

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**April 17, 2008**

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 Hanson, Bowie, Boston, and Mulvihill.

**ABSENT:** Councilmember Olness (Excused)

Staff present were: Gwendolyn Voelpel, City Administrator; Dan Dal Santo, Utilities Supervisor; Greg Smith, Fire Chief; Loren D. Combs, City Attorney; May Miller, Finance Director; Steve Pilcher, Community Development Director; Andy Williamson, Economic Development Director and Brenda Streepy, City Clerk.

**PUBLIC COMMENTS:**

**Jack Ducker, 29807 232<sup>nd</sup> ST SE, Black Diamond** discussed the condition of roadways on the eastside of Lake Sawyer. He explained that chuck holes are a huge problem and asked if something could be done.

Mayor Botts directed the Utilities Supervisor to look into this matter.

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS**

Mayor Botts introduced and welcomed Steve Pilcher, the City's new Community Development Director.

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**Resolution No. 08-493, Fire District Merger**

Chief Smith reported adoption of this resolution authorizes the Mayor to execute a Memorandum of Agreement between the City of Black Diamond and King County Fire Protection Districts 17 and 44 regarding the merger of districts 17 and 44. The Fire

Department plans a May 2008 ballot issue as required by RCW 52.06.050. Only the citizens of District 17 will vote on the issue. Any revisions to the contract between the City of Black Diamond and Fire District 44 would be negotiated subsequent to/only if the ballot issue succeeds.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Bowie to adopt Resolution No. 08-493, authorizing the Mayor to execute a Memorandum of Agreement between the City of Black Diamond and King County Fire Protection District 17 and 44 regarding the proposed merger. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 08-494, BLS Contract – King County Public Health**

Finance Director Miller reported Seattle-King County Department of Public Health (a.k.a. Public Health-Seattle & King County) has set aside \$70,413 to help offset the costs of Black Diamonds EMS services for 2008. Authorization is requested to have the Mayor sign the contract agreement for the funds for 2008.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson, to adopt Resolution No. 08-494, authorizing the Mayor to execute a contract with Seattle-King County Department of Public Health for reimbursement to the City of Black Diamond for \$70,413 of EMS services for 2008. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 08-495, Amendment #3 to PacWest PSA - Transportation Planning Services.**

Utilities Supervisor Dal Santo reported the City currently has a need for additional services to aid the Council's consideration of the 2008 Comprehensive Plan's transportation element and public works streets standards.

This item would approve PacWest Engineering's performance of the requested transportation planning services, including an inventory of existing streets in cooperation with City staff and a classification of existing streets for incorporation into the transportation element of the Comprehensive Plan.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Bowie to adopt Resolution No. 08-495, authorizing the execution of amendment #3 to a professional services agreement with PacWest Engineering for transportation planning services. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 08-497, Amendment #4 to PacWest PSA-2008 Stormwater Management Plan**

Utilities Supervisor Dal Santo discussed the City currently has a need for additional services to meet the Department of Ecology's requirement for a Stormwater Management Plan to accompany the City's annual report detailing National Pollutant Discharge

Elimination System (NPDES) compliance. The plan must include five elements: public education and outreach; public involvement and participation; illicit discharge detection and elimination; controlling runoff from new development, redevelopment and construction sites, and pollution prevention and maintenance and operations for municipal operations. The plan was due to be posted on the City's Web site by March 31, 2008.

This item would approve PacWest Engineering's development of the requested Stormwater Management Plan.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Hanson to adopt Resolution No. 08-497, authorizing the Mayor to execute amendment #4 to the Professional Services Agreement with PacWest Engineering for development of the 2008 Stormwater Management Plan. Motion **passed** with all voting in favor (4-0).

#### **Resolution No. 08-496, Professional Services Agreement – Parametrix for EIS**

City Administrator Voelpel reported in November 2007, the City Council agreed to allow the City to proceed with a State Environmental Policy Act (SEPA) processing agreement to begin developing the environmental impact statements for YarrowBay's two master planned developments known as Lawson Hills and The Villages. The agreement offered two consultant options: 1) Blumen Consulting; and 2) another consultant team of the City's choice. On February 7, work with Blumen Consulting was discontinued. A request for qualifications was issued and published, closing on February 19, 2008. Several qualified applicants responded. After interviewing all respondents, a selection panel of City staff and a planning professional from Lakewood narrowed the list down to the two most qualified applicants. Further reference checking took place over the succeeding two weeks. Upon review of all of the documentation, the selection panel's input and independent research, the City Administrator recommends the City retain Parametrix to develop the environmental impact statements (EIS). Parametrix has considerable experience representing cities in the SEPA process and received very high marks from local government professionals for timeliness, quality of work, communications with the client and communications with the public.

