

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**June 20, 2013**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

## **CALL TO ORDER, FLAG SALUTE:**

Mayor Olness called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

## **ROLL CALL:**

**PRESENT:** Councilmembers Deady, Goodwin, Edelman, Benson and Taylor.

**ABSENT:** None.

Staff present was: Andrew Williamson, Executive Director of Engineering Services/Ec. Dev.; Seth Boettcher, Public Works Director; Stacey Welsh, Community Development Director; Mayene Miller, Finance Director; Dave Gray, Deputy Finance Director; Amy Donlan, Permit Tech Supervisor; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief; Chris Bacha, City Attorney; Mark Hoppen, City Administrator and Brenda L. Martinez, Asst. City Admin/City Clerk

## **PUBLIC COMMENTS:**

Barbara Emmanuel, Horseshoe Lake discussed the noise of construction and the parking plan for employees and how that will impact residents in that area and requests employee entrance be moved to 218<sup>th</sup>.

Brock Deady, Black Diamond commented on Skate Park accident and wondered if there was an update on the issue regarding closure and the accident; need for public hearing before any decisions are made; Information on study put on by US Forest Service regarding discussion of why folks chose to move to this community and what brings certain folks to certain areas.

Andy Stocking, Black Diamond commented on The Villages construction and the large equipment being able to go into stage 2 and the area they will be parking everyday should be moved there too to distance the noise for folks from Horseshoe Lake; 7 p.m. is too late to be working.

Dennis Bernheimer, Horseshoe Lake commented on the staging area for the proposed construction in the Villages and impact to residents in the area; agrees with getting the staging area moved and also moving and having a southern entrance.

## **PUBLIC HEARINGS:**

### **Utility Rate Increases**

Finance Director Miller reported that last fall when the budget was put together it was

recommended and Council agreed to have a rate study done on all three utilities. She noted a workstudy was held and Mr. Emery worked with Council on different scenarios to see how increases would affect the rates. Tonight is an opportunity to for the public to give comments on the proposed increases..

Mayor Olness opened the public hearing at 7:13:45 p.m.

Sean Oglesbee, Black Diamond commented we were being educated by an excel spreadsheet and believes a 15% increase seems excessive and a lesser amount over the ears would have been an easier absorption. Minimal increases should be imposed and as growth occurs we can scale back the rates.

Robbin Taylor, Black Diamond commented on Stormwater rate and the agenda bill not matching the ordinance. Would like Council to fill in the blanks in the stormwater and is confused with the per month statement as it is unclear; Sewer COLA increase is not left blank and would be employee based and asked Council that a COLA increase for the City is a COLA decrease for the tax payers and need to call the COLA a rate increase as that is what it really is and not a COLA.

Bill Roth, Black Diamond read a letter from former City Councilmember Bill Boston and hoped the citizens will educate folks about growth as growth will help offset the utility rates; we need to look forward and make decisions; he noted agreeing with the comments in the letter.

Erica Morgan, Black Diamond commented she sent out a letter and reminded everyone she has heard from everyone who has sat on the Council since 1979; residents costs municipalities money and they never pay their own freight, you need to have some kind of business that is bringing cold hard cash from the outside and only wealth can pay for the infrastructure that is needed.

Bob Edelman, Black Diamond commented on Mr. Boston's letter and we need to step back and ask why we are in the situation we are in and referred to Mr. Goodwin's blog regarding the history of the water rates. Noted having far more water than we need and it's not the original Tacoma agreement was good and was paid by developers and then a pervious City Council took advantage of a clause in the agreement we could get an additional 500,000 gallons per day and the City Council in 2006 agreed to this. This put well over 3 million dollars on the City and did not increase the rates significantly to pay this and now it's time to pay the piper and the reason to increase the rates is based on a very bad decision of the purchase of the additional water that was not needed. It costs in excess of \$200,000 a year for water we don't need and the current Council is faced with raising rates to pay for it.

Mayor Olness closed the public hearing at 7:27:53 p.m.

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

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to move items 8, 9 and 10 to the top of new business and discuss this now. Motion **passed** (5-0).

