

BLACK DIAMOND CITY COUNCIL MINUTES
Special Meeting - November 29, 2010
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the special meeting to order at 6:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Hanson, Goodwin, Boston, Mulvihill and Saas.

ABSENT: None

Staff present were: Seth Boettcher, Public Works Director; Andy Williamson, Economic Development Director; May Miller, Finance Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS: None

PRESENTATIONS: None

PUBLIC HEARINGS:

2011 Preliminary Budget

Finance Director Miller reported on the proposed preliminary budget she highlighted the changes to this budget compared to last year's budget which resulted in using no fund balance and in fact, adding to the ending fund balance.

Mayor Olness opened the public hearing at 6:10 p.m.

Mayor Olness closed the public hearing at 6:11 p.m.

Ordinance Setting 2011 property Tax Levy and Revenues

Finance Director Miller reported that an approved ordinance needs to be to the County tomorrow, November 30, 2010. This year's rate is the \$2.57 amount that voters approved at an April 27, 2010 Special Election. Ms. Miller noted that since the levy rate has been set for 2011 at \$2.57 per \$1,000 valuation, Black Diamond will not add the additional allowed 1% increase. In addition, she added that an additional \$20,000 above the current estimate is included to cover any additions that may take place between now and December. The final dollar amount will be set by King County once their final valuations

are set and will not exceed the voter approved amount of \$2.57 per \$1,000 of their assessed valuation. All of Black Diamond's property tax funds are used for public safety and provide approximately 64% of the revenue needed to cover public safety costs.

Councilmember Goodwin asked why you wouldn't say in the motion for a maximum of \$1.4, and would recommend \$1,450,000 and changing the correct hearing date of November 29, 2010.

Mayor Olness opened the public hearing at 6:18 p.m.

Mayor Olness closed the public hearing at 6:19 p.m.

Ordinance No. 10-950, setting the Property Tax Levy Rate at \$2.57 beginning in 2011 for the Fiscal Year of 2011, on the Assessed Valuation of all Property, Both real and Personal, which is Subject to Taxation in The City of Black Diamond and to Provide for Severability

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 10-950, setting the voter approved Property Tax Lid Lift and rate of \$2.57 per \$1,000 of assessed valuation for a total of \$1,450,000 for 2011 to be used for Public Safety including Fire, Police and Emergency Services and changing the second recital to reflect the correct hearing date. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 10-951, relating to the Adoption of King County Code Chapter 11.04 Animal Care and Control Provisions, Specifically Repealing and Reenacting BDMC Chapter 6.04; Repealing BDMC 6.08.200, 6.08.210, 6.08.215, and 6.08.219; Providing for Severability; and Establishing an Effective Date

City Attorney Bacha reported on June 17, 2010 the City of Black Diamond entered into an Interlocal Agreement with King County for Animal Control Services. The Interlocal Agreement provided that the City shall enact an Ordinance or Resolution that includes license, fee, penalty, enforcement, impound/redemption and sheltering provisions that are substantially the same as those of Title 11 King County Code as now in affect or hereafter amended. Mr. Bacha added previously the City adopted by reference certain provisions of the King County Animal Control Code, but finds that these provisions need to be updated. This Ordinance repeals and re-adopts the Animal Control Code of the City to conform to the requirements of the Interlocal Agreement.

A **motion** was made by Councilmember Goodwin to adopt Ordinance No. 10-951, relating to the Adoption of King County Code Chapter 11.04 Animal Care and Control Provisions, Specifically Repealing and Reenacting BDMC Chapter 6.04; Repealing

BDMC 6.08.200, 6.08.210, 6.08.215, and 6.08.219; Providing for Severability; and Establishing an Effective Date.

Councilmember Goodwin withdraws his motion to adopt.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to **postpone** Ordinance No. 10-951, relating to the Adoption of King County Code Chapter 11.04 Animal Care and Control Provisions, Specifically Repealing and Reenacting BDMC Chapter 6.04; Repealing BDMC 6.08.200, 6.08.210, 6.08.215, and 6.08.219; Providing for Severability; and Establishing an Effective Date, until the next regularly scheduled Council meeting on December 16, 2010. Motion **passed** with all voting in favor (5-0).

Resolution No. 10-717, authorizing the Mayor to Enter into Certain On-Call Tasks with Parametrix in the Development of Permitting Materials for Permit Approval to Reconstruct the Lake Sawyer Boat Launch

Natural Resources/Parks Director Nix reported staff and the Parks Committee came to the consensus that we were heading in the wrong direction on this project. Public Works Director Boettcher came up with an idea to repair the Boat Launch. Currently, large holes have developed in the area of the launch that are causing difficult entry and exit for boats from the Lake. This reconstruction project will alleviate this problem, but due to work being in the water several regulatory agency permits are required. Staff does not have the necessary expertise to prepare all of the information needed to complete the permit applications and obtain the permits needed for this project. The scope of work will allow Parametrix to assist staff by preparing and provide this additional material in the form of a Biological Evaluation being required by the Army Corps of Engineers. The Parks/Cemetery Committee reviewed and recommends approval by the Council.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to adopt Resolution No. 10-717, authorizing the Mayor to Enter into Certain On-Call Tasks with Parametrix in the Development of Permitting Materials for Permit Approval to Reconstruct the Lake Sawyer Boat Launch. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness thanked the Public Works Department for all their hard work through the storm last week.

COUNCIL REPORTS:

Councilmember Hanson reported that she went on a ride-along with the police and encouraged everyone to go on one.

ATTORNEY REPORT:

City Attorney Bacha reported on the refund claim from AT&T on the repayment of utility taxes and it is pretty sizeable and not sure what Black Diamond's number are. He stated this is familiar to the claim that was filed by Verizon a few years back, and feels this claim has merit. What you will see is a decrease in the amount of revenue reported by them.

PUBLIC COMMENTS: None

CONSENT AGENDA:

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to adopt the Consent Agenda. Motion **passed** all voting in favor (5-0).

The Consent Agenda was approved as follows:

Claim Checks – November 23, 2010, No.36260, 36261, 36265 through No.36329 (voided checks No. 36234 replaced with No. 36262, print error No. 36235 replaced with No. 36263 and No. 36236 replaced with No. 36264) in the amount of \$423,136.15

Payroll – October 31, 2010, No. 17276 through No. 17300 and ACH Pay in the total amount of \$270,099.17

Minutes – Workstudy Notes of October 28, 2010 and Council Meeting of November 4, 2010

EXECUTIVE SESSION: None
UNFINISHED BUSINESS: None

ADJOURNMENT:

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



Rebecca Olness, Mayor

ATTEST:



Rachel Pitzel, Deputy City Clerk