Susan Graham and Austin Fisher Parametrix, Inc. discussed with Council their firm's community building philosophy as well as the project goals and the approach that will be taken for this project.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Mulvihill to adopt Resolution No. 08-496, authorizing a Professional Services Agreement with Parametrix, Inc. for two Environmental Impact Statements for YarrowBay master planned developments.

Councilmember Bowie asked about dollars and cents and what happens if they need additional funding.

City Attorney Combs explained that all costs associated with this work will be paid by YarrowBay per the SEPA Processing Agreement.

**Vote:** Motion passed with all voting in favor (4-0).

### **Resolution No. 08-498, Authorizing Purchase of Water Line Easements**

Councilmember Bowie reported that this resolution will authorize the purchase of three separate easements for the new water lines that were installed to various locations due to the Water System Improvement Project and asked Council to adopt.

A **motion** was made by Councilmember Bowie and **seconded** by Councilmember Boston to adopt Resolution No. 08-498, authorizing the purchase of water line easements.

City Attorney Combs reported that there is a dispute as to whether or not this property owner is entitled to reimbursements for easements that run across property that the City has a blanket easement for utilities. The City's official position is that we are not agreeing the underlying blanket easement is null and void. It is our position that it is still valid. However, the City did send out notices to all property owners that are affected by the WSFFA Agreement, who ultimately are responsible for paying the tab for this and the City received no objections.

Mr. Combs stated that if this were City money (tax payer dollars) being used to buy these easements he would not be suggesting this be approved by Council as we would be fighting over the evaluation and whether or not the City had to buy these easements.

In addition, Mr. Combs recommended that he prepare a letter to be included with the checks stating that the City is not waiving their rights and should they disagree, to please return the check to the City.

**Vote:** Motion passed with all voting in favor (4-0).

### **DEPARTMENT REPORTS: None**

### **MAYOR'S REPORT:**

Mayor Botts read the following proclamation:

**WHEREAS,** the Elks Lodges of the State of Washington, will observe the first week in May beginning on May 1<sup>st</sup> as Elks National Youth Week in tribute to our junior citizens, honoring them for their achievements and contributions to the life of the community; and

**WHEREAS,** it is our responsibility to guide, inspire and encourage our youth, to go forth to serve America, our privilege to manifest a lively interest in all

their activities and ambitions, and help prepare them for the duties and opportunities of citizenship;

**NOW, THEREFORE**, I, Howard Botts, Mayor of the City of Black Diamond do hereby proclaim on this 17th day of April, 2008, that the week of May 1 through 8, 2008 as

### **ELKS NATIONAL YOUTH WEEK**

in Black Diamond and I urge all citizens to pay tribute to our junior citizens and honor them for their achievements and contributions to the life of the community.

### **COUNCIL REPORTS:**

Councilmember Boston updated Council concerning work being done on the boat launch project and the City's park plan.

### **ATTORNEY REPORT:**

City Attorney Combs informed Council of a variance application that has been received concerning a telephone pole at the new library site. The City's Public Works Standards has a provision that allows a variance to be granted. In this provision, the City Administrator can choose to grant the variance or refer to City Council. City Administrator Voelpel has referred this variance to Council so it now becomes a quasi-judicial matter and reminded Council they can not discuss this matter until the public hearing scheduled for May 15, 2008.

### **PUBLIC COMMENTS: None**

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

**Minutes** – Council Meeting of April 3, 2008 and Workstudy Notes of April 3, 2008

**Checks** – April 17, 2008 No. 31530 through 31581 in the amount of \$135,900.03

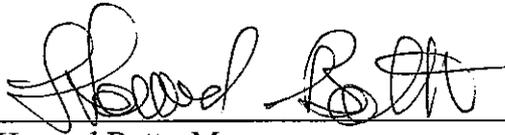
**Payroll Warrants** – March 31, 2008 No.14574 through 14635 in the amount of \$206,041.15

### **EXECUTIVE SESSION: None**

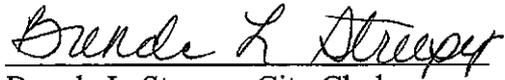
### **ADJOURNMENT:**

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

ATTEST:

A handwritten signature in black ink, appearing to read "Howard Botts", written over a horizontal line.

Howard Botts, Mayor

A handwritten signature in black ink, appearing to read "Brenda L. Streepy", written over a horizontal line.

Brenda L. Streepy, City Clerk