## **NEW BUSINESS:**

### **Ordinance No. 13-1006, relating to water utility rates; amending section 13.04280(A) of the Black Diamond Municipal Code implementing a rate increase in years 2013, 2014 and 2015 to meet water service obligations**

Finance Director Miller reported the financial review that was done and meeting with the Finance committee reviewing the proposed rates and the City must adopt rates to pay for costs to cover M & O costs. She noted working with Mr. Emery on every line in the model in hopes of keeping the rates minimal. The three year 15% rate increases that are proposed are needed. She referred to the worksheet she prepared showing the impact to citizens and highlighted the rate sheet that compares our rates to other cities.

Councilmember Goodwin recommended having a 15% increase for the next three years and adopting an ordinance to reflect this.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to direct the City Attorney to prepare an ordinance with a 15% increase per year for the next three years. Motion **passed** (5-0).

### **Ordinance No. 13-1007, relating to sanitary sewer utility rates; amending section 13.24.010 of the Black Diamond Municipal Code implementing a rate increase in years 2013, 2014 and 2015 to meet sanitary sewer service obligations**

Finance Director Miller reported this ordinance is in regards to the sewer fund and the finance committee recommended not to wait until we needed a huge rate increase and it was discussed having a COLA increase yearly based on the CPI-U.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to direct the City Attorney to prepare an ordinance reflecting a COLA on the City portion of the city's sewer bill. Motion **passed** (5-0).

### **Ordinance No. 13-1008, relating to stormwater and surface water sewer utility rates; amending section 14.02.110 of the Black Diamond Municipal Code; implementing a rate increase in year(s) 20xx to meet stormwater and surface water sewer service obligations**

Finance Director Miller reported a 2013 and 2014 rate increase has already been adopted by Council during the 2013 budget process; however this proposed rate increase is not sufficient to cover future costs.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Goodwin to direct the City Attorney to prepare an ordinance reflecting an \$16 monthly rate for stormwater. Motion **passed** (5-0).

### **Ordinance No. 13-1003, amending BDMC 1.12.010 to establish authority for issuance and enforcement of Civil Infractions notices; amending BDMC 2.36.020 granting jurisdiction to the Municipal Court to hear and determine civil infraction violations**

City Attorney Bacha reported this is the companion ordinance to the previous ordinance.

Because open consumption is a civil infraction the proposed ordinance adopts a civil infraction system giving the municipal court authority to hear civil infractions.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Benson to adopt Ordinance No. 13-1003, amending BDMC 1.12.010 to establish authority for issuance and enforcement of Civil Infractions notices; amending BDMC 2.36.020 granting jurisdiction to the Municipal Court to hear and determine civil infraction violations. Motion **passed** (5-0).

**Resolution No. 13-878, approving the 2014-2019 Six Year Transportation Improvement Program**

Public Works Director Boettcher reported adoption of this resolution will adopt the proposed Six Year Transportation Plan (TIP)

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adopt Resolution No. 13-878, approving the 2014-2019 Six Year Transportation Improvement Program. Motion **passed** (5-0).

**Resolution No. 13-879, authorizing the City council to approve the Tough Mudder Special Event SEP13-0006**

Permit Technician Donlan reported since this is a two day event City Council approval is required. This is the 2<sup>nd</sup> year for the event and this year they are asking to use a portion of the Lake Sawyer Regional Park. City staff reviewed the proposal, made initial comments and event organizers made modifications/clarifications to the event that have satisfied staffs concerns. BDMC 2.59.080 lists reasons for which a special event permit could be denied. Staff did not find that any of this reason could result in a need for permit denial and staff is recommending approval of this special events permit, with conditions noted in the staff comments.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 13-879, authorizing the City council to approve the Tough Mudder Special Event SEP13-0006. Motion **passed** (5-0).

**Resolution No. 13-880, approving Special Event permits for the Lake Sawyer community Club 4<sup>th</sup> of July activities**

Permit Technician Donlan noted this event happens every year and the only change is to the fun run course. They have applied for the fireworks display permit and is in the process of being reviewed.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to adopt Resolution No. 13-880, approving Special Event permits for the Lake Sawyer community Club 4<sup>th</sup> of July activities. Motion **passed** (5-0).

**Ordinance No. 13-1005, amending the budget for calendar year 2013 as adopted by Ordinance 12-994 means of appropriations, adjustments and transfers within various finds in accounts in the 2013 budget**

Finance Director Miller reported this is a housekeeping budget change we bring forward

every year and it has three purposes to help true up beginning fund balances to actuals and to add unanticipated expenditures of the hearing Examiner costs, CFD and Declaratory Judgment. The second piece is for carryover projects from 2012 and last piece is to do the funding agreement reduction of \$20,000 monthly for 2013.

Councilmember Goodwin noted he will be abstaining from this vote.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adopt Ordinance No. 13-1005, amending the budget for calendar year 2013 as adopted by Ordinance 12-994 means of appropriations, adjustments and transfers within various finds in accounts in the 2013 budget. Motion **passed** (4-0, Goodwin abstained).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Olness reported on the following:

- June 7 – helped serve at the Black Diamond Elementary BBQ
- June 8 – attended the Covington Park Ribbon Cutting
- June 8 – attended Boots & Badges basketball charity game. Law Dawgs won!
- June 10 – attended D.A.R.E. graduation in the morning
- June 10 – attended Enumclaw High School graduation in the evening
- June 12 – SCA had a workshop on Public Records Request and Open Public Meeting followed by the Public Issues Committee:
  - The PIC had an emergency vote to support the House Transportation Committee's original transportation package, which includes local options.
  - Recommendation: SCA supports the Solid Waste Division conducting a full review of options for waste disposal, including waste-to energy, as part of the upcoming Sustainable Solid Waste System Study and through the Comprehensive Solid Waste Management Plan process. Will vote at our July meeting.
- Cub Scout troop held flag Retirement Ceremony on Flag Day. We also had Eagle Scout and Daisy Scouts participate
- Attended Father's Day lunch at Black Diamond Community Center
- Attended the Chamber of Commerce Luncheon with speaker on Leadership Styles

Reminders:

- Our next Council meeting will be Thursday, July 11<sup>th</sup> with a Workstudy at 6 p.m.
- Miners Day is Saturday, July 6<sup>th</sup>. Unveiling of the Miner's Statue and Memorial Wall will be at 1 p.m.

## **COUNCIL REPORTS:**

Councilmember Deady reported on Saturday she attended CERT Shakeup (refresher course); Boots and Badges; D.A.R.E graduation and Enumclaw High School Graduation.

Councilmember Edelman reported she attended the Boots and Badges charity basketball game, D.A.R.E graduation and; she also participated in the interview with MAKERS.

Councilmember Goodwin noted he met with County councilmember Phillips on reserve silica and it now appears this project will not happen and will be dealt with in the normal course of events as all other land use issues are dealt with; opportunity to meet with DOE regarding Shoreline Management Plan and gain an understanding of their recommendations and to share this perspectives.

Councilmember Benson noted she attended the Boots and Badges charity basketball game and had the opportunity to meet the families of the police force.

Councilmember Taylor reported during the workstudy tonight he was reminded about updating our Park Comp. Plan and would encourage the Planning Department, Commission and Parks Committees to get the ball rolling; reiterated Council is always happy to see representative from the Planning Commission here tonight.

Councilmember Deady mentioned she would like name badges made for Councilmembers.

City Administrator Hoppen congratulated Council for doing something really hard – adjust rates to be sustainable.

### **ATTORNEY REPORT:**

City Attorney Bacha thanked Mrs. Taylor for pointing out the ambiguous language in the ordinance.

### **PUBLIC COMMENTS:**

Trisha Mazarakus, Shoreline stated she is a Paranormal Investigator and would like to get permission to do an investigation this Saturday at the cemetery and is willing to come and share their findings.

Mayor Olness noted the only condition that is usually required is they notify the Police and the Public Works Department prior to any investigation.

Mira Hoke, Black Diamond reported on the Farmers Market and noted I being in its third week and it's been a success; commented on Miner's Day events.

Robbin Taylor, Black Diamond noted it disturbs her that two positions funded by the funding agreement are being brought into the utility funds is foolish and the City should reassess this.

### **CONSENT AGENDA:**

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

**Claim Checks** – June 20, 2013, Check No. 36752, 39660 through No. 39715 (void checks 39662, 39663) in the amount of \$458,939.58

**Payroll** - May 31, 2013, No. 18060 through No. 18076 and ACH Pay in the amount of \$271,246.78

**Minutes** – Council Meeting of June 6, 2013 and Workstudy Notes of June 6, 2013

**EXECUTIVE SESSION:**


Mayor Olness announced an Executive Session at 8:56:43 p.m. to discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i). No action was anticipated to follow the Executive Session, which was expected to last approximately 5 minutes.

The regular meeting was called back to order at 9:04:49 p.m.

**ADJOURNMENT:**

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

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk