

CITY OF BLACK DIAMOND
September 15, 2016 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) Presentation – Black Diamond Municipal Court

Judge Dane

CONSENT AGENDA:

- 2) Claim Checks** – September 15, 2016 - No. 43897 through No. 43926 (void 43888) and EFTs in the amount of \$70,300.43
- 3) Minutes** – Council/Planning Commission Joint Meeting of August 23, 2016, Council Work Session of August 25, 2016 and Council Meeting of September 1, 2016

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. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending.

PUBLIC HEARINGS:

4) AB16-055 – Draft 2017-2022 Capital Improvement Plan

Ms. Miller

UNFINISHED BUSINESS:

NEW BUSINESS:

5) AB16-056 – Resolution Accepting Dept. of Ecology Grant for 2015 – 2017 Stormwater Capacity Grant

Mr. Boettcher

6) AB16-057 – Resolution Regarding Enumclaw School District Traffic Mitigation Plan

Councilmember Pepper

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORT:

- Councilmember Deady
- Councilmember Morgan
- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

ATTORNEY REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:

ITEMS THAT LAY ON THE TABLE:

Yvonne Ward Voucher

AB16-047 – Resolution Accepting the Jones Lake Road Overlay Project

Mr. Boettcher

AB16-049 – Resolution Authorizing an Agreement with Parametrix, Inc. - Surveying Svc. – MDRT

Mr. Williamson

AB16-050 – Resolution Authorizing an Agreement with Parametrix, Inc. - Traffic Eng. Svc. - MDRT

Mr. Williamson

AB16-051 – Resolution Authorizing an Agreement with RH2 - Civil – MDRT

Mr. Williamson

AB16-052 – Resolution Authorizing an Agreement with Perteet –Environment- MDRT

Mr. Williamson

AB16-053 – Resolution Authorizing an Agreement with HWA Geosciences – MDRT

Mr. Williamson

AB16-054 – Resolution Authorizing an Agreement with DKS

Mr. Williamson

Minutes – July 21, 2016 and August 18, 2016

BLACK DIAMOND CITY COUNCIL MINUTES

September 15, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber, and Pepper.

ABSENT: None

Staff present: Black Diamond Municipal Court Judge Melanie Dane; Stephanie Metcalf, Court Administrator; Seth Boettcher, Public Works Director; Andrew Williamson, MDRT/EC Dev/Interim Community Development Director; Jamey Kiblinger, Police Chief; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) Presentation – Black Diamond Municipal Court

Black Diamond Municipal Court Judge Melanie Dane gave an update to Council on the Municipal Court. She highlighted areas of the report she provided to Council in their packets.

There was discussion from Mayor Benson regarding Councilmember Pepper wanting to substitute an agenda that has illegal items on it. It was not presented to us in a timely fashion; it was presented to us yesterday and it's not transparent to try to introduce an illegal agenda and noted she was just going to make that comment.

Councilmember Pepper appealed the decision of the chair regarding not allowing the revised agenda; **second** Councilmember Morgan. Mayor Benson ruled this out of order.

Councilmember Pepper started the voting process on the appeal.

Mayor Benson announced the next item on the agenda is the Consent Agenda.

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Consent Agenda as presented below.

- 2) **Claim Checks** – September 15, 2016 - No. 43897 through No. 43926 (void 43888) and EFTs in the amount of \$70,300.43
- 3) **Minutes** – Council/Planning Commission Joint Meeting of August 23, 2016, Council Work Session of August 25, 2016 and Council Meeting of September 1, 2016

Councilmember Pepper stated there is already a motion on the floor. Mayor Benson stated it is out of order.

Point of Order was called by Councilmember Edelman stating Councilmember Pepper was called out of order multiple times and ruled out of order.

Mayor Benson stated there is a motion and a second to accept the consent agenda.

Point of Order was called by Councilmember Morgan stating there is a motion on the floor to appeal the decision of the chair. Mayor Benson ruled it out of order.

Again, Councilmember Pepper **appealed** the decision of the chair regarding not accepting the revised agenda; **second** Councilmember Morgan.

Councilmember Pepper started the voting process on the appeal.

Vote: Councilmembers Morgan, Pepper, and Weber voted against the Mayor's decision.

Councilmember Pepper stated the Mayor's decision not to accept the agenda is overruled.

A **motion** was made by Councilmember Pepper to accept the agenda revised September 13th. She called for the vote, however there was no second. Mayor Benson called her out of order.

Councilmember Pepper appealed the decision of the Chair of calling her out of order.

Councilmember Pepper started the voting process on the appeal.

Vote: Councilmembers Deady and Edelman voted yes they agreed with the decision of the chair. Councilmembers Morgan, Weber, and Pepper voted no they disagreed with the Mayor's decision. **2-3 (Morgan, Weber, Deady)**

A **motion** was made by Councilmember Pepper to accept the revised September 13th agenda. *(There was no second to the motion.)*

Mayor Benson announced a five minute recess at 7:25 p.m. The meeting was called back to order at 7:32 p.m. and she announced there is a motion and second on the floor for the consent agenda.

Vote: Motion to adopt the Consent Agenda **failed** 2-3 (Morgan, Weber, Pepper).

Mayor Benson announced moving on to public comments.

Councilmember Pepper asked for the floor stating that as the presiding officer of this meeting the Council has the right to approve the agenda and there is an agenda that needs to be approved.

Mayor Benson ruled the agenda out of order.

Councilmember Pepper stated the agenda is not out of order and **appealed** the decision of the chair.

A **motion** was made by Councilmember Pepper to approve the revised agenda. She then started the voting process.

Councilmembers Pepper, Weber and Morgan voted yes. *(There was no second to the motion at the time of the vote.)* She then stated there is now an amended agenda.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to approve the revised September 13th agenda. She started the voting process and Councilmember Morgan voted yes.

Mayor Benson called for a five minute recess at 7:34 p.m.

Councilmember Pepper stated the revised agenda was duly passed.

The meeting was called back to order at 7:40 p.m.

PUBLIC COMMENTS:

Andrew Williamson, Teamsters Local 117 spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Keith Watson, Black Diamond spoke to Council.

Ron Carroll, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

PUBLIC HEARINGS:

4) AB16-055 – Draft 2017-2022 Capital Improvement Plan

Finance Director Miller reported to Council on this item and noted the work sessions that have been held.

Mayor Benson opened the public hearing at 7:58 p.m.

Robbin Taylor, Black Diamond commented how this plan outlines the projects for the City in all funds. She noted the fire station deficiency that currently exists and the only Councilmembers working on this are Edelman, Deady and the Mayor. She stated that at the last Council meeting Councilmember Morgan stated that if you don't have a plan you don't get anywhere. She noted seeing no reason or benefit to have this go to committee as it has been worked by the committee of the whole. She also noted the six year TIP was killed and would be not be surprised if that is what happens to this plan.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to keep the 2017-2022 Capital Improvement Plan hearing open until Tuesday, September 27, 2016 so further input can be accepted. Motion **passed** with all voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

5) AB16-056 – Resolution Accepting Department of Ecology Grant for 2015-2017 Stormwater Capacity Grant

Public Works Director Boettcher reported on this item being before Council many times this year. He noted receiving a resolution which was submitted and ran through legal counsel and providing a redlined version of the legal corrections for the packets.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt a resolution authorizing the Mayor to execute a grant agreement with Department of Ecology for the 2015-2017 Stormwater Capacity Grant. Motion **failed** 2-3 (Morgan, Weber, Pepper).

6) AB16-057 – Resolution Regarding Enumclaw School District Traffic Mitigation Plan

Councilmember Pepper reported on this item to Council. She noted this is the first reading for the resolution and read the title into the record. She also noted this item is being referred to the Growth Management Committee.

Mayor Benson announced the items that were layed on the table at the last meeting and asked if Council would like to take them from the table and discuss tonight.

ITEMS LAID ON THE TABLE AT SEPTEMBER 1, 2016 MEETING

AB16-047 – Resolution Accepting the Jones Lake Road Overlay Project

Councilmember Morgan discussed this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt a resolution accepting the Jones Lake Road Overlay project by Lakeridge Paving Company as complete according to the contract documents. Motion **passed** with all voting in favor (5-0).

AB16-049 – Resolution Authorizing an Agreement with Parametrix, Inc. – Surveying Services for MDRT

Councilmember Pepper briefed Council on this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to accept the amended resolution for this item.

City Attorney Linehan commented that if Council wants to take action on the amended resolutions he suggests going into executive session to discuss.

Mayor Benson announced a five minute recess at 9:17 p.m. The meeting was called back to order at 9:22 p.m.

At 9:22 p.m. Mayor Benson announced that Council will be going into an executive session to discuss with legal counsel potential litigation in accordance with RCW 42.30.110(1)(i). The executive session was anticipated to last five minutes. Councilmember Morgan, Weber and Pepper did not attend the executive session. Those in attendance were Councilmembers Deady, Edelman, Mayor Benson and City Attorney Linehan.

The meeting was called back to order at 9:27 p.m.

