@comcast.net; stelleri52@comcast.net; gail@aircommodities.com; mkjennings4@comcast.net; pern6@comcast.net; silverstardogs@comcast.net; lakecricket@yahoo.com; sgjenks@comcast.net; cincity63@comcast.net  
**Cc:** rpitzel@ci.blackdiamond.wa.us; bmartinez@ci.blackdiamond.wa.us  
**Subject:** RE: SE 312th Street Prohibited Parking Ordinance

Mr. Nix~

I would like you to consider a different date for the public hearing, as you have already rescheduled it once. Sawyer Woods Elementary and Cedar Heights Middle School both have activities scheduled for that evening, of which many of the residents on and around SE 312th Street will need to attend (myself included).

Thank you for your consideration.

 **Sheri Miller**  
 nwlattelover@hotmail.com

3/25/2010

From: ANix@ci.blackdiamond.wa.us  
 To: ANix@ci.blackdiamond.wa.us; geomar52@comcast.net; leahgrant@comcast.net; sawyerstewarts@comcast.net; shaveldluis@comcast.net; janiceedelman@comcast.net; nwlattelover@hotmail.com; joe@ejmay.com; shoefig@comcast.net; brunjul@comcast.net; glenneross@msn.com; flyhab@earthlink.net; Palmercokingcoal@aol.com; jerrysailer@comcast.net; dodger@tx3.com; mike\_wen@msn.com; bmiller@geosyntec.com; LCD511@comcast.net; stelleri52@comcast.net; gail@aircommodities.com; mkjennings4@comcast.net; pern6@comcast.net; silverstardogs@comcast.net; lakecricket@yahoo.com; sgjenks@comcast.net; Cincity63@comcast.net  
 CC: RPitzel@ci.blackdiamond.wa.us; BMartinez@ci.blackdiamond.wa.us  
 Date: Tue, 16 Mar 2010 09:15:23 -0700  
 Subject: RE: SE 312th Street Prohibited Parking Ordinance

In order to give adequate public notice, the public hearing for closing 312<sup>th</sup> to parking is being moved from April 1, 2010 to the April 15, 2010 council meeting at 7:00 pm in council chambers. Please note the change of date.

Aaron Nix  
 City of Black Diamond  
 360.886.2560 x220

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**From:** Aaron Nix  
**Sent:** Friday, March 05, 2010 2:45 PM  
**To:** 'geomar52@comcast.net'; 'Leah Grant'; 'sawyerstewarts@comcast.net'; 'shaveldluis@comcast.net'; 'janiceedelman@comcast.net'; 'Sheri Miller'; 'Joe May'; 'shoefig@comcast.net'; 'Bruce and Julie Earley'; 'Glenn'; 'flyhab@earthlink.net'; 'Palmercokingcoal@aol.com'; 'Jerry Sailer'; 'dodger@tx3.com'; 'mike and wendy ward'; 'bmiller@geosyntec.com'; 'LCD511@comcast.net'; 'stelleri52@comcast.net'; 'gail@aircommodities.com'; 'mkjennings4@comcast.net'; 'pern6@comcast.net'; 'silverstardogs@comcast.net'; 'lakecricket@yahoo.com'; 'sgjenks@comcast.net'  
**Cc:** Rachel Pitzel; Brenda Martinez  
**Subject:** SE 312th Street Prohibited Parking Ordinance

All,

City of Black Diamond staff has received a recommendation from the Parks Committee to move forward with an ordinance closing SE 312<sup>th</sup> Street from parking. The notice and draft of the ordinance will be made available shortly and available on our website. The public hearing is slated for April 1, 2010 at 7:00 pm and is an opportunity to provide public comment.

Please help me to get the word out.

Thank you,

Aaron Nix  
 City of Black Diamond  
 Parks/Natural Resources Director  
 360.886.2560 x220

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The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

3/25/2010



# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Resolution No. 10-683, authorizing the Mayor to execute the Third Memorandum of Understanding to the Collective Bargaining Agreement between the City and Police Officers Association</b>	<b>Agenda Date: May 6, 2010</b>		<b>AB10-031</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney – Chris Bacha		X
	City Clerk – Brenda L. Martinez		
	Finance – May Miller	X	
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Timeline: May 6, 2010	Court – Stephanie Metcalf		
<b>Attachments: Resolution No. 10-683, Third Memorandum of Understanding</b>			
<b>SUMMARY STATEMENT:</b> <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>The Police Officers Association has met and agreed to an administrative Memorandum of Understanding to streamline and facilitate the implementation of payroll direct deposit for employee paychecks</p> <p>In accordance with Section 19.1 of the Collective Bargaining Agreement, the members have agreed to changing step-increase eligibility dates to the First of the month hired for current union members, and future member step increase eligibility dates will be set for the 1<sup>st</sup> of the month if hired between the 1<sup>st</sup> and 15<sup>th</sup>, and the 1<sup>st</sup> of the following month if hired dates fall between the 16<sup>th</sup> and 31<sup>st</sup>. The agreement also clarifies that the timesheet for payroll will need to be turned in one week before payday in order to meet early direct payroll processing timelines, and that any overtime worked during that last week or leave adjustments will not be processed until the following month.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Finance Committee met on April 30, 2010 and recommended approval.			
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 10-683, authorizing the Mayor to execute the Third Memorandum of Understanding to the Collective Bargaining Agreement between the City of Black Diamond and the Black Diamond Police Officers Association.</b>			
<b>RECORD OF COUNCIL ACTION</b>			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
May 6, 2010			



**RESOLUTION NO. 10-683**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF BLACK DIAMOND, KING COUNTY,  
WASHINGTON AUTHORIZING THE MAYOR TO  
EXECUTE THE THIRD 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 30, 2008 through August 30, 2014; and

**WHEREAS**, in accordance with Section 19.1 of the CBA, the Association members have agreed to changing step-increase eligibility dates for the current union member back to the first of the month of the month hired, and future member step increase eligibility dates will be set for the 1<sup>st</sup> of the month if hired between the 1<sup>st</sup> and 15<sup>th</sup>, and the 1<sup>st</sup> of the following month if start dates falls on the 16<sup>th</sup> through the 31<sup>st</sup>; and

**WHEREAS**, the Association members have also agreed to the administrative clarification needed to submit time sheets a week before payroll deposit date in order to timely process direct deposit of payroll, and to have any adjustment for overtime or leave that occurring after time sheets were submitted to be adjusted the on the next months payroll;

**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 third 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 6TH DAY OF MAY, 2010.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

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


1. Date of Parties. The Third Memorandum of Understanding ("MOU-3") is dated, for reference purposes only, the 6th day of May, 2010 and is entered into by and between the City of Black Diamond ("City") and the Black Diamond Police Officers' Association ("Association").
2. Background Information 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 19.1 of the CBA the Association, members agreed to add a "Memorandum of Understanding 3" benefit to current police guild employees by moving their individual step-increase eligibility dates to the 1<sup>st</sup> of the month of the month they were hired. This will streamline the payroll process in preparation for direct deposit payroll the City is implementing in 2010 by eliminating mid-month pay adjustments.
  - 2.3 It is also mutually understood and agreed by and between parties that future members of the City of Black Diamond's Police Guild (members hired after May 6<sup>th</sup>, 2010) will have their step-increase eligibility date set for the first of the month they are hired in, if hired from the 1<sup>st</sup> until the 15<sup>th</sup>. Such future members hired between the 16<sup>th</sup> and 31<sup>st</sup> would have their step-increase eligibility date set for the 1<sup>st</sup> of the following month.
  - 2.4 It is also mutually understood and agreed that timesheets will be turned in to payroll one week before the end of the month to allow enough time for direct deposit payroll processing, and that a lag report for overtime earned or leave taken during the last week of the each month will be turned in with the next month's timesheets.
  - 2.5 It is mutually understood and agreed by and between the parties that this "Memorandum of Understanding 3" will take affect May 6, 2010.
3. Confirmation of Agreement Terms. All other terms and conditions of the Agreement shall remain in full force and effect.

CITY OF BLACK DIAMOND

BLACK DIAMOND POLICE OFFICERS  
ASSOCIATION

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Rebecca Olness  
Mayor



---

Ed Volpone  
President

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Resolution No. 10-684, authorizing the Mayor to execute Contract Amendment No. 1 to Seattle-King County Health Department Contract No. D39300D for reimbursement of EMS for 2010</b>	<b>Agenda Date: May 6, 2010</b>		<b>AB10 -032</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney – Chris Bacha		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller	X	
	Public Works – Seth Boettcher		
	Police – Jamie Kiblinger		
	Community Devel. – Steve Pilcher		
Cost Impact:			
Fund Source: King County EMS			
Timeline:			
<b>Attachments: Resolution No. 10-684, Contract Amendment No. 1</b>			
<b>SUMMARY STATEMENT:</b>  Seattle-King County Department of Public Health (a.k.a. Public Health-Seattle & King County) has set aside \$52,838 to help offset the costs of Black Diamond's Emergency Medical Services for 2010. Authorization is requested to have the Mayor execute the contract amendment for the funds for 2010. This money has already been included in the 2010 budget.			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>  			
<b>RECOMMENDED ACTION: MOTION to adopt Resolution 10-684, authorizing the Mayor to execute Contract Amendment No. 1 to Seattle-King County Health Department Contract No. D39300D for reimbursement of Emergency Medical Services for 2010.</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
May 6, 2010			

**RESOLUTION NO. 10-684**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING THE MAYOR TO EXECUTE CONTRACT  
AMENDMENT NO. 1 TO PUBLIC HEALTH - SEATTLE AND  
KING COUNTY CONTRACT NO. D39300D FOR BASIC  
LIFE SUPPORT SERVICES REIMBURSEMENT FOR  
EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the City is authorized by Chapter 39.04 RCW to enter into contracts with other governmental jurisdictions;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is hereby authorized to execute contract Amendment No. 1 to Public Health-Seattle and King County Contract No. D39300D for Basic Life Support Services reimbursement for Emergency Medical Services, substantially in the form attached hereto as Exhibit A.

ADOPTED by the City Council at an open public meeting held on the 6th day of May, 2010.

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Rebecca Olness, Mayor

Attest:

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Brenda L. Martinez, City Clerk

**CONTRACT AMENDMENT / CHANGE ORDER**

PROJECT NAME: Basic Life Support Services

PHSKC PROGRAM MONITOR: Mary Won

CONTRACTOR: City of Black Diamond  
PO Box 599  
Black Diamond, WA 98010

ORIGINAL CONTRACT START DATE: 1/1/09 AMENDMENT EFFECTIVE DATE: 1/1/10

This amendment effects the following changes:

CHANGES TO CONTRACT BOILERPLATE

1. AMEND Page 1, FUNDING LEVEL for 1/1/2010 to 12/31/2010, TO READ \$52,838.00

CHANGES TO CONTRACT EXHIBITS

1. AMEND Exhibit B, Budget, by adding the 2010 Budget as attached hereto.

All other terms and conditions of the referenced contract shall remain unchanged.

IN WITNESS HEREOF, the parties hereto have caused this amendment to be executed and instituted on the date first written.

KING COUNTY

CONTRACTOR

\_\_\_\_\_  
FOR  
King County Executive\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Name (please type or print)\_\_\_\_\_  
Date

EMERGENCY MEDICAL SERVICES FUNDS  
2010 PROPOSED BUDGET - BASIC LIFE SUPPORT SERVICES

Agency Name: City of Black Diamond, Washington

Contact Person: Mayene J Miller Title: Finance Director

Address: Ol Box 599, Black Diamond, Washington 98010 Phone: 253-631-0351

BUDGET CATEGORY

Amount Requested  
for BLS

**Salaries & Benefits:**

EMT salaries	\$ 52,838.00
Other Salaries	
Overtime	
Subtotal Salaries:	\$ 52,838.00
Subtotal Employee Benefits:	
Subtotal Employee Salaries & Benefits:	\$ 52,838.00

**Other Costs:**

Medical Supplies & Equipment	
Office & Computer Supplies & Equipment	
Uniforms, Fire & Safety Supplies	
Dispatch	
Communications	
Vehicle Maintenance	
Facility Costs	
Training	
Misc.	
Subtotal Other Costs:	\$ -

Total Operational Costs	\$ 52,838.00
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Capital Costs

Subtotal Capital Costs

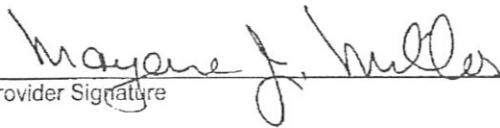
Subtotal Operational & Capital	\$ 52,838.00
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Reserves (saved or used):

GRAND TOTAL:	\$ 52,838.00
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Provider Signature

Date



4-1-2010

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Ordinance No. 10-938, authorizing a short-term interfund loan from Wastewater Capital Fund to the Public Works Capital Fund</b>	<b>Agenda Date: May 6, 2010</b>		<b>AB10-033</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney – Chris Bacha		X
	City Clerk – Brenda L. Martinez		
	Finance – May Miller	X	
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Timeline: May, 2010	Court – Stephanie Metcalf		
<b>Attachments: Ordinance No. 10-938</b>			
<b>SUMMARY STATEMENT:</b>  <p>Black Diamond received grant authorization for both the Railroad Avenue and Morgan Street Sidewalk Projects; however the project vouchers need to be paid before we receive reimbursement from the grants. The Morgan Street project has a State Transportation Improvement Board Grant (TIB) and the Morgan Street Project has both a State Transportation Improvement Board Grant and a Federal Community Development Block Grant (CDBG) processed through King County.</p> <p>Authorization is being requested for a short term interfund loan from the Wastewater Capital Reserve Fund for up to \$600,000 to cover the cash flow needed while we wait for reimbursement. Interest will be paid at the Local State Investment Pool rate which is currently at a very low rate. Both projects and reimbursements are expected to be complete before December 31, 2010. The budget change covering this loan will be processed in the next Quarterly Budget Adjustment Ordinance.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> The Finance Committee met on April 30, 2010 and recommended approval.			
<b>RECOMMENDED ACTION:</b> <b>MOTION to adopt Ordinance No. 10-938 authorizing a short term interfund loan from the Wastewater Capital Fund to the Public Works Capital Project fund to cover short term cash flow during the Grant Reimbursement period for Railroad Avenue and Morgan Street Sidewalk projects.</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
May 6, 2010			

**ORDINANCE NO. 10-938**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING A SHORT-TERM INTERFUND LOAN FROM THE WASTEWATER CAPITAL FUND TO THE PUBLIC WORKS CAPITAL FUND TO COVER THE CASH FLOW FOR GRANT REIMBURSEMENT FOR RAILROAD AVENUE AND MORGAN STREET SIDEWALK PROJECTS**

**WHEREAS**, Black Diamond was awarded State Transportation Board (TIB) and Federal CBDG Grants for Railroad Avenue and Morgan Street Sidewalk Projects; and

**WHEREAS**, the City is required to pay the improvement and construction costs before remitting for grant reimbursement; and

**WHEREAS**, an interfund short-term loan is needed to cover cash flow while waiting for grant reimbursement; and

**WHEREAS**, there are sufficient reserve monies in the Wastewater Capital Fund to provide for a short-term interfund loan to the Public Works Capital Fund in the amount of up to \$600,000 and still meet the needs of the Wastewater Capital Fund; and

**WHEREAS**, the loan shall only be utilized during the monthly grant reimbursement cycles and will be immediately repaid as reimbursements are received, with completion expected by December 31<sup>st</sup>, 2010. Interest on this loan shall be paid at the State Pool interest rate for funds utilized.

**THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:**

**Section 1.** The sum of up to \$600,000 is hereby available to be utilized as a loan from the Wastewater Capital Fund to the Public Works Capital Fund as a short-term interfund loan for the purpose of cash flow while waiting from grant reimbursement.

**Section 2.** The interfund loan will be paid back to the Wastewater Capital Fund from the Public Works Capital Fund in full by December 31<sup>st</sup>, 2010. Interest shall be paid at the monthly State Pool interest rate on the utilized cash from the date of transfer until the loan is fully paid.

**Section 3.** Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of the 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 in the intent of this Ordinance can still be furthered without the invalid provision.

**Section 4.** 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.

Passed by the City Council at a meeting held on the 6<sup>th</sup> day of May, 2010.

\_\_\_\_\_  
Mayor Rebecca Olness

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Chris Bacha, City Attorney

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

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

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