CONTINUATION OF ITEMS LAID ON THE TABLE AT SEPTEMBER 1, 2016 MEETING

Mayor Benson suggested that all resolutions that were laid on the table at the September 1, 2016 be postponed to the October 6, 2016 Council meeting and in the mean time they can be sent to the attorney and can be discussed at the October 6th meeting.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that all items laid on the table (below) are postponed to the October 6, 2016 meeting except for the Jones Lake Project. Motion **passed** with all voting in favor 5-0.

AB16-049 – Resolution Authorizing an Agreement with Parametrix, Inc. - Surveying Svc. – MDRT

AB16-050 – Resolution Authorizing an Agreement with Parametrix, Inc. - Traffic Eng. Svc. - MDRT

AB16-051 – Resolution Authorizing an Agreement with RH2 - Civil – MDRT

AB16-052 – Resolution Authorizing an Agreement with Perteet –Environment- MDRT

AB16-053 – Resolution Authorizing an Agreement with HWA Geosciences – MDRT

AB16-054 – Resolution Authorizing an Agreement with DKS

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director Williamson reported back to Council on the DKS contract. He stated DKS is pulling the contract that was tabled at the last meeting and will be sending a new contract over within three to four weeks.

MAYOR'S REPORT:

Mayor Benson reported on a letter from the City's insurance pool RMSA regarding three items they are concerned about. She noted attending the Muckleshoot event, groundbreaking ceremony for Ten Trails and the Mayor's meeting sponsored by AWC.

COUNCIL REPORTS:

Councilmember Deady read an email she received from Councilmember Pepper, she noted attending a meeting with the Finance Director to review the vouchers, the AWC SCA Candidate Forum, groundbreaking ceremony for Ten Trails, Black Diamond Labor Days, and the Muckleshoot concert event.

Councilmember Morgan read a prepared statement.

Councilmember Edelman reported attending Black Diamond Labor Days, joint Council/Planning Commission meeting, SCA networking dinner, work session on the Capital Improvement Plan, meeting with the Finance Director to review the vouchers, Muckleshoot concert event, AWC SCA Candidate Forum, groundbreaking ceremony for Ten Trails, and WSDOT open house at Lake Wilderness Lodge concerning safety concerns for SR 169. She updated Council on the Public Information Committee (PIC) she attended and discussed a future action item she will need to vote on regarding low income housing tax credit.

Councilmember Weber commented that he liked what Councilmember Morgan said about small towns. He noted attending a Budget meeting, a Growth Management meeting, and work sessions. He discussed an MDNS for The Villages that he read under legal notices in the Voice of the Valley. He noted his issue with it is it was hard to find and also that it wasn't posted on the City's website.

Councilmember Pepper discussed receiving a letter from RMSA and noted agreeing with the last paragraph in it. She reported attending a Government Operations committee meeting, a Growth Management committee meeting, Budget committee meeting, and work session. She noted also attending the Black Diamond Labor Days and a Shadow Bog event "The Frog Frolick". She noted having the opportunity to attend the AWC Candidate Forum, discussed the legislative body duties and authorities and thank everyone for coming to the meeting.

Mayor Benson asked Councilmembers on the prevailing side of the consent agenda vote if they would like to reconsider the consent agenda.

CONSENT AGENDA RECONSIDERATION

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Edelman to reconsider the Consent Agenda for September 15, 2016. Motion **passed** with all voting in favor 5-0.

2) Claim Checks – September 15, 2016 - No. 43897 through No. 43926 (void 43888) and EFTs in the amount of \$70,300.43

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Edelman to accept the claim checks item 2 from September 15, 2016. Motion **passed** with all voting in favor 5-0. The claim checks were passed as presented.

3) Minutes – Council/Planning Commission Joint Meeting of August 23, 2016, Council Work Session of August 25, 2016 and Council Meeting of September 1, 2016

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to postpone the August 23rd, August 25th, and September 1st minutes to the October 6, 2016 Council meeting. Motion **passed** 4-1 (Deady).

ATTORNEY REPORT:

City Attorney Linehan reported being approached by WAVE Communication to obtain a franchise from the City and this will be forthcoming before Council. He also extended an invitation to Councilmembers Morgan, Weber and Pepper to meet or call him to discuss matters that were discussed in executive session and hoped Council would take him up on it. He also noted that he will miss the next Council meeting as he will be attending the WSAMA Conference and Bob Noe from the firm will be sitting in for him.

PUBLIC COMMENTS:

Johna Thomson, Black Diamond spoke to Council.


Brock Deady, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.


ADJOURNMENT:

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